

## **HISTORICAL DEVELOPMENT CONSENTS IN NSW**

**Organisation:** Sydney Water

**Date Received:** 4 June 2024



3 June 2024

Our reference: N/A

**Clayton Barr MP**

Legislative Assembly

Committee on Environment and Planning

Parliament of New South Wales

[cessnock@parliament.nsw.gov.au](mailto:cessnock@parliament.nsw.gov.au)

**RE: Inquiry into Historical Development Consent in NSW**

We are writing in relation to the recent inquiry by the Legislative Assembly Committee on Environment and Planning (the Committee) about the historical development consents in NSW. Historical development consents, also termed “zombie developments”, refers to development projects that were approved many years ago, but no substantial works have been carried out or completed. And in certain instances, works on these developments may recommence after years of minimal activity.

We understand that the decision on how to manage these historical developments is still in its early stages. We provide the following comments based on the information received so far.

**Impact on S73 Compliance Certificate**

Developments seeking to connect to Sydney Water’s system are generally required to obtain a Section 73 Compliance Certificate from Sydney Water before a Subdivision Certification or an Occupancies Certificate can be issued by the Council. However, the Notice of Requirement (NOR) associated with the S73 application can expire within 12 months. This means if the developer has previously applied for a S73, they must make a new S73 application for their development and our servicing advice for the development may have changed.

**Infrastructure Contributions**

Infrastructure contributions for drinking water and wastewater will be payable for all developments that require a Section 73 Compliance Certificate to be issued from 1 July 2024 onwards. The contributions will be gradually reintroduced such that they will be capped at 25 percent in 2024-25 and 50 percent in 2025-26, with full contributions payable from 1 July 2026 onwards, in line with a transition plan approved by the NSW Government.

We welcome the opportunity to work with the Committee to understand which development consents will be affected and how. Should the Committee require further information or require to meet with us, please contact the Growth Planning Team at [REDACTED]

Yours sincerely,



**Cassie Loughlin**

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