

**Submission  
No 163**

## **HISTORICAL DEVELOPMENT CONSENTS IN NSW**

**Name:** Ms Valerie Thompson

**Date Received:** 2 June 2024

I am a local resident of Brunswick Heads and have been very concerned by the potential loss of a highly valued ecosystem through the Zombie Development Application at Lot 15 Torakina Rd Brunswick Heads, known also as the 'Wallum' development proposal.

This proposal is currently not subject to contemporary environmental and cultural assessments despite the fact that the site has a range of known high values including:

- Up to nine matters of National environmental significance (NMEs) and up to 24 species listed as Vulnerable or Threatened under state and federal environmental protection laws
- A suite of cultural values which have not been properly considered due to factors such as the length of time since the initial assessments were done, and the limited action on recommendations for subsequent assessments to be done
- A diverse array of values associated with acidic wetland/perched water bodies on coffee rock, and its proximity to the important Simpsons Creek
- A suite of community values including its outstanding natural beauty, abundance of wildflowers, and visitation by a wide range of bird species and other wildlife valued by the Byron Shire community.

It is noted that community and environmental groups have identified other Zombie DA's in coastal areas with similarly significant negative impacts on the ecological and cultural values of the land through the allowing of antiquated development approvals that do not meet contemporary standards for the protection of environmental and cultural values.

It is particularly concerning to note that proponents for developing important natural sites such as Wallum are reviving projects that were approved years ago, but often not substantively commenced, and in circumstances where environmental and regulatory conditions have significantly changed – along with community knowledge of the likely impacts of these developments.

It is recommended that where developments have not commenced within the standard two year period (including the additional option of one year with justification) then the application is deemed to have lapsed.

It is also recommended that the Environmental Planning & Assessment Act 1979 (NSW) (EP&A Act) tighten the provisions relating to the lapsing of development consents to clarify that no stage of a development can continue unless it has already been significantly progressed.

This should also include expanding the circumstances in which development consents are considered to have lapsed, and ensuring local government and other consent authorities clearly have the ability to revoke and modify development consents in circumstances where there have been real changes to either the environmental context of the development or associated legislative and regulatory frameworks.

Finally, it is recommended that NS\W environmental, cultural heritage and planning laws be improved to ensure that cultural and environmental protection is given primacy. Environmental assessments should also be required to address the cumulative impacts of biodiversity loss associated with all development. Where they are found to inadequately identify potential environmental values, then they should be subject to additional contemporary ecological assessments.

Thank you for your consideration of this important issue.