



Blue Mountains Conservation Society Inc

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Nature Conservation Saves for Tomorrow

Mr Robert Greenwood
General Manager,
Blue Mountains City Council,
Locked Bag 1005,
Katoomba NSW 2780

April 12, 2017

Dear Mr Greenwood

F10054 Strategic Tourist Sites Planning Proposal

The Blue Mountains Conservation Society is a community based volunteer organisation with over 850 members. The goal of the Society is to promote the conservation of the environment in the Greater Blue Mountains region. We are pleased to have the opportunity to comment on the Strategic Tourist Sites Planning Proposal.

1. SP3 – Tourist zone

The Society re-iterates its opposition to the introduction of the SP3-Tourist zone in the Blue Mountains.

The introduction of the SP3-Tourist zone will change the nature of tourist developments in the Blue Mountains. The planning proposal highlights that the zone is designed for locations where “tourism is the focus” and intended future use is to further develop those tourism uses. While the introduction of the new zone is currently limited to four sites, it will lead to pressure being applied for the zone to be expanded and applied to new tourism developments as well as more existing tourism developments. This will likely promote concentrations of tourist facilities and will inevitably lead to the development of more large scale resorts which will impact on the visual and natural amenity of the Blue Mountains. This form of future development may jeopardise the many small-scale operators that promote appreciation of the natural environment and sustainable practices. Anecdotal evidence suggests the reason that many overnight tourists come to the area is for the small-scale accommodation options which are integrated with the community.

Development of exclusive intensive high end tourist facilities does not promote the multiple uses of facilities and public/private interaction. In some places (e.g.

Blackheath Caravan Park) we believe it will inevitably reduce community access to public reserves.

It should be noted that the major tourism sites identified for SP3 re-zoning have been successfully developed and operated for many years under the existing zoning of these sites. The Society believes that the planning proposal does not sufficiently justify the introduction of the SP3 zone in terms that the current planning regime for these sites is inadequate or not suitable.

The Society particularly objects to the proposed re-zoning of the Blackheath Caravan Park to SP3 (see below).

However, should the SP3-Tourist zone be added into the Blue Mountains LEP 2015, the Society recommends that the SP3 zone objectives be amended to recognise the potential impact of large tourist developments on the adjacent or nearby World Heritage Area, including the scenic values of the escarpment.

SP3-Tourist zone objectives

The Society welcomes the additional environment-related objective of the SP3 zone but believes it needs further strengthening. With tourism so dependent on the internationally recognised environmental features of the area, strong environmentally protective objectives are justified.

As three of the four proposed SP3 sites are immediately adjacent to the World Heritage area, it is essential that any development within this zone has a neutral or beneficial effect on adjacent World Heritage property. Several of these sites have Protected Areas currently identified on LEP 2015 maps, in particular “Protected Area-Escarpment”. It is a concern that these Protected Areas will not be as well protected in the new SP3 zone because of its weak environmental objective as proposed. One obvious consequence will be to adversely alter the escarpment skyline across much of the Mountains. It is also likely that any future areas zoned SP3 will also be similarly located outside of town centres (which is one of the stated criteria of the zone) in areas along the escarpment or which have high environmental significance.

Further, we are concerned that the environmental protections provided for in LEP 2015 Clause 6.1 subclauses 6,7 & 8 will not apply on SP3 zoned sites unless stronger environmental objectives are included in the SP3 **zone** objectives (6.1 (8a)). While relevant objectives are included in most of the current and proposed **precinct** objectives for three of the four proposed SP3 sites, we believe that stronger **zone** objectives are required to cover the fourth proposed site (Blackheath Caravan Park) and likely future sites.

Recommendation: *given that most of the current proposed SP3 sites (and likely future sites) are located on or near the escarpment adjoining the World Heritage Area, there should be additional zone objectives relating specifically to the protection of the National Park/World Heritage Area’s scenic and environmental values, and protection for ‘environmentally sensitive land’ (including zone E2).*

*The following amended current and proposed SP3 **precinct** objectives and additional objectives should also be included in the SP3 **zone** objectives:*

- *To protect the values of the Greater Blue Mountains World Heritage Area.*
- *To minimise and mitigate the impact of development on ‘environmentally sensitive land’ (including Zone E2 Environmental Conservation) and E1 National Park (Blue Mountains National Park).*
- *To minimise the impact of development on escarpment areas.*

Adverse Environmental Impact

As indicated above, without stronger environmental objectives for the SP3 zone, the introduction of the SP3 zone will weaken the protective measures available in LEP 2015 to avoid adverse environmental impact in new developments in the following ways:

- Clause 6.1 (8) would significantly weaken the ‘no adverse environmental impact’ test in Clauses 6.1 (6) and (7).

