



Blue Mountains Conservation Society Inc

ABN 38 686 119 087

PO Box 29 Wentworth Falls NSW 2782

Phone: (02) 4757 1872

E-Mail: bmcs@bluemountains.org.au Web Site: www.bluemountains.org.au

Nature Conservation Saves for Tomorrow

7 March 2013

The Honourable Brad Hazzard MP
Minister for Planning and Infrastructure
Level 33 Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

Dear Mr Hazzard

Conversion of Blue Mountains Local Environmental Plans (LEP) 1991 and 2005 to the Standard Instrument LEP (SI LEP)

The Blue Mountains Conservation Society is a volunteer community organisation, with around 900 members, dedicated to conserving the World Heritage values of the Blue Mountains Region.

The Society was heavily involved in the development of Blue Mountains LEP 2005 which covers the more urbanised areas within the Blue Mountains. The Blue Mountains LEP 2005 was developed after comprehensive community input, including a Commission of Inquiry which undertook extensive public hearings and attracted hundreds of public written submissions. The resulting Blue Mountains LEP 2005, the Society believes, successfully balances protecting the environment while permitting appropriate development. LEP 2005 is supported by detailed and relatively accurate mapping of environmental and other values, and has received numerous accolades and is well regarded across the planning profession. In addition the Society believes the granting of World Heritage status to the national parks which surround the City of the Blue Mountains places a high level of responsibility on the NSW government, the community and Blue Mountains City Council (BMCC) to manage the impact of development appropriately and limit negative impacts on the World Heritage Area (WHA). In response to this, LEP 2005 was developed to specifically address the planning issues associated with being a LGA within a WHA and the need to ensure continuing certification as a WHA with UNESCO.

LEP 1991, which covers the more rural areas of the Blue Mountains, also contains important environmental provisions while allowing appropriate development. The Society has strongly supported BMCC's approach since 2010 of developing a single consolidated LEP for the Blue Mountains. This was to be achieved by including LEP 1991 areas into the LEP 2005 planning instrument. In particular the accuracy of LEP 2005 mapping, the criteria and application zonings and the protected areas layer was to be extended across LEP 1991 areas. In this way the planning framework in LEP 2005, developed to protect the World Heritage values and meet UNESCO concerns, would be

consolidated into a single comprehensive LEP for the Blue Mountains. The Society's understanding was that this approach was endorsed by the Department of Planning. The Society has been working with BMCC to achieve this outcome, investing considerable resources into, for example, commenting on planning studies undertaken by BMCC to date, identifying systematic issues with current environmental mapping and identifying areas of concern in terms of possible future development.

The Society further understands the Department agreed that the resulting single consolidated LEP would then be considered sometime in 2015 for possible conversion into the NSW government imposed SI LEP format. BMCC has consistently argued that the SI LEP format is not any way suitable for the Blue Mountains. This position is strongly supported by the Society given the Blue Mountains unique environmental characteristics and the fact the City has a best practice, contemporary planning framework in place, supported by detailed mapping and information and developed after extensive and thorough community input. The Society believes the SI LEP is a significant and fundamental downgrade on LEP 2005 and 1991, and represents a monumental step back in terms of environmental protection, the level and detail of mapping and information, and controls to ensure appropriate development. The Society understands that given BMCC's concerns with the SI LEP it sought and was given assurances by the Department and then Minister of Planning that maximum flexibility would be applied in terms of converting the consolidated LEP into the SI LEP format, ensuring the fundamental attributes of the current planning framework would not be lost or downgraded as part of any move towards the SI LEP.

The Society now understands that the above process is no longer being followed. As Minister of Planning you have asked Council to move immediately to develop a single consolidated LEP for the Blue Mountains consistent with SI LEP. The timetable imposed is to have a consolidated SI LEP prepared by the end of 2013, including public exhibition of draft LEP, review of submissions and a final LEP submitted to the Department. This timetable does not allow for the stepped process previously agreed to, where firstly a consolidated LEP was to be developed consistent with LEP 2005, prior to any consideration of moving to the SI LEP format. The Society understands that BMCC has been working with the Department on developing the new consolidated SI LEP. However, the Society understands the previous assurances of the Department of maximum flexibility in the application of SI LEP, including that the fundamental planning controls and framework in LEP 2005 would not be lost, appears to be no longer being applied. The community of Blue Mountains is now facing a consolidated SI LEP which will be a significant downgrade and inadequate, as compared to the current planning framework. A SI LEP for the Blue Mountains, the Society believes, will also have the potential to negatively impact on the World Heritage Area, possibly jeopardising its World Heritage status.

The Society is strongly and fundamentally opposed to this approach. Our concerns are extensive but can be summarised as follows:

- The proposed timetable is far too short to allow meaningful and comprehensive community input in the development of any new LEP. LEP 2005 took many years to develop, and as a result is widely supported within the Blue Mountains community. Without a similar commitment to robust, meaningful and comprehensive community engagement, it is certain that the community will not support the process to develop the new SI LEP or the new SI LEP itself.

- Moving immediately to a SI LEP means the planning framework for LEP 1991 areas, including mapping, zoning and environmental protection layers, will not be consistent or at the same standard as LEP 2005 areas. The Society notes that it is the outer areas of the LGA which are covered by LEP 91 and which adjoin the World Heritage Area.
- The SI LEP is woefully inadequate as a planning framework for the Blue Mountains given the Blue Mountains unique environmental and landscape characteristics, especially the importance of the surrounding World Heritage Areas. A consolidated SI LEP in the Blue Mountains means the application of inappropriate zones, decreased information and mapping, significantly decreased assessment of the environmental impact of development, less stringent and certain language in terms of what needs to be considered and addressed when undertaking development, exclusion of comprehensive environmental and landscape overlays (called protected areas in LEP 2005 and LEP 1991) and the potential reduction of areas currently zoned environmental protection (e-zones), to name just a few of the concerns.
- The Blue Mountains has a best practice, contemporary planning framework in place, supported by detailed mapping and information, and developed after extensive and thorough community input. There is no need, community desire or pressing development issue justifying a SI LEP for the Blue Mountains.

As a result of these concerns the Society is launching a community campaign - "Hands off our LEPs!" - opposing the approach you as Minister have foisted on the community in terms of the development of a consolidated SI LEP for the Blue Mountains. More information on the campaign can be found in an article in the March edition of the Society's newsletter Hut News, which is widely distributed across the Blue Mountains and can also be found on the Society's website at <http://www.bluemountains.org.au>. We have also written to our two local MPs, Ms Roza Sage (Blue Mountains) and Mr Stuart Ayres (Penrith) outlining our concerns. In addition, we have also written to the federal member Ms Louise Markus, the local federal duty Senator, Mr Doug Cameron, and the Federal Minister for the Environment, given conservation of World Heritage Areas is shared by both the State and Commonwealth government. We believe the Commonwealth should be actively involved on this issue. We have also sent copies of our letter to the BMCC General Manager, Mayor and Councillors.

We would be happy to meet with you or representatives from the Department of Planning to further outline our concerns. I look forward to your early reply.

Yours sincerely

Lachlan Garland
 President
 M: 0415 317 078
 E: lachlan.a.garland@bigpond.com