



24th March 2024

Media Release

Save Wallum calls for Moratorium on all Zombie DAs

Community Group Save Wallum welcomed the announcement from the NSW Legislative Assembly - Environmental and Planning Committee last week, that a public inquiry will be held into historical development consents in NSW, also known as Zombie DAs.

In response to this announcement, Save Wallum is calling for an immediate moratorium on all NSW Zombie DAs, including 'Wallum' Brunswick Heads.

NSW is the only state in Australia to allow such historically approved developments to continue without contemporary Environmental and Cultural Heritage Impact assessments.

"Save Wallum is calling for an immediate moratorium on all NSW Zombie DAs, including this site at Brunswick Heads, and all the other historically approved, ecologically disastrous development proposals.

"It is well known, clearly even by the NSW government, that the planning laws in this state are woefully lacking and failing the environment. Zombie DA's are a legacy of even worse past planning failures and they must all be stopped immediately, stopped at least until the outcome of the inquiry is determined," says Save Wallum spokesperson Svea Pitman.

"We know developers are using these current laws to their advantage, the General Manager of development company Clarence Property even said in an interview with ABC radio last week "If people are uncomfortable with the system they should go and talk to people about changing the system. For us we're going to work through the process...", it is shocking to hear them so blatantly using the flawed laws to the detriment of the environment", Ms Pitman concluded.

The NSW government announced the [Inquiry](#) earlier this week partly in response to questions to the NSW Senate Estimates in 2023 by NSW Greens MP, Sue Higgs. Public submissions are due by the 3rd June 2024.

The animated NSW Legislative Assembly [video](#) promoting the historical consent Inquiry, posted on the 19th March, quite aptly summarises the issues with Zombie DAs.

For further information, hi-res images or to arrange expert interviews please contact:

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From their FB page:

? More info: <https://loom.ly/SNET9ZM>

✎ Make a submission: <https://loom.ly/RVOa8fg>

👤 Committee Members: Clayton Barr MP, Member for Cessnock (Chair). Sally Quinnell MP (Deputy Chair), Judy Hannan MP - Member for Wollondilly, Kellie Sloane - Member for Vaucluse and Maryanne Stuart MP - Member for Heathcote

	final voids?	applicants to vary the final landform of a mine site.
6	<p>Has the Government received any requests for assistance from Councils or others in relation to developments that are colloquially referred to as "zombie DAs"?</p> <p>(a) How many requests have been made?</p> <p>i. How many requests has the Government agreed to?</p> <p>(b) How many requests have been made by Councils?</p> <p>i. How many requests has the Government agreed to?</p> <p>(c) How many requests have been made by proponents?</p> <p>i. How many requests has the Government agreed to?</p>	<p>(a) The Department has received correspondence from councils and communities regarding 10 development sites throughout NSW, generally requesting a moratorium on development at these sites, a change in legislation to require re-assessment of the developments, and a request for the Government to acquire land at Manyana..</p> <p>i. Zero</p> <p>(b) Five.</p>

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<p>(d) How many requests have been made by neither a Council or the proponent?</p> <p>i. How many requests has the Government agreed to?</p> <p>(e) How many projects have been referred by the Minister to the Commonwealth Government under the EPBC Act in the financial year:</p> <p>i. 2017-2018?</p> <p>ii. 2018-2019?</p> <p>iii. 2019-2020?</p> <p>iv. 2020-2021?</p> <p>v. 2021-2022?</p> <p>vi. 2022-2023?</p> <p>vii. 2023-Current?</p> <p>(f) What assessment is undertaken by the Government to decide whether the Minister should make a referral to the Commonwealth Government under the EPBC Act?</p> <p>(g) What work is the Government undertaking to resolve historic reporting and record keeping for developments by local Councils?</p> <p>i. Has the Government prepared any estimates for how many "zombie DAs" might be in NSW?</p> <p>ii. If yes, what is the estimate?</p>	<p>i. Zero.</p> <p>(c) Zero.</p> <p>(d) Multiple requests from individual community members and community action groups, as well as two petitions have been received in relation to all zombie DA sites.</p> <p>i. Zero.</p> <p>(e) One was referred in 2019-20.</p> <p>(f) The Department does not have a process under the current bilateral agreement as no referrals have been made.</p> <p>(g) Section 240 of the EP&A Regulation requires councils to keep a register of information about development applications including the date of determination, the date of issue of any related construction certificate, when building works commence and the date of issue of any occupation certificate. There is no requirement for a council to maintain records regarding developments that have commenced but are not completed by a nominated date because under current legislation a development consent does not lapse once lawfully commenced.</p> <p>The Department does not propose to require councils to create a register of historical development consents that have been granted but not completed as this would be a significant administrative burden requiring manual inspection of paper records going back to 1980 and then making a case-by-case determination of whether identified sites satisfy the substantial commencement test or not.</p> <p>i. The Legislative Assembly Standing Committee on Planning and Environment is scheduled to commence a public inquiry into this matter in</p>
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