

**Submission
No 247**

HISTORICAL DEVELOPMENT CONSENTS IN NSW

Organisation: Yamba Community Action Network Inc

Date Received: 8 October 2024



Yamba CAN Inc
YAMBA NSW 2464

7 October 2024

Committee on Environment and Planning
NSW Legislative Assembly
Parliament House
Macquarie Street
SYDNEY NSW 2000

Inquiry into historical development consents in NSW

Yamba Community Action Network (Yamba CAN) Inc acknowledges the importance of the Committee on Environment and Planning (CEP) and thanks the Committee for providing Yamba CAN Inc with an opportunity to provide a submission to the Inquiry.

Yamba CAN is a community group based in Yamba in the Clarence Valley Council Local Government Area.

Yamba CAN advocates for maintaining a vibrant township and local area with a progressive culture that respects and protects our unique and fragile environment, particularly on the Yamba floodplain.

Yamba CAN invites the CEP to visit Yamba to undertake site inspections of elevated development mounds in Carrs Drive, Orion Drive and Park Avenue impacting existing residents' lives and livelihoods.

This submission highlights how the planning system has failed to ensure people and both the natural and built environments are protected. Outdated legislation along with inadequate regard for climate change impacts prevail within the current legal framework for development consents which is no longer fit for purpose.

Yamba CAN is looking forward to the outcome of the CEP's findings.

Yours sincerely

Col Shephard
Chairperson

Les Reeves
Secretary

Yamba Community Action Network (Yamba CAN) Inc.

We acknowledge the Yaegl people as the custodians of the land on which we live.

Yamba Community Action Network (Yamba CAN) Inc's Submission
to the NSW Parliament's Inquiry into historical development consents in NSW

Our local community in Yamba is currently within Clarence Valley Council Local Government Area (LGA). Previously, Yamba was in Maclean Shire Council LGA.

Clarence Valley Council, proclaimed in February 2004, was a forced merger of the six local government bodies in the Clarence Valley resulting in significant changes to the structure and functioning of local government in the Clarence Valley LGA.

The six local government bodies to merge were Maclean, Copmanhurst, Pristine Waters, Nymboida and Ulmarra Shires and Grafton City.

Yamba CAN is given to understand that a consequence of the merger has been difficulties experienced when searching for historic developments in the enlarged LGA that is Clarence Valley Council may still be valid and possibly re-activated.

Many residents of our extended local area, commonly referred to as Lower Clarence, would contend that amalgamation has severely disadvantaged our local area.

Historical development consents are 'creatures' of the time period when they were provided. Consequently, Yamba CAN calls upon the NSW Government to:

1. Acknowledge the increasing awareness of environmental issues justifies that developments/clearings approved many years ago are now not sustainable.
2. Reinstate and strengthen laws and regulations to ensure any clearing of rural land provides protection of native animal and vegetation species.
3. Ensure development consents for major works have sunset clauses. "Existing use rights" should also have sunset clauses if a development is abandoned - a local example in Clarence Valley LGA is the quarry site at James Creek, east of Maclean, which was not operating for many years.
4. Strengthen the definition of a 'substantial start' to a development. Bringing in fill to a flood plain area for housing developments should not qualify as a substantial start.
5. Provide legislation to disallow building on flood plains. While some developments on flood plains do not suffer from flooding because the sites are filled, the result is that other areas do flood. Many of the areas suffering 'consequential' flooding as a result of new developments have not previously flooded. This is quite contrary to Clarence Valley Local Environmental Plan (LEP) 2011 5.21 Flooding, and other LGA's LEPs. Furthermore, ratepayers across the LGA are then burdened with extra rates to cope with flood incidents that would not have occurred if developments on flood plains had not occurred.
6. Immediately, revoke all historical development consents and have them reassessed using the improved and updated environmental, ecological and climatic change knowledge our society now possesses.

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