



## Nature Conservation Council

The voice for nature in NSW

17 June 2022

Department of Planning and Environment  
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Dear Mr Curtis,

### **Nature Conservation Council Submission on Planning Proposal PP-2021-406**

The Nature Conservation Council of New South Wales (NCC) is the state's peak environment organisation. We represent over 170 environment groups across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes and natural resources of NSW.

NCC opposes planning proposal PP-2021-406 which would see 40.19 hectares of bushland adjacent to Callala Bay rezoned to R1 Residential and cleared for 380 housing lots.

It is completely unacceptable to rely on environmental assessments that do not account for the losses caused by the 2019-20 Black Summer bushfires.

The proposed development area is extremely important habitat for many threatened species, the offsets for this proposal are inadequate and will result in the net-loss of 40 hectares of unburnt, biodiverse, tall coastal forest.

The justifications for this proposal do not add up to its clear and present cost to nature. The community, and local NCC member groups are concerned that progression of this project will exacerbate difficulties and challenges already experienced by this community.

### **Recommendations**

- 1. That the planning proposal to rezone land is refused.**
- 2. That Shoalhaven City Council consider the species survey undertaken by Nathaly Jones and Michael Smith or ensure that the proponent commissions new environmental assessment of the area.**



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3. That the proponent undertakes environmental assessments of the offset land to provide detail regarding this land and the species that are found here to determine if this bush and the species it supports is 'like for like'.
4. Shoalhaven City Council seek further explanation from the proponent regarding impact the proposed development will have on flooding in Emmett street and to seek a significant downgrading of the total number of lots released by the developer.

Thank you for the opportunity to participate in the consultation.

Your key contact point for further questions and correspondence is Wilson Harris, Campaigner, available via [wharris@nature.org.au](mailto:wharris@nature.org.au) and 9516 1488. We welcome further conversation on this matter.

Yours sincerely,

**Chris Gambian**  
Chief Executive  
Nature Conservation Council



# NSW Nature Conservation Council submission on the proposed amendment of the Shoalhaven Local Environmental Plan (LEP) 2014

## **1. The proposed development area is critical habitat for many threatened species**

The environmental assessment submitted by the applicant is based on survey data that predates the 2019-20 Currowan bushfire. It is therefore out of date and unacceptable.

80% of Shoalhaven bushland was impacted by the 2019-20 bushfires<sup>i</sup>. The Currowan fire resulted in significant habitat loss.

However, 40.19ha of tall, mature coastal forest at Callala – an area subject to the proposed development - survived largely unscathed. This remaining coastal forest is extremely important refugia for a range of fauna species, including threatened animals.

Independent surveys undertaken by experts in 2022 have identified that this 40.19-hectare patch of bushland is very biodiverse and home to several threatened species. This includes the greater glider, yellow-bellied glider, eastern pygmy-possum, powerful owl, glossy black-cockatoo, gang-gang cockatoo, greyheaded flying-fox and the bauer's midge orchid *genoplesium baeuri*.

Greater gliders and Yellow-bellied Gliders, both recently listed federally as vulnerable, are in serious decline in the Shoalhaven region due to their populations being decimated by the Currowan bushfire. Gliders too face severe impacts from bushfires through the loss of essential hollow-bearing trees.<sup>ii</sup>

Unburnt patches of tall coastal forest in the Shoalhaven, crucial habitat for these species amongst many others, must be protected in perpetuity.

## **2. The proposal fails against its own environmental objectives**

The proposal contains the environmental objectives:

- *Conserve the habitats of native flora and fauna species and communities, especially those that are threatened or endangered.*
- *Mitigate impacts of vegetation removal for development.*<sup>iii</sup>



It fails to meet these goals. The forest that is subject to the proposed development supports countless threatened and endangered species. To clear it is to destroy the habitats of native flora and fauna.

