

HISTORICAL DEVELOPMENT CONSENTS IN NSW

Name: Mrs Narelle Wright
Position: Vice President
Date Received: 1 June 2024

Partially
Confidential

I live atop an ancient wave cut cliff overlooking the beautiful Lake Wollumboola, an Intermittently Opening Closing Lake or Lagoon (ICOLL), a place of great importance to the local Indigenous people and a part of Jervis Bay National Park. The view is through forested private land known as DP614607 Lot 1 East Crescent. This land is classified as an Endangered Ecological Community - Bangalay Sand Forest and is flood prone. With Lake Wollumboola to the south, Council Reserves east and west and East Crescent to the north, this land is a prime contender (being in the centre) for inclusion in the reserve system. Over the years there have been many lost opportunities for purchase or dedication of the site to Council.

My husband and I built our house in 1983 and since then have been fighting one development proposal after another, from caravan parks to massive sports and recreation complex and holiday accommodation to the latest incarnation - a 14-lot residential housing estate. To this day the site remains vacant. Definitely a "zombie" waiting to be rightly put to rest.

Shoalhaven Council has rejected proposals on this site, however the developer has won in the Land and Environment Court.

This is where the problem lies. A developer will always win in the LEC especially if they are using old LEPs as in this case - 1985 Shoalhaven LEP which does not take into account new legislation and laws. New laws are made for very good reasons and to push forward with 40 year old laws is, in my opinion negligent.

Part of Lot 1 was recommended for environmental zoning in the 1985 LEP. This sandy ground was filled in 1983-84 with, in places over a metre of clay fill contaminated with asbestos, old car body, broken pipes without council approval. I contacted council on several occasions about this illegal activity, however, after lobbying by the developer a retrospective permit was granted and zoning changed to a Recreation zone for caravan parks etc.

The significance (in the case of Lot 1) of the lake being an ICOLL is that it is mostly closed to the sea by a sand bar and when it rains, fills and severely impacts on the ability of Lot 1 to drain. Stormwater floods from the higher streets and when it reaches Lot 1, backs up onto the road and adjacent properties. (See photos and video of flooding of Lot 1 a couple of weeks ago).

I have just today (31/5/24) heard that it is too late to prevent development of Lot 1 as it has been approved. I now feel that this inquiry will be another government toothless tiger if a moratorium can't put on hold these old DAs to allow reassessment under new laws of this and other "zombies". It now seems so futile, the effort of opposing development of Lot 1 in the catchment of Lake Wollumboola. Please tell me I am wrong.

Why have a DA approved and not act on it? Is it because the conditions of consent are too onerous? This land and other "zombies" should not be developed if this is the case. There should be a time limit for making a genuine start on a DA - one that will make sure developers don't lodge multiple DAs, make a commencement of a stake in the ground and leave it languishing for decades.

I have been personally affected by the 40+ years of this "zombie" development rollercoaster. I have become very jaded at the process, rules and guidelines that seem to be easily side-stepped by developers.

These lots, if developed will need more fill to raise the height to futureproof them against sea level rise. That in turn will stop stormwater (per photo) from

getting away from our property with potential flooding of buildings. It is incomprehensible that this can be allowed.

I am tired of the uncertainty these inactive DAs impose.

I am tired of writing the same submissions time and again and over many years using the same valid arguments.

I am tired of not having a resolution.

I am tired of developers having too much influence over the outcome despite overwhelming evidence and obvious impediments to developing a flood prone site.

I am tired of fighting against bureaucracy on all levels.

I am tired of not being heard.

I am tired of the complications and time it takes (and cost) to research the various reports for validity and comprehensiveness. I am not an expert.

I am tired of our community being divided by ruthless politicizing of controversial development applications.

What I think should happen:

An immediate moratorium on all unfinished developments that are under old LEPs.

Reassess zombie developments under current legislation, specifically Lot 1 East Cres taking into account the Aboriginal heritage of the site following the significant archaeological finds.

Find a way to purchase or swap such sites.

Change the laws so that Determining Bodies such as Councils and LEC can do their job without absurd challenges from entitled developers - "it's our land and we should be allowed to develop it as we see fit" - the long ago attitude of some developers.

Reassess the sites in regard to current (not historical) sea level rise projections.

Do not give false hope to potential buyers of flood prone properties.

A Developer should be made to guarantee flood insurance cover on properties that we know today would likely suffer loss due to flooding. Flood insurance is prohibitively expensive or not available.

Thank you for allowing me to, once again, express my dissatisfaction at the planning system and environment protection.

Attachment removed from publication.