

**Submission  
No 168**

## **HISTORICAL DEVELOPMENT CONSENTS IN NSW**

**Name:** Ms Julia Mitchell

**Date Received:** 2 June 2024

Pls find following my submission in response to the ToR listed on the submission website.

(b) Impacts to the planning system, development industry and property ownership as a result of the uncertain status of lawfully commenced development consents.

**Impact on planning system: Not assessed against current state or need of the surrounding landscape/urban area**

The proposed development would not reflect the stat of the community in which it is now to be developed. Other housing, recreational, industrial or other development may now surround the zombie DA site. It may not now be appropriate in terms of size, scale and what are the priority needs in the area surrounding the zombie DA.

(c) Any barriers to addressing historical development consents using current legal provisions, and the benefits and costs to taxpayers of taking action on historical development concerns.

**Costs of not taking action: Creating financial liabilities for councils, future ratepayers and NSW Government**

As zombie DA's reflect the law at the time consent was granted, they are not assessed against current planning and environmental standards which reflect updated understanding of environment and associated risks to different land sites – drainage, flood, fire and other issues.

When the residential or other development of a zombie DA experiences damage due to the risks not previously assessed, then current owners cannot seek redress from the developer (as approved by council) – it will be the council, NSW Government future ratepayers and taxpayers who will be on the hook for remediation, damage, prevention work of potentially recurring issues.

**Cost of not taking action: Environmental cost**

As zombie DA's are not assessed against the current environmental state of the surrounding region/area which includes current state of habitat for key species – such as koalas and other increased species that are listed as vulnerable. This could result in long term impact on the environment and habitat for those species to the detriment of immediate community and broader Australian public.

I cannot provide policy and legal options as I am not a lawyer/have appropriate experience, however I feel there is a significant risk of substantial future costs to taxpayers/government.

I think that not taking into account the current environmental state of different species habitat is wilfully ignoring serious damage to already significantly affected environment and at risk species.

Julia Mitchell