Clause 6.1 (8) states that

“in determining whether an adverse environmental impact cannot be avoided ...the consent authority shall: (a) have regard to the purposes for which the land is intended to be used with reference to the objectives of the relevant zone on the land”

To overcome this weakening of the ‘no adverse environmental impact’ test in rezoning land to SP3, we propose the modification to the zone objectives above.

- Removal of the application of Clause 6.28 (Rural and nature-based tourist activities) of LEP 2015.

Currently Tourist developments in the existing zones (RU2, RU4, E3, and E4) are subject to Clause 6.28 of LEP 2015 which not only limits the scale of the development **in rural and natural areas** but also ensures that any development “does not adversely impact on the agricultural production, scenic or environmental values of the land”.

Rezoning the Hydro Majestic Hotel (and possible future RU2, RU4, E3, and E4 sites) from E3 and E4 to SP3 will therefore weaken the environmental protections as developments on the site will longer be subject to this clause.

Recommendations:

- *Add SP3-Tourist to Clause 6.28 (2) of LEP 2015*
- *Reduce the area of each SP3 zone to ensure sufficient “buffer areas” are retained and/or transferred to an adjacent zone, which would ideally be an E2*

zone; eg increasing the E2 zone around the creekline adjacent to the Blackheath Caravan Park.

SP3 and Community Strategic Plan for the City of the Blue Mountains

Any weakening of environmental protections runs counter to the plan, *Sustainable Blue Mountains 2025*. Environmental sustainability and the awareness of our unique location as a City within a World Heritage Area are central to the Community Vision.

In conclusion, there does not appear to be any benefits for the community or the environment in concentrating new tourist development into a few exclusive precincts. If the SP3 zone were to be introduced, the Society would have grave concerns about how Council could guarantee the protection of the World Heritage Area, unspoilt views of, and from, escarpments, impacts on watercourses and waterfalls, scheduled plant communities, State and Commonwealth-listed threatened plant and animal species and so on.

COMMENTS ON SITES PROPOSED FOR SP3-TOURIST ZONE

The Society is specifically concerned about the impacts of applying the SP3 zone on the four following proposed sites.

The Society recommends the retention of the existing zoning to all sites as there is no environmental or community benefit for any of these sites being rezoned for intensive tourism.

Blackheath Caravan Park

The Society strongly objects to the proposed rezoning of Blackheath Caravan Park to SP3-Tourist.

Whilst already developed as a low cost accommodation alternative to high end resorts, the Blackheath Caravan Park area is not an appropriate site for a larger scale tourist development because of its proximity to the sensitive environment of Popes Glen Creek. The recent small developments within the existing Caravan Park have resulted in building rubble being deposited on the edge of the creek. Any intensification of development would:

- direct increased runoff into the stream increasing erosive potential
- decrease infiltration into groundwater
- send sediment plumes downstream
- increase weed propagules travelling further downstream (with increased volume and velocity of water)
- threaten the integrity of the World Heritage Area into which Popes Glen Creek flows (as a result of the above listed effects).

Any rezoning should be increasing the Environmental Conservation zones, not increasing the intensity of development permitted immediately upslope.

Other comments:

