

HISTORICAL DEVELOPMENT CONSENTS IN NSW

Organisation: Blue Mountains Branch, National Trust (NSW)

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Mr Clayton Barr MP
Chair
Legislative Assembly Committee on
Planning and Development

Dear Mr Barr

I am writing on behalf of the Blue Mountains Branch of the National Trust in connection with the Committee's Inquiry into Historical Development Consents.

It is the Branch's contention that the re-activation of historical development consents, often decades after their original approval, has the potential to negatively impact communities in sensitive environments such as the Blue Mountains Local Government Area (LGA). This is particularly relevant to development consents that were granted prior to the declaration of the Greater Blue Mountains World Heritage Area. Since this time, specific planning controls have been developed by the Blue Mountains City Council to deal with the unique situation of being one of only two cities in the world that are located within a United Nations World Heritage Area.

Our concern is that by having the ability to override contemporary "fit for purpose" planning controls, projects which have the benefit of a historical development consent, can significantly compromise the integrity of the World Heritage Area. Examples include storm water runoff creating increased volumes, velocity and pollution levels, leading to the spread of invasive weeds and the degradation of waterways including the Sydney Water Catchment Area.

Such developments have the potential to destroy or degrade native vegetation and fauna habitats as well as increase bushfire risk in what is acknowledged as the most bushfire prone area in the country. These risks have only been elevated by the impact of climate change, a factor not nearly as evident when such developments were originally approved.

A further concern is that with the elapse of time, projects with historical development consents are required to adapt to changes in the National Construction Code. This can result in changes to the overall design, including bulk, scale, form and environmental impact that were not considered at the time of original approval.

The aforementioned threats are not merely theoretical. The Branch is able to cite two recent examples of local historic AI development consents that have been reactivated, posing the precise threats outlined above. These developments include a new hotel development on part of the former Katoomba Golf Course and a proposed Wildlife Park at Wentworth Falls. Each project appears to have deviated

considerably from what was originally approved and in the case of the hotel, has seemingly avoided compliance with a number of contemporary environmental controls. While the Wentworth Falls Wildlife Park and accommodation complex has not preceded, there is currently no impediment to the project being revived at any time. In its current form, the project would have well documented negative impacts on local vegetation communities, water catchments and residential amenity.

Accordingly, for the reasons indicated above, the Branch submits that any departure from an original consent that results in changes to external appearance or environmental impact, must be subject to a supplemental approval or lodgement of a new development application. Finally, we can find no justification for allowing a development consent to remain on foot indefinitely, particularly if it is no longer compliant with contemporary local planning controls. We would, therefore, support steps that result in inactive historical development consents being terminated.

Yours sincerely

Rod Stowe PSM, FRSN

Chair

Blue Mountains Branch

National Trust (NSW)