

**Submission
No 211**

HISTORICAL DEVELOPMENT CONSENTS IN NSW

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Thanks for the opportunity for NSW to present submissions on the distressing matter of non-lapsed/historical consents/zombie developments.

We're told the Committee will look at what the benefits and costs to taxpayers will be if action is taken on the issue. I would ask that the Committee also assess the costs to communities for inaction on this thorn in our planning system.

I ask committee members to stop and hear the stories of the toll this issue takes on communities and residents who feel compelled to question and challenge these historical consents going ahead based on approvals made in the 1980s - just one example in our LGA, Eurobodalla Shire - as anyone would expect to be able to question and successfully challenge the status quo of 4 decades ago applying in inappropriate contexts. Think of smoking cigarettes in maternity wards.

Reform of the non-lapse periods for these old consents could go a long way to restoring the trust of NSW communities in the planning process. In its current form it is simply broken, propping up developer and investor certainty over all else, including the desperately needed supply of 2024-relevant diverse types of housing.

I sincerely hope that this committee of inquiry can bring more to meaningful reform than the tweaks to the planning regulations in 2020 which placed only slightly more obligation on a developer to 'show physical commencement' to keep their DAs from lapsing if not completed within 5 years. At that time the NSW Government chose shoring up 'investment certainty' over applying contemporary environmental assessments to protect our coastal villages from outdated 1980's subdivisions. That investor certainty clearly has not resulted in the market responding to the real housing needs in our state!

This is not about isolated communities defending their patch on environmental, bushfire safety or social and health infrastructure grounds - this phenomena is changing the NSW coastline in particular, dividing communities who, in challenging these outdated consents, are hand-balled between their local council and the state planning department. Both seem to throw up their hands in exasperation of the other while this matter festers and disrupts social harmony and trust in government.

The courts and the lawyers engaged by brave residents and landbanking landowners seem to be the only winner - but at what cost, in real terms to local governments, and in terms of social cohesion?

Please consider the impacts on communities.

I call for a moratorium on these historical consents older than 10 years old and resourcing for councils to be able to audit all the 'zombies in the closet' so that the scale of this issue can be understood.