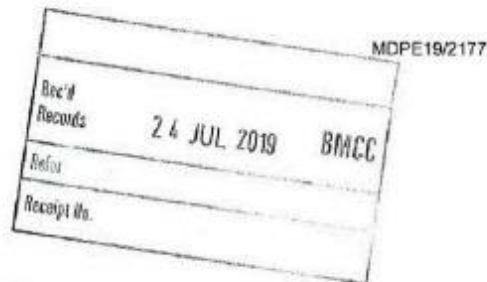


Attachment 3 - Reply from Hon Rob Stokes MP - Delayed implementation of development consents.



Planning,
Industry &
Environment

Ms Rosemary Dillon
Blue Mountains City Council
2 Civic Place
Locked Bag 1005
KATOOMBA NSW 2780



Dear Ms Dillon

Thank you for your correspondence to the Hon Rob Stokes MP, Minister for Planning and Public Spaces about historic development approvals. The Minister asked me to respond on his behalf.

I note your concerns about the delayed implementation of historical development consents and the compatibility of these consents with current planning standards. I also note your recommendation to carry out regulatory reform to prevent consents from being implemented long after they are approved.

Regarding your request to make regulatory changes, the *Environmental Planning and Assessment Act 1979* already contains appropriate expiry provisions for development consents. Section 4.53 provides that a development consent lapses after five years unless the consent authority applies a shorter period. During this period, the approved work must be 'physically commenced' on the land. If this has not occurred, the consent lapses and the applicant must lodge a new development application to proceed with the development. Council can investigate and take enforcement action if it is concerned whether physical commencement has occurred.

I understand Council has specific concerns about situations where a development consent has physically commenced but the works are not completed. The Act provides for such situations by enabling councils to issue the owner of the relevant land a development control order to complete the works within a specified time.

Thank you for bringing your concerns to my attention, I trust that this information is of assistance.

If you have any further questions in relation to this matter, please contact Ms Kristy Chan, Director, Regulation Reform, at the Department of Planning, Industry and Environment on 9274 6107.

Yours sincerely

Marcus Ray
Group Deputy Secretary
Planning and Assessment

19/07/2019