

**Submission
No 92**

HISTORICAL DEVELOPMENT CONSENTS IN NSW

Name: Miss Elizabeth Howard
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I commend the Minister for Planning, Paul Scully, for requesting that the Committee convenes an inquiry into historical development consents in NSW.

My main concern is that “zombie” developments approved under previously weaker environmental standards can still go ahead despite the greater knowledge about the environmental impacts of the development. These developments are highly unlikely to be approved today.

In particular:-

1. Physical commencement test The requirement for physical commencement needs to be defined and be of a larger nature eg 10% or 20% of estimated development cost.
2. Shorten period in which approved development must commence Most Councils grant development consents with a 5 year commencement period but there is no onus on the developer to complete a development once the development has been physically commenced. A period of 2 years after physical commencement should be enough.
3. Review and update historical consents Historical consents are often approved under outdated rules so permissibility issues occur over time. Consents need to be reviewed on at least a 10 year cycle.
4. Improve transparency around historical development consents so communities know what is approved It is not currently possible for a member of the community to easily understand what development consents remain in force in their local area. The NSW Planning Portal could be improved to allow ready access to this information.
5. Strengthen local authority ability to revoke consents that are not in the public interest

Currently the powers conferred on a local authority to revoke a development consent are extremely limited. This system needs to be reviewed to make it more attractive for Councils to revoke consents where they think the development is not in the best public interest.