

Submission
No 140

**INQUIRY INTO PLANNING SYSTEM AND THE IMPACTS
OF CLIMATE CHANGE ON THE ENVIRONMENT AND
COMMUNITIES**

Name: Name suppressed
Date Received: 3 November 2023

Partially
Confidential

Recommendations re Outdated "Zombie" development approvals

Recently two zombie DA's were activated near Huskisson, one on Edendale St involved the destruction of several large gums, one of which was over 100 years old. The site is also low lying swamp land at risk of flooding from nearby Currambene Creek.

The Council/NSW Govt is not allowed to apply current planning standards which creates a significant financial risk for ratepayers, should a future flood event damage homes built on the land. Across NSW, the NSW Govt, taxpayers, local councils and ratepayers will be responsible for future liabilities incurred by natural events such as flood, fire, coastal erosion and other impacts that current planning legislation/regulation takes into account.

It is not sensible to continue a policy that allows these future liabilities to arise, particularly in light of increasing severe weather/fire events. This is creating yet another liability for future generations.

The old DA's must be reassessed to current planning requirements. Many of the zombie DA's will not meet the requirements. Compensation policy should carefully balance the interests of the community of NSW and the landowners, particularly given potential for windfall gains in recent land value rises where development activity was not considered by the landowner.

Actions that the NSW Government could do are:

- Amend planning law to ensure that any compensation that may be payable by the lapsing of a development consent is capped to unimproved land value and defined to be zero for any development consent more than 10 years old with the statutory presumption that the holder of consent had no intention of acting on the consent.
- Impose a statutory lapsing provision for development consents more than 5 years old that have not been substantially commenced. Enable the holder of the consent to seek a new approval within 2 years.

Impact on communities of development

Housing subdivision proposals in coastal zones are predominantly for holiday or second homes. For example, on 2016 Census night, over 40% of homes in the Jervis Bay area were unoccupied. With climate change leading to rising bushfire risks, increasing the population of small coastal villages that have single access roads is not a safe or responsible solution to NSW's housing crisis.

Additional residential and affordable housing with increased density near current towns that are close to employment opportunities, have infrastructure in place, i.e., education, public transport, health, retail etc. Investment in infrastructure for coastal villages should prioritise resilience, e.g., communications, water and energy supply. Coastal villages can also benefit from increased density.