

**Submission
No 156**

HISTORICAL DEVELOPMENT CONSENTS IN NSW

Name: Dr Stan Bolden

Date Received: 2 June 2024

Submission into 2024 NSW Legislative Assembly Historical Consents Inquiry

I am taking this opportunity to submit my concerns about the issue of historical land development approvals and their impact on our natural Australian environment. It beggars belief that land developers remain able to collectively destroy native ecological systems throughout NSW without needing to adhere to the disciplines of current Government Legislation such as the Biodiversity Conservation Act (2016), meet the current requirements of informed local Council developmental planning, be in defiance of the concerns of local communities and individuals, and inconsistent with current scientific knowledge.

I am aware that other submissions have been made by residents in my local area of Hallidays Point. I fully endorse the concerns and recommendations included in three of those submissions in particular. These are submissions by Barbara Richardson on behalf of the Hallidays Point Community Action Group, Kym Kilpatrick and Dr Suzanne Allen. Rather than repeating the details of those submissions, I would simply like to refer you to the detailed concerns included in their submissions and re-emphasise to their respective conclusions:

"The Terms of Reference for this Legislative Assembly Committee on Environment and Planning clearly give this Inquiry the mandate to recommend and see through the required changes to the Environment and Planning Assessment Act 1979 to redress this problem evident in the landuse planning system in NSW. As a concerned local community group Hallidays Point Community Action Group expects to see the report from this Inquiry and an explanation of how they have dealt with the problems arising from historical [development] consents." (Barbara Richardson on behalf of the Hallidays Point Community Action Group)

"The common term 'Zombie DA' is telling, as just as mythical zombies rise from the dead to wreck havoc and destruction on modern folk, so 'Zombie DAs', long forgotten and presumed deceased, are able because of incongruous legislative loopholes, to re-emerge and destroy critically important threatened species habitat, including species listed on the NSW Save Our Species register. As historical consents, these Zombie DAs are exempt from current Planning and Biodiversity Protection Legislation and communities including Local Councils have little say on their progression. At the very least, similar to having to comply with upgraded Bush-fire Risk Assessment Legislation, these Zombie DAs or Historical Consents should have to comply with upgraded Biodiversity Protection and Planning Legislations." (Kym Kilpatrick.)

"The protection of our irreplaceable fauna and flora is paramount. Therefore, a legal inhibition to the environmental destruction that 'Zombie' DAs enable must be imposed through reassessment of these outdated DAs to meet current environmental standards. This is the only ethical pathway. Government recognition of this environmental need is implicitly evidenced in the current Save our Species (SoS) campaign and the recent Nature Positive (Environment Protection Australia) Bill 2024. The morality of honouring the rights of past approved DAs is outweighed by the immorality of its effects. (Dr Suzanne Allen.)

Thank you for the opportunity to contribute to the Inquiry on Historical development consents.

Sincerely,
Dr Stan Bolden

(Resident of Hallidays Point, NSW)