

Submission  
No 99

**INQUIRY INTO PLANNING SYSTEM AND THE IMPACTS  
OF CLIMATE CHANGE ON THE ENVIRONMENT AND  
COMMUNITIES**

**Organisation:** Vincentia Matters

**Date Received:** 3 November 2023

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## Upper House Planning Inquiry - have your say about our planning system

### Submission on behalf of Vincentia Matters Inc

**Vincentia Matters is an association of Vincentia residents committed to advocating for the well-being of our community and the environment in which we live.**

#### **Impact on environment of proposed and approved developments**

The NSW Scientific Committee established the Threatened Species Conservation Act in 2000-2003, decades before the 2019/20 Black Summer Fires. The committee made a final determination that the clearing of native vegetation is a major contributing factor in the loss of biological diversity and extinction of native flora and fauna.

Outdated (“Zombie”) development approvals and zoning decisions such as those proposed for our villages and other areas will result in extensive clearing of native vegetation with very high biodiversity values and will have significant impacts on threatened species and endangered ecological communities listed under the NSW Biodiversity Conservation Act and the Federal EPBC Act. These DA approvals and zoning decisions were made when extreme climatic events including flooding and catastrophic bushfires were far less frequent than they are today. Ongoing climate change means that this frequency will increase.

The NSW planning system and legislation must be adapted to account for how climate change is leading to species extinction and biodiversity loss. DAs and zoning decisions that are decades old and that exacerbate the effects of climate change must not be allowed to proceed. The planning system must be allowed to account for the cumulative effects of developments on coastal ecosystems.

#### **Impact on communities of inappropriate developments**

Housing subdivision proposals in coastal zones are predominantly for holiday or second homes. With climate change leading to rising bushfire risks, increasing the population of small coastal villages that have single access roads is not a safe or responsible solution to NSW’s housing crisis. Additional residential and affordable housing should be planned in and around the rural towns and cities that already have appropriate infrastructure in place, i.e., education, public transport, health, social and emergency services, retail etc. This is where new infrastructure can be most efficiently built and would enhance opportunities for sustainable growth in regional populations. Investment in infrastructure for coastal villages must prioritise resilience, e.g., communications, water, and renewable energy supply.

Recommendations re Outdated (“Zombie”) development approvals

1. Place an immediate moratorium on developments in bushfire-affected areas approved before the 2019 /20 Black Summer bushfires.
2. Require development consents approved before the 2019 /20 Black Summer bushfires, that

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have not been substantially commenced, be reassessed under current environmental and planning legislation.

3. Impose a statutory lapsing provision for development consents more than 5 years old that have not been substantially commenced. Enable the holder of the consent to seek a new approval within 2 years.

4. Amend planning law to ensure that any compensation that may be payable by the lapsing of a development consent is capped to unimproved land value and defined to be zero for any development consent more than 10 years old with the statutory presumption that the holder of consent had no intention of acting on the consent.

Up and down the coast, the NSW Government has given developers the green light to bulldoze thousands of hectares of bushland for development. From Tura Beach on the far south coast to Kingscliff in the Tweed. Councils and Regional Planning Panels are considering inappropriate and unsustainable developments. It's clear that the NSW planning system is failing communities and the environment and needs serious reform.

Already, at least 4 major developments have been given the go-ahead in a tiny patch of the Shoalhaven around Jervis Bay. Each of those will see hectares of habitat cleared to make way for large-scale residential developments. Developers don't hesitate to raze areas prior to development, which has been demonstrated time and time

Ozy Homes received approval in 2008 for a 180-lot residential development on Lot 172 Cunjurong Point Road and 148 (Lot 823) Sunset Strip, Manyana that is three kilometres from Lake Conjola. Having received DA more than a decade ago, this 20 hectares of land has since become a critical refuge for wildlife after it was spared from the 2020 Black summer bushfires that left around 93% of the surrounding Conjola National Park burnt. In 2020, the government's attempt to buy the block of land due to environmental significance and add it to the National Park estate fell through. Other examples of zombie DA for example: 4 Murdoch Street, Huskisson. The DA originated in 2010 supported by reports undertaken in 2009 i.e. 13 years ago. The land was sold with an approved DA in 2019 and deemed activated. Environmental concerns were expressed. Lobbying continues.

A large housing development currently being considered in Callala Bay by Developer Sealark Pty Ltd, the trustee company for the Halloran Trust who intends to develop 380 lots across 40 hectares of land. This proposal (PP-2021-406) is part of an ad-hoc rezoning and does not fall under the Jervis Bay Planning Strategy. The likely impacts of this development includes damage to Callala Creek, where there are endangered species, including the Greater Glider and the Gang Gang Cockatoo. All but 2ha will be razed, including old growth forest containing vital hollow-bearing trees, in what the Biodiversity Certification application acknowledges as 'a complete loss of all biodiversity values'.

The impacts of these planned development includes the damage to the habitat of endangered species, risks to stormwater and bushfire zones, lack of infrastructure to support these developments and increase in unaffordable and accessible housing.

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Chair,  
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