

Proforma B – Save Myall Bushland – 19 responses

Dear Committee,

Save Myall Road Bushland Incorporated (SMRBI) thanks Committee 7 Members for welcoming submissions on these important environmental/community matters. We look forward to the recommendations from your work.

SMRBI's comments relate to our experiences whilst seeking to protect and retain bushland off Myall Road, Cardiff in the local government area of Lake Macquarie. The proposed development is by Landcom, known as the Myall Road, Hillsborough development.

The community and the environment are being negatively affected by problems within the NSW planning system, resulting in a loss of habitat, biodiversity, community greenspace, community well-being, and faith in the planning and consent authorities' processes, and impacting climate change.

The proposed development off Myall Road will impact an area of 38.8 hectares. Landcom plans to clear fell 12 hectares of significant bushland and negatively impact another 26.6 hectares whilst claiming to "protect" the bushland. Their planned development is for 66 standard lots with 3 super lots, with a total of around 105 dwellings, and off loads the responsibility to manage and protect this current Crown land to Local Government and others.

This project has never had an environmental impact statement undertaken and never been referred to the most relevant staff in the NSW Department of Planning and Environment for their consideration. The project DA when lodged in 2013 was over \$5 million dollars and therefore was referred at that time to the Hunter Central Coast Joint Regional Planning Panel (HCCJRPP).

The HCCJRPP gave conditional approval to the proposed DA by their determination letter of 20 December 2020. In our opinion the HCCJRPP erred in their decision as they were provided with incomplete information, and subjective opinions of the community benefit of the project without appropriate reports being completed on the environmental values of the site.

SMRBI has developed an alternative management plan for this 38.8 hectares of Crown land off Myall Road. Our report includes 22 recommendations that will ensure the flora and fauna of this location are protected. Find out more about this location and the diversity it holds by viewing our report: https://db320bd1-ec8c-46b4-913a-7242e6ad4c50.filesusr.com/ugd/9f8f04_d2e5bce5451840548786dc35d0f1d12f.pdf

The development/the developer benefits from saved provisions and deferred provisions of planning instruments which means this current development is influenced and considered under land use zoning and permissibility conditions from Lake Macquarie Council Local Environment Plan 1984. It is unreasonable to expect a development of 2023/24 should benefit and be considered with some measures from 1984, some 39 years ago. Why are we

using dinosaur provisions to assess a current development. The environment does not win from this.

SMRBI contends that cumulative impact statements can show the level of bushland clearing and environmental damage that is happening across an area, instead of using site specific analysis to assess and justify a development. Surely clearing across an area is important to overall biodiversity viability. SMRBI has requested and been denied a cumulative impact statement on this site by

Landcom, Lake Macquarie City Council and the Regional Planning Panel. Yet developers can refer to other bushland remnants across an area in justifying their sites proposed destruction.

Landcom was to provide an off site off set to compensate for their development, but failed to secure a suitable offset, then changed to seeking an on site off set as a way to ameliorate their destruction. This on site off set is a smoke and mirrors trick as the bushland is already of high value and off sets should be used to improve and retain bushland, this bushland to be used as an offset is already in crown possession and acting currently as green space that includes roosting locations of Powerful Owls, feather glider population, the little bent wing bat, a significant Aboriginal site, a federal listed plant species and more.

No matter how you slice it, the allowance of an on site off set, results in the net loss of 12 hectares of important coastal bushland habitat for a highly inefficient development proposal. The footprint of this development is beyond the necessary size to deliver 105 dwellings and many lot sizes are excessive for modern standards.

The community notification process is flawed. In 10 years of this DA, Landcom the proponent has met with the community once. Not once has Landcom communicated directly with the affected local residents, they have relied upon some newspaper advertisements and Council and Landcom web based notifications. They recently advertised the EPBDCA referral consultation with their own email address being in correct and did not extend the submission period to effectively correct their mistake, even though we requested this.

The planning process currently seems focussed towards a pro development approach rather than a biodiversity protection approach, any assessment of the decisions of the Hunter Central Coast Joint Regional Planning Panel will indicate that they have seldom denied an applicant. In our case they have provided significant latitude for Landcom to keep this development on foot.

SMRBI's experience has been that Lake Macquarie City Council and the Planning Panel have not given significant weight to the protection of the environment, the concerns and considerations of the community or providing significant notification, consultation opportunity or information about the development to the community. We think this reflects the current planning provision in NSW and why land clearing is continuing and biodiversity protection is failing.

SMRBI would welcome the opportunity to meet and speak with the committee and or invite the committee to visit the Myall Road Bushland to view this valuable bushland.

Yours sincerely,