

## **HISTORICAL DEVELOPMENT CONSENTS IN NSW**

**Name:** Name suppressed  
**Date Received:** 28 May 2024

Partially  
Confidential

## Inquiry into Historical Development Consents in NSW

The Honourable Mr Clayton Barr MP and Committee

Dear Ministers

### **Introduction**

Thank you for the opportunity to make this submission. We do so in accordance with this inquiry's terms of reference which invites submissions from, amongst others, those impacted through property ownership.

We are the owners of a tract of land with a Development Approval (DA) with "physical" commencement dated 2007.

Our family have owned and farmed this land for three generations, and our father spent a large amount of time and money over a period of 8 years to get this DA approved. He worked incredibly hard to commence this subdivision.

Over the intervening years our family has needed to negotiate health issues as well as the passing of our dear mother and father, which has taken priority in our lives.

It was the wish of our parents to complete this development.

We are gravely concerned any additional DA requirements will

- replicate what has already been approved
- come at a significant further cost and
- add delays to the project moving forward.

This must be taken into account, by this inquiry, in respect to potential compensation considerations for land holders. Should there be any retrospective actions taken to deny us the opportunity to complete our subdivision.

### **Requirement to comply with extensive DA conditions**

We have continued to comply with the extensive engineering and environmental requirements of our DA at great cost. In particular, the environmental requirements at the time we received our DA created a much higher benchmark for rural developments in the area. We are concerned that any changes to the current regulations will result in us having to incur significantly more costs and further project delays, which is particularly unfavourable to 'mum and dad' / family operators like ourselves.

Below are listed some of the extensive requirements to obtain the DA and substantial commencement, which we believe continue to be pertinent to current development specifications.

## **1. Engineering requirements:**

Part of our “physical” commencement document states: -

“Approval of Engineering Plans is current for a period of two years from the Construction Certificate date after which time Council may require alteration to Engineering Design to comply with standards current at that date.”

Thus, this consent specifies construction will be to current council construction standards.

## **2. Environmental requirements:**

The environmental requirements at the time of our approval was extensive and created a new benchmark for rural developments in our area.

- a. Coastal Wetland preservation: Our property includes Lowland area with remnant rainforest. We engaged consultants to develop a Lowland Rainforest Remnant Management Plan and this work has already been undertaken by the consultants at our expense and made up a component of the “physical” commencement. This plan required extensive reforestation which has been completed and maintained. It has grown significantly in the intervening years. Additionally, the lowland area is not part of any land for future sales but is preserved for future generations to enjoy.
- b. There are also further environmental tree planting requirements to be completed within the subdivision as it progresses.

## **Impact to council planning strategy**

In regard to local councils’ implementation of residential strategy programs we would suggest a simple communication between the council and the land owner could be instigated to establish the owners intended development time frame in order for all parties to be kept informed of progress.

## **Discussion going forward**

Our plans are for a community acceptable development to enhance the high standard of properties on our common boundaries. We live in the area, so the environment this development creates is important to us. This also supports the current drive to alleviate the current housing crisis.

We believe the inquiry should take into account individuals and families, like ourselves, attempting to create best use of their land and to create a superannuation equivalent to be self-funded in their retirement rather than leaning on the government for pension handouts. Consideration should be made to understand that family land holders likely require greater time and resources to significantly progress development.

If this enquiry recommends any retrospective action to be taken of our development consent, compensation for land holders must be included in the legislation to cover any additional costs that would be incurred on this already approved development.

Lastly, we are concerned by the description by the Legislative Assembly's media release of these "Historical DA consents" as "Zombie Developments". This is very emotive wording for a government website and can be construed as being biased towards promoting solely negative submissions.

In fact, the structure and wording on the official NSW Government website asking for submissions to the enquiry do not appear to invite the owners of these developments to be included.

Our concern from the inquiry terms is that it did not specially call for submissions from land owners. We therefore respectfully make this submission as a family / 'mum and dad' land owner to ensure that balance is brought into the inquiry on behalf of all interested parties.

We are happy for the inquiry members to contact us for any further information.

Respectfully

