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Nature Conservation Saves for Tomorrow

The Hon. Brad Hazzard, MP
Member for Wakehurst, Minister for Planning and Infrastructure
Level 31, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Mr Hazzard

Submission to Metropolitan Strategy for Sydney 2031

The Blue Mountains Conservation Society (BMCS) is the largest and oldest operating environmental conservation group in the Blue Mountains, with nearly 900 members. The BMCS is extremely concerned with the outcomes proposed in the *Metropolitan Strategy for Sydney to 2031* (hereafter the Metro Strategy). The outcomes will change the face of the Blue Mountains, as anyone who lives in, is close to, or visits this area knows, and this is being done with minimal community participation.

Overview

The BMCS is opposed to the Metro Strategy as it identifies the eastern half of the Blue Mountains, including thousands of hectares of currently environmentally protected and sensitive lands including parts of the Blue Mountains National Park, as a Metropolitan Urban Area (see attached map). These areas have been targeted for urban release to cater for the minimum 39,000 new dwellings earmarked for parts of Penrith and the eastern half of the Blue Mountains LGAs over the next 20 years. This will result in turning the eastern Blue Mountains into an extension of the suburban sprawl of Sydney, with 10 day complying housing codes as proposed under the White Paper applying, with no community input, no environmental assessment, and no consideration of the environmental impact. This will occur at the expense of the terrestrial and aquatic environment of the Blue Mountains, residential amenity, the tourist and visitor economy of the area and the World Heritage listed national park system.

The BMCS is also extremely concerned the Metro Strategy has been imposed on the Blue Mountains without compliance with any of the NSW Government's requirements for community participation. As the first of the Regional Growth Plans under the new planning system, as outlined in the NSW White Paper and draft Planning Bill, the Metro Strategy has not complied with any of the Part 2 Community Participation section of the Bill. No one in the Blue

Mountains participated in its development and the Blue Mountains was not even mentioned in the Discussion Paper preceding the Strategy's release as a draft regional growth plan.

The White Paper and draft Bill require regional growth plans (of which the Metro Strategy is one) to be progressively rolled out after the introduction of the new planning framework. As the Metro Strategy has preceded the legislation, it has not been done in compliance with the outcomes of the higher order NSW Planning Policies because they do not yet exist. According to the draft legislation and White Paper, the NSW Planning Policies, including one on the environment, are meant to inform and guide the rest of the planning hierarchy offering a clear line of sight between each layer (page 66). The Society recognises that while the new Planning Bill is not yet law, the fact that the Metro Strategy does not conform with the community consultation and other requirements of the Bill sets a poor precedent and raises questions about the validity of the Metro Strategy.

It is assumed also that the subregional delivery plans, and the local plan in the Blue Mountains that follows the Metropolitan Strategy regional growth plan, will also be void of the proper legal process by which they are meant to be implemented – that is plans that are informed by higher order plans and with full community participation. As the outcomes in the regional growth plan guide the subregional delivery plan for the subregion, and the following local plans, they too will not have the proper community input or have followed the correct planning hierarchy in accordance with the Government's own legislation – once it comes into force.

The Metropolitan Strategy for Sydney – the first Regional Growth Plan in NSW – has in short been completed and released contrary to Parts 1, 2, 3 and 4 of the Government's draft Planning Bill. It does not follow the proposed planning hierarchy, has not been informed by higher order plans, and has not been done with community participation and input. Therefore the removal of the community and merit assessment at the development stage will occur without compliance with the Government's own legislation, as it will occur without the proper identification, information and community input at the higher strategic planning stage.

The Blue Mountains environment

The World Heritage listed Blue Mountains National Park and neighbouring Kanangra Boyd and Wollemi National Parks, draw millions of domestic and international visitors to the region every year, benefitting not just the economy of the Blue Mountains, but communities and economies to the west, such as Lithgow and beyond. For this reason the protection of these world famous national parks is crucial for the regional economy as well as for social and environmental reasons.

