

Friends of Glebe Wetlands successful in legal action in NSW Land and Environment Court

International Day of Forests, World Wood Day, World Planting Day

Monday 21st March 2022

Local community-based conservation group, the Friends of Glebe Wetlands, Incorporated, has today been successful in the NSW Land and Environment Court with an action commenced in August last year challenging the validity of a modification to the development consent for the Littlewoods Estate in East Street, Bega. The modification application granted on 25th May, 2021, has been quashed by an order of the Land and Environment Court rendering that modification approval *“invalid, void and of no force and effect.”*

The modification application made by the developer in October 2020 sought to increase the lot yield from the 24 lots approved with the original DA in September 2017 up to 25 lots, but with a substantially changed lot layout that brought the building envelopes for the five lots along the northern side of the development much closer to the long-established flying-fox camp used by the Grey-headed flying-fox, a threatened species listed as *vulnerable to extinction*. “This seasonal camp is one of only seven identified high-priority breeding sites in NSW for the Grey-headed flying-fox (GHFF) and as such is a very important site,” said Mr Hugh Pitty, local ecologist, and President of the Friends of Glebe Wetlands.

“The win in the Land and Environment Court today is a vindication of the strong stand taken by the local people through the Friends of Glebe Wetlands to protect the high-priority breeding site for the Grey-headed flying-fox here in Bega,” said Mr Hugh Pitty. “Had the modification to the consent granted last year been allowed to stand, the construction of new residential dwellings far too close to the long-established flying-fox camp would have then been allowed,” continued Mr Pitty. “Now, at last, the community and all supporters of the campaign to restore the buffer will have an opportunity to make submissions to the Council seeking that the lot layout be changed to ensure that a minimum 50 metre buffer is maintained,” he said. When the modification application was submitted last time, no real opportunity to make submissions was granted to the public, as the proposed modification was not notified in the media.

Of major concern was that the key document, an Ecological Impact Assessment prepared by consultants Capital Ecology, dated 1st March 2021, was not made public until two days after the modification was approved by Council on 25th May. This is significant as *there are critical errors on key figures included in this report which incorrectly define the extent of the flying-fox camp and location of the buffer*, conveniently to the advantage of the proposed development.

The importance of the site at the Glebe Wetlands has been further enhanced since the loss of the next nearest identified high-priority breeding site at Yatteyattah near Milton which was obliterated by the Currowan Fire during the ‘Black Summer’ of 2019/2020. As the site at Yatteyattah used to host up to 100,000 flying-foxes, which is about one sixth of the total population of GHFF, those flying-foxes need to go elsewhere during the breeding season (February to April each year). This goes some way to explain the significant increase in numbers of flying-foxes at the Glebe Wetlands camp in January 2021. Whereas previously, the peak numbers had been around 30,000 flying-foxes, they were in excess of 40,000 for the whole summer of 2020/2021 and reached a record of 50,000 flying-foxes in the first week of January 2021. Now the next nearest high-priority breeding sites are at the Kuringai Flying-Fox Reserve in Gordon in Sydney and at the Yarra Bend camp in Melbourne. This underscores the vital importance of protecting the site here in Bega.

The Friends of Glebe Wetlands encourage all supporters of the campaign to restore the buffer to be ready to make their own submissions to the Council if and when the time comes to do so. Friends of Glebe Wetlands expects the developer to lodge a new modification application, given that, following today’s decision, the developer cannot proceed to register the subdivision, as there are major differences between the conditions of consent for the original DA approved in September 2017 (when the land was owned by different developer) and the development as constructed by Littlewoods during 2021/2022. If this expected new modification is lodged, there will be an opportunity for concerned citizens to make submissions on it, including about the impacts of the subdivision on the flying-fox camp.

For more information, please phone Hugh Pitty on 0414 525 761.