- We have concerns that specific conditions for Popes Glen Caravan Park will not be enforced in a future development through either SEPP 1 variation applications or retrospective DA applications for unauthorised work in environmentally sensitive areas (e.g. recent Fairmont Resort development in E2 and National Park).
- The proposed zoning extends into the unformed road (“Eyre Street”) immediately adjacent to the Community land downhill. The current zoning is RE1 and extends across the operational land (including the road reserve/unformed road) and the community land (where unpowered camping sites are located and bush regeneration takes place). Currently there is no physical division and all stakeholders are able to move amongst the various areas. The proposed zoning clearly shows a differentiation, and includes the unformed road (operational land) and the road reserve section adjacent to Prince Edward St, which is community land currently zoned RE1. At the least, the community land should be excised from the SP3 proposal. The main point here is that there is now a mapped division of the land that could feasibly be used to create a barrier between the current camping areas and the van sites.
- We note that there are currently van sites on the North-east section of unformed roadway. See 2016 locality photo in Council Business Papers March 2016.
- Further, there is currently regenerating and regenerated bushland immediately on the edge of the road reserves and hard surfaces of the van parking, which will be adversely affected by any further work in the main facility area. These areas are part of the important bushland buffer above (upslope of) the creek and swamp in Popes Glen Reserve.
- There are concerns that a change in the zoning as proposed will make the land appear more attractive to a developer and Council will be tempted to sell the operational land, again creating a barrier that would deny community access.
- Further, we note the proximity to the Parklands resort. What is the likelihood that Council would agree to sell the Caravan Park areas once zoned SP3 to the owners of Parklands? Parklands is already a gated facility where entry to Blackheath residents is denied. What would happen should the Parklands group buy the currently Council-owned land at 67-69 Prince Edward Street?
- It is difficult to clearly observe the approximate boundaries on the ground, due to the land forms, obscuring of views by the various foliage and built infrastructure (especially on the Eastern side), bent road reserves, angled sides of lots and so on. This means it is problematic to make accurate comments on the plan.
- Extract from Council document:
“That Blackheath Caravan Park at 67-69 and Lakeview Holiday Park at 63-65 Prince Edward Street, Blackheath be included in a Planning Proposal for consideration as a SP3-Tourist zone. That Council examine opportunities to create greater linkages between the recreation facilities and opportunities within the immediate area, including Memorial Park, the Caravan park and

Popes Glen Reserve.”

COMMENT

The Blackheath Community already enjoys and fosters extremely good "linkages" amongst all facilities in the area of the Caravan Park. What is missing is some important infrastructure, such as the "missing" 300 metres of the Popes Glen Walk, with visitors currently making do with walking on the dangerous Wills Street roadway (no verges) from the Duck Pond to the start of the walk-proper in Dell Street.

- It is difficult to clearly observe the approximate boundaries on the ground, due to the land forms, obscuring of views by the various foliage and built infrastructure [especially on the Eastern side], bent road reserves, angled sides of lots and so on. This means it is problematic to make accurate comments on the plan.
- This area is also a demonstration site for best-practice Urban Stormwater management. If any sort of high-end or gated development were to take place as allowed under SP3, there could be a loss of suitable access to the rehabilitation project for both bushcare volunteers and the range of visitors who frequently inspect the stormwater infrastructure.

Recommendation: *that the existing zoning be retained.*

However, if the SP3 rezoning goes ahead we recommend:

- *Expanding the E2 zone and/or buffer areas to the creek to the full extent allowed*
- *Retaining the existing zoning of the Community Land (Eyre St. road reserve) shown on Council interactive mapping as 71 Prince Edward St as RE1 and excise it from the SP3 precinct.*

Hydro Majestic Hotel, Medlow Bath

The existing R1 and E3 zones adequately allow for the proposed recreation facilities.

Development on this site already impacts on significant vegetation downslope, watercourses and on the integrity of escarpment views. As the development area is located on an escarpment edge, the potential for environmental impact is significant, and hence the development assessment protections provided in LEP 2015 Clause 6.1 (6) need to be reaffirmed, not undermined, by the lack of a strong environmental zone objective for SP3 (refer to Clause 6.1 (8)). It appears that clause 6.28 (tourism development in rural and natural areas) will also not apply unless SP3 is added to it.

We note that the LEP 2015 Height of Buildings map is proposed to be changed from 8m to 10m, 12m and 15m on this site. The Planning Proposal tells us that this (excessive 15m) height is required to accommodate an approved DA for the 6-storey Mark Foy Wing which has not yet been built.

This was a very unfortunate development approval, given the Hydro Majestic's location right on the edge of the escarpment, and has set a precedent for over-height

developments on the escarpment through possible SEPP 1 variation applications. We note that proposed height restrictions (Height of Buildings map) for Scenic World which is close to or in the escarpment Protected Area range from 5.5m (for escarpment area) to 8m.

Recommendations:

- *that the existing zoning be retained*
- *that, should the construction of the Mark Foy Wing not proceed, that the LEP 2015 Height of Building map for the site be amended back to 8m.*

Scenic World, Violet Street, Katoomba

Any further development on this site on the edge of the escarpment has the potential to damage the bushland and waterways in the valley below – on both E2 land and National Park. More not fewer safeguards are required.

