

**Submission
No 97**

HISTORICAL DEVELOPMENT CONSENTS IN NSW

Name: Ms Sandra Lundbergs

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I am writing to express my grave concern regarding the issue of zombie development applications (DAs) that threaten the ecological and community integrity of New South Wales. Specifically, I would like to draw attention to the situation in Brunswick Heads, where the unique Wallum ecosystem is under threat from a reactivated DA. A local resident of Byron Shire for over 30 years, I have been aware of the prospect of development of the site at 15 Torakina Road, Brunswick Heads for a number of years, and expected that it would be scrutinised appropriately when it came up for approval, so that it would be protected due to its high ecological value.

We were shocked to discover that because a concept plan was approved more than 10 years ago, the developer was allowed to have an exemption, which meant that they didn't need to provide environmental impact and species impact studies. We have been advised by our local mayor a number of times, that if this DA came to them now, it would not be allowed. It has come now, and has been allowed by the NSW government, because of outdated legislation.

The ecosystem at 15 Torakina Road, known as "Wallum" has been listed as being in a flood and fire zone, with a natural water course, in a wetland abutting a conservation zone, in a marine sanctuary, where motorised boats can't even go, and the entire site is mapped as High Conservation Value (HCV), and yet the DA has been approved. The community does not understand how this is possible under today's understanding of environmental significance.

On the Simpson's Creek in Brunswick Heads, our Wallum is habitat for 24 threatened species including Federally listed Threatened Species under the EPBC Act, and a place of great cultural significance for Bundjalung people.

This rare coastal ecosystem is one of the last examples (last 1%) in the Shire, and home to a specialised variety of animals living on this wet heath, full of unique acid frogs with 200-400 year old scribbly gum trees, with large habitat hollows, home to a multitude of species, and covered in wildflowers, native sedges and grasses, including grass trees. The scribbly gums also create a key koala corridor in this area. The Wallum also supports the only known group of glossy black cockatoos (9 remaining) in the shire. They feed on the Allocasuarina (She-Oak), as their only feed tree. There are many of these trees in the Wallum.

Wallum also helps to maintain the health of the Brunswick River itself, playing a role in managing water retention and filtration through the landscape, preventing salinisation of the water table and protecting Simpsons and Everit's Creeks from potentially hazardous acid sulfate soils.

The developer's ecologist reports have played down the values of the site, or simply minimise them -the DA completely ignored the Federally EPBC listed Mitchell's Rainforest Snail (Critically endangered) and the Wallum Sedge Frog (Vulnerable) which are listed in the federal Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Its ecological significance extends beyond its borders, contributing to regional biodiversity and ecological resilience. Moreover, the Wallum provides essential ecosystem services, including carbon sequestration, water filtration, and flood mitigation, which are invaluable for maintaining environmental health and human well-being.

Specific Concerns:

Environmental Impact: The Wallum ecosystems are highly sensitive and any development could lead to habitat destruction, species loss, and ecological imbalance. Zombie DAs, approved under outdated environmental assessments, pose a grave threat to these delicate systems.

Community Impact: The community of Brunswick Heads values its natural surroundings and has consistently opposed developments that threaten its environmental and social fabric. Reviving old DAs disregards the community's voice and undermines local democratic processes.

Planning and Policy Gaps: Current planning policies and environmental standards have evolved significantly since many of these DAs were approved. There is a critical need to reassess these applications under the present-day regulatory and environmental frameworks to ensure they meet contemporary standards.

Recommendations

To address the issue of zombie DAs and protect areas like Wallum Brunswick Heads, I urge the NSW Government to consider the following actions:

Moratorium on Zombie DAs: Implement a moratorium on the activation of old DAs until they can be reviewed under current environmental and planning standards.

Comprehensive Review: Establish a task force to review all existing zombie DAs, prioritizing ecologically sensitive areas like Wallum Brunswick Heads. This review should involve updated environmental impact assessments and community consultations.

Legislative Reform: Amend planning legislation to include a sunset clause for DAs, ensuring that approvals lapse after a certain period if not acted upon, thereby preventing the resurrection of outdated applications.

Community Engagement: Enhance mechanisms for community participation in the planning process, ensuring that local voices are heard and respected in decisions impacting their environment and lifestyle.

Conclusion The protection of Wallum Brunswick Heads is a matter of urgent environmental and community importance. By addressing the loophole of zombie DAs, the NSW Government can safeguard these unique ecosystems and uphold the integrity of the planning system. I strongly urge you to take decisive action to review and reform the handling of dormant development applications to protect our precious natural heritage for future generations.

Thank you for considering this submission. I look forward to your prompt and positive response.