The intensity of development will increase contaminated runoff to Callala Creek. Callala Creek is identified as environmentally sensitive and an important fish breeding area. Similarly, the development will see an increase risk of polluted run-off being released into the incredibly significant Jervis Bay Marine Park. Increasing extreme rain events makes pollution events far more likely and limits the effectiveness of mitigation strategies to limit this.

**Recommendation:** That the planning proposal to rezone land is refused.

**Recommendation:** That Shoalhaven City Council consider the species survey undertaken by Nathaly Jones and Michael Smith or ensure that the proponent commissions new environmental assessment of the area.

### **3. The offsets for this proposal are inadequate and will result in the net-loss of 40.19 hectares of unburnt, biodiverse tall coastal forest.**

The loss of 40.19ha of tall coastal forest with many hollow bearing trees during an extinction crisis and recovery from the worst fires in recorded history, cannot be justified or 'offset'.

The land identified for the offsets is land that is not identified as suitable for development in the *Jervis Bay Settlement Strategy (2003)* and also would be against Shoalhaven City Council policy of not developing new isolated residential areas. Subsequently, the 'protection' by Biodiversity Certification of these areas is not protecting land as it would not have been developed anyway.

No details of the "offset" site are provided to show the proposed offsets are "like for like" either. The proposal will result in a net loss of 40.19ha of tall coastal forest. There is no detail regarding the state of this forest following the bushfires either. If it was badly burnt, it will be far more degraded than the 40 hectares being sought for rezoning, and likely not support the suite of species surveyed on this land.

The environmental assessment submitted used the flawed NSW Biodiversity Conservation Act "Biodiversity Offset Scheme" methodology that was the subject of a parliamentary inquiry in 24 June 2021 and has faced significant criticism in recent years. No planning proposals applications using the methodology should be determined until the findings of the inquiry are made public and flaws in the Scheme removed.

The proposal will lead to the permanent loss of 40.19ha of habitat for the Greater Glider and Grey-headed Flying-fox (Federal EPBC Act listed threatened species) and the Yellow-bellied Glider and Eastern Pygmy possum (NSW BC Act), all of which have been identified within the



proposed residentially zoned land at Callala Bay.

**Recommendation:** The proponent should undertake environmental assessments of the offset land to provide detail regarding this land and the species that are found here to determine if there is any similarity/like for like between this bush and the species it supports.

#### **4. The justifications for this proposal do not add up and will likely exacerbate problems already experienced by this community.**

The Planning Proposal will do little to improve housing affordability or land supply with the developer planning to trickle release the lots if they are approved in stages over more than a decade which will keep the price of the land high and maximise the profits of the developer. Future housing needs must be met using already cleared land, especially given the extinction crisis facing species in NSW and Australia.

This community is also prone to flooding, particularly at Emmett Street which borders the proposed development site. The proposal only indicates that the site itself does not suffer from flooding, failing to outline how flooding in areas adjacent to this site will cause problems with access or evacuation. Turning this large site into a residential area will increase the runoff enormously with no place to go except into the properties on the southern side of Emmett street.

The development of this large area will also increase the number of residents exposed to bushfires and make evacuation more difficult. In a warming climate, with bushfire seasons expected to become longer and more extreme in Australia, serious consideration must be given to developments such as these due to the surge in population it will cause for an isolated and at-risk town.

**Recommendation:** Shoalhaven City Council seek further explanation from the proponent regarding impact the proposed development will have on flooding in Emmett street and to seek a significant downgrading of the total number of lots released by the developer.

#### **References**

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i ABC. 2020. Bushfire-ravaged communities on the NSW South Coast begin picking up the pieces.

Available at: <http://bitly.ws/sgHT>



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<sup>ii</sup> Dr Smith, A. 2020. Review of CIFOA mitigation conditions for timber harvesting in burnt landscapes, EPA, P. 26. Available: <http://bitly.ws/dHsM>

<sup>iii</sup> NSW Department of Industry. 2022. Planning Proposal PP-2021-406 Callala Bay, Wollumboola and Kinghorne Halloran Trust Lands (Rezoning). P 5. Available: <http://bitly.ws/sgHk>