Intensification of development means an increase in impermeable surfaces and hence:

- increased volume & velocity of runoff into streams increasing erosive potential
- increased potential for weed seeds and sediment to be transported into the National Park
- decreased infiltration into groundwater.

These downstream and downslope impacts would result in degradation of the World Heritage Area and the Sydney Metropolitan drinking water catchment. The location of Scenic World is known for its geological instability. Some concern must be expressed about the security of additional developments on the escarpment here.

The Society objects to the application of the SP3 zone to this site because of the current weaker development application assessment criteria available for this zone, to prevent adverse environmental impact, particularly on the national park. These specific concerns are outlined in the introductory section of this submission.

Recommendation: *that the existing zoning be retained.*

Fairmont Resort, Leura

Any further development on this site on the edge of the escarpment has the potential to damage the bushland and waterways in the valley below – both E2 land, the National Park and the Blue Mountains World Heritage Area. The likely impacts from intensification of development are similar to the downslope\downstream impacts outlined in relation to Scenic World, as well as visual impacts.

Recommendation: *that the existing zoning be retained.*

2. Other rezonings included in the Planning Proposal

In addition to the proposed rezoning of four sites to SP3-Tourist, four rezonings to R1 from E4 or Living Conservation (R6) and one rezoning from E4 to RE2 are also proposed.

While these proposed rezonings are meant to bring existing uses and approved DAs into alignment with zoning provisions, rezoning to R1 will open these sites to medium density residential development should the proposed changes to SEPP (Exempt and Complying Development Codes) 2008 go through. These proposed changes would over-ride any LEP and DCP 2015 provisions and allow medium density housing as complying development in the 'R' zones which allow medium density housing, though which 'R' zones this will be allowed in is still unclear. It is unclear if R6 would be subject to this SEPP presuming R6 is introduced to the Standard Instrument LEP.

This proposed SEPP amendment is designed to fast-track residential development through by-passing council DA processes and LEP and DCP provisions, so none of the proposed LEP 2015 Part 7 provisions relating to "Blackheath Precinct R1-BHO7" will apply. Unless the Blue Mountains LGA is exempt from the changes to the SEPP, we fear that large sites such as Parklands, Blackheath will eventually become medium-density residential enclaves without any locally relevant LEP and DCP development standards applying.

Parklands 132-174 Govett's Leap Road, Blackheath

Proposed rezoning to R1 General Residential from E4 Environmental Living.

The Society objects to this rezoning on the basis of the important landscape features and heritage values of the site and the threat of future intensive development posed, for instance, by the proposed changes to SEPP (Exempt and Complying Development Codes) 2008, outlined above, which will not apply to the current E4 zoning.

The Society notes there is an approved development consent for a mixed residential and tourism development of 42 units which was opposed by the local community. We are concerned about future intensive development of the site if the re-zoning to R1 proceeds. The current E4 zoning better reflects the values of the site, including its important landscape features and heritage values.

Recommendation: that the existing zoning be retained.

Katoomba precinct RE2/SP3-KA 20 (excluding Scenic World)

Proposed rezoning of Church Missionary Society (4-12 Violet St Katoomba) to RE2 Private Recreation from E4 Environmental Living.

While we understand that this is a rezoning to align with existing use, and that the site is unsuitable for residential development, like Scenic World this is a highly sensitive site visually and environmentally.

We note that additional permitted uses to be included in RE2 on this site are tourism and visitor accommodation.

Although this aligns with development already on the site, any further development on the edge of the escarpment has the potential to damage the bushland and waterways in the valley below – on both E2 land and National Park. Our concerns about the geological stability of the escarpment at Scenic World also extends to this site.

This also applies to the 2 other sites in this precinct: 41 Violet St and 119 Cliff Drive.

Our concerns about this precinct (especially given that the protections in LEP 2015 Clause 6.1 subclauses 6, 7 & 8 do not apply) relate to the potential intensification of development means an increase in impermeable surfaces and hence:

- increased volume & velocity of runoff into streams increasing erosive potential
- increased potential for weed seeds and sediment to be transported into the National Park
- decreased infiltration into groundwater.

These downstream and downslope impacts would result in degradation of the World Heritage Area and the Sydney Metropolitan drinking water catchment.

Yours Sincerely



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