

**Submission
No 210**

HISTORICAL DEVELOPMENT CONSENTS IN NSW

Name: Ms Sara Green

Date Received: 3 June 2024

I believe Planning Legislation should catch up - be amended - to require any developments dormant for more than 5 years, which get activated today, to be reviewed under today's rules.

The call for so-called zombie developments to be reviewed under today's criteria is not about NIMBYism. It is about protecting land and communities for which development approval would not be given today.

At very least, ALL developments, zombie or otherwise, MUST meet today's environmental and planning standards. They should not be allowed to proceed based on out-of-date standards. Why did we develop those standards in the first place? Presumably for good reason. How will today's communities be served if one developer can do one thing (which does not comply with current environmental laws, for instance) and another is constrained by today's laws?

No Australian government would allow, for example, medical practitioners to operate on 20- or 30-year-old standards; nor allow builders to use products, such as asbestos, now known to be carcinogenic but which wasn't known when this wonder product was invented. Knowledge changes over the decades. Something that either was considered acceptable then, or was not even considered or foreseen (eg the environment, vulnerable species and biodiversity, climate change, building on flood plains, coastal erosion) 20 or 30 years ago cannot be allowed to proceed in a development today. Environmental and biodiversity considerations have changed dramatically in the last 10 years, let alone 20 or 30 plus - and there are too many instances of developments taking place in unsuitable places (eg Manyana, where substantial bush areas were burnt out in 2019, then a developer comes along and destroys what's left. Eg wildlife corridors, eg Appin koala habitat destruction). And those are just the few I know about.

Where is The Fair Go for residents?

Developers come along and do their work, then leave. They do not have to live with the consequences, often substantial, to the surrounding area. If a developer was granted consent 10, 15, 20 plus years ago but has chosen not to commence development until many years later, surely this is grossly unfair to people who have bought into the area over that time because:

1. they have not been given the opportunity to object to/agree with the development, to safeguard the character and ambiance of the area in which they have chosen to live, and
2. they have bought into an area in good faith, probably in ignorance of any historic development consents.

I congratulate the NSW Government for inquiring into this area.