Every resident in the Blue Mountains lives either close or adjacent to the World Heritage listed national parks and are highly aware of the sensitivity of the natural environment in which they live. The physical constraints to development in the Blue Mountains are extremely high, resulting in the need for numerous considerations before a new development can be safely completed without significantly impacting on its surrounds. The constraints include:

- A highly varied and steeply sloping topography with a network of watercourses feeding into Sydney's main drinking water supply and creeks and rivers within the national parks and beyond. The watercourses are highly prone to pollution and sedimentation from stormwater run-off from developed areas located on the Blue Mountains ridgelines.

- Highly sensitive, varied and bushfire prone native vegetation which provides habitat for a wide range of animals and plants, some of which are threatened with extinction as a result of the cumulative impacts of development, fires, weed incursion and predation by feral or domestic animals.
- State and nationally listed threatened flora and fauna species and ecological communities, including species unique to the area and found nowhere else.
- Numerous rocky outcrops and extremely nutrient poor, friable, shallow soils, which are highly prone to erosion.
- Iconic scenic values.
- Internationally recognised World Heritage national parks.
- Limited ability to ensure the safety and amenity of residents living in developments along north-south ridge tops or valleys, frequently served by a single access road, surrounded by bushfire prone vegetation.

Blue Mountains State of Environment Reports and other documents compiled over many years by the local council and other local organisations document the cumulative impacts of development in the Blue Mountains on the environment in terms of loss of water quality, biodiversity, visitor and residential amenity and so forth. The Greater Blue Mountains World Heritage Area (GBMWhA) Strategic Plan (January 2009) lists inappropriate development adjacent to World Heritage Areas as a major impact on the integrity and values of the GBMWhA.

Outcomes in the Strategy will destroy 1000s of hectares of environmentally protected lands

The BMCS is extremely concerned that the outcomes proposed in the Metro Strategy appear to have little regard to these environmental values and risks. The outcomes will completely social and environmental change the character of the Blue Mountains and this is being done, as noted above, with no meaningful community participation. Half of the Blue Mountains, including thousands of hectares of currently environmentally protected and sensitive lands have been identified for urban release as an extension to Sydney's suburban sprawl.

The Strategy in effect does the following, all of which the BMCS strongly objects to:

- The Blue Mountains have been placed in the same "West" (Sydney) subregion, along with Penrith and Hawkesbury LGAs. This region is targeted to have a minimum (more is encouraged according to the Strategy) 39,000 new dwellings over the next 20 years, which will be built largely in the identified "Metropolitan Urban Areas" – the areas described in the Strategy as the "focus of growth over the next 20 years". It is clear that in order to fit this number of dwellings in, and in view of the fact that Hawkesbury has no identified Metropolitan Urban Areas, that the eastern Blue Mountains and Penrith will bear the brunt of this housing target. The eastern half of the Blue Mountains will effectively become an extension of Penrith and Sydney's suburban sprawl. The city suburbs will no longer end at the foot of the mountains but will inevitably creep to cover over half of the Blue Mountains.
- Investigative mapping by the BMCS shows the identified Metropolitan Urban Area in the Blue Mountains, as mapped in the Metro Strategy, includes thousands of hectares of

currently environmentally protected land, including steep slopes, highly sensitive Crown and private bushland and some parts of the Blue Mountains National Park, up to and including Falconbridge (see attached map prepared by the Society based on the map in the Strategy). Given the current undeveloped land left in this area, a large proportion of the minimum 39,000 new dwellings will end up on outlying fire prone ridge tops, on land with rocky outcrops or steep vegetated slopes, escarpment areas and areas containing watercourses, or land containing sensitive or threatened vegetation on the edge of the World Heritage national park. Much of the identified Metropolitan Urban Area is also poorly serviced by infrastructure such as power, and mains water and sewer.

