Submission No 159

HISTORICAL DEVELOPMENT CONSENTS IN NSW

Name: Mr Kingston Anderson

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Historical development consents in NSW inquiry committee
NSW Legislative Assembly
Parliament of NSW
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Response to the Inquiry into the impact of historical development consents on the NSW planning system, development industry and property ownership.

As a resident of a small coastal village that has experienced the onset of climate change through flooding and bushfires I thinks it is essential that the planning system in the state of NSW be amended to bring all development applications in line with current social and environmental laws. It is not good enough to allow a development consent made over 50 years ago to be relevant in the current climate. This is denying the changes that are occurring in our world today. It would be like saying that laws that governed indigenous people should be applied today.

For this reason alone there should be some major changes to the planning laws as follows:

1. A time limit be put on historical development consents so that they must be carried out by a fixed date. They would then have to reapply for the consent under current rules. A consent should not be given for more than 5 years.
2. Any consent should be reassessed to adhere to updated regional strategy plans. Why do we bother to develop regional plans that can be ignored by developers based on historical consents.
3. Revoke historical development consents that do not meet current planning and development standards, particularly on land that could become prone to flood, fire and soil erosion. It is no point pushing ahead with developments that have now become unviable due to issues like climate change. This can be seen in recent developments in Western Sydney where the State Government has now stopped developments in areas that are flood prone. We have a similar situation in Culburra Beach on West Crescent. The developer, who has consent from the last century, is pushing ahead despite the obvious flood issues and the discovery of indigenous artifacts on the site.
4. Reassess zombie developments that pose a significant threat to the environment, habit and Indigenous cultural heritage,

5. Require ongoing monitoring and independent assessments of the impacts of the development as a condition of the
6. Allow for reconsideration of lands that are high risk for residential development with appropriate compensation available for public acquisition. The unimproved capital value of the property should be the benchmark for compensation, not its improved value based on an approved DA,
7. When there is a proposed change to planning controls, consider whether there are any consents which should be revoked or modified in light of these changes.
8. Ensure DAs clearly state what is being approved, so that any further works outside the scope of the consent can be easily identified as requiring separate approval, particularly with respect to vegetation and species of tree removal and habitat destruction.
9. When an approved DA that is older than 10 years is presented to Local Council for “significant amendment” (such as different construction or realignment of buildings) there should be a requirement for Council to notify the local community and provide opportunity for community comment if significant changes have occurred due to climate change and ecological knowledge.

All of this seems logical and in line it changes that have occurred in the past decade due to climate change and our commitment to net zero emissions by 2050. This review is timely and provides the opportunity for the NSW planning laws to be in line with current social and environmental regulation.

Yours sincerely,

Kingston Anderson
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