- Under the required performance targets imposed on Council, through the Metro Strategy, the above growth targets would be forced on the Blue Mountains regardless of Council or community concerns. The Blue Mountains Council will be required to release land every year to comply with land release performance targets to reach its proportion of the 40,000 new dwellings within 20 years. The future environmental impact would be enormous.
- According to the Strategy the Metropolitan Urban Areas *“describes the areas of Sydney that are already developed for urban and related purposes or have already been identified for future urban development...as the primary focus for urban development the Metropolitan Urban Area will be managed to provide housing, transport and social infrastructure and will be kept under active review to ensure the city’s growth needs are adequately addressed”* (page 11). The glossary describes the Metropolitan Urban Area as *“the focus of Sydney’s growth over the next 20 years”*. The land identified in the Blue Mountains for this purpose is completely unsuitable on environmental, social and economic grounds. There appears to be no evidence base in the Strategy to justify that the eastern half of the Blue Mountains has the environmental or infrastructure capacity to sustain this level of growth.
- New development built in the eastern half of the Blue Mountains will be void of any environmental consideration because under the new planning legislation and White Paper, it will largely be complying development (10 day tick box privately certified development) which applies to all single dwellings (no given height or size limit) and dual occupancies up to two storeys.
- The complying and code standards applied in the Blue Mountains will be the same as those applied in Penrith as it is in the same subregion. The subregional delivery plan for that subregion will contain all the standards and codes that will apply to Penrith, Hawkesbury and the Blue Mountains. In other words the building standards that have led to the massive mansion-like sprawling estates, with few soft surfaces and no remaining native vegetation, that have sprung up across western, north western and south western Sydney in recent years, will now be imposed across half of the Blue Mountains.

- It is assumed that the eastern half of the Blue Mountains identified for urban release will be zoned the new unified “residential” zone in the new simplified Local Plans proposed in the White Paper. This would then allow almost anything to be developed in this new style of simple, broad and open zone. This in turn would enable at least 80% of development to “comply” with the new simple local plan so it can be carried out without merit assessment and subsequently with no community or neighbour input. This is despite the fact the community has had no real chance to have input into the Metro Strategy, contrary to the Government’s much touted (in its new planning system) community participation at the strategic planning stage.
- In addition to this, even before this Metropolitan Urban Area receives its new simple “residential” zone, any developer can use a ‘strategic compatibility certificate’ (Parts 1 and 4 of the draft Planning Bill) to argue the land is already identified in a regional growth plan as “urban” so any residential development proposal can allow for the direct rezoning over and above any controls in the local plan (or LEP before the local plan comes into place). This can occur as soon as the new legislation is in place in seven month’s time in January 2014, before the Blue Mountains Council has even completed its transfer to a new Standard Instrument LEP under the current planning system.
- The Metro Strategy declares the western half of the Blue Mountains beyond Faulconbridge as “Metropolitan Rural Areas”. These areas are also vulnerable new development growth as they will be “managed and monitored for possible future extension of the Metropolitan Urban Area” (page 27). To describe the upper Blue Mountains villages and towns, surrounded by the World Heritage listed Blue Mountains National Park system, as a rural area is entirely inappropriate. These areas should be identified as environmentally protected and sensitive lands. The word environment, however, appears to have been more or less deleted from every component of the new planning system, including this, the first of the imposed regional growth plans.
- The Blue Mountains has missed out on the application of any policies that might benefit the environment in the higher order NSW Planning Policies as its regional growth plan has been completed before the policies that are meant to guide it have even been written.
- The Blue Mountains economy is highly dependent on conserving its natural and built environment, given it is strongly based on tourism and visitation. People come to the Blue Mountains to see and walk in its national parks, visit its character filled and historic villages and towns and enjoy local food promoted as clean and green. The Metro Strategy, with the emphasis on inappropriate development, is a direct threat to the Blue Mountains tourism “brand” and will have unacceptable negative impacts on its economy.

No community participation contrary to the Government’s own draft Planning legislation requirements

It is extremely concerning that the Metro Strategy, as the first of the Regional Growth Plan under the new planning system does not comply with the Community Participation clauses (Part

2) of the new Planning Bill. The Blue Mountains was not mentioned in the Discussion Paper preceding the Metropolitan Strategy's release as a draft regional growth plan, and no specific community consultation in the Blue Mountains preceded its development.

The NSW Government has in fact failed to comply with its own draft planning legislation. With regard to the Bills community participation clauses (2.1(a) to (g):

- the Blue Mountains community has had no access to information regarding the plan's affect on the Blue Mountains,
- the Blue Mountains community has had no opportunity to participate before decisions were made,
- the Blue Mountains community has not been informed about decisions that affect them,
- the NSW Government (Department of Planning and Infrastructure) has not sought the views of the community with methods that are representative, inclusive, and appropriate to the needs of the community, and
- the decisions to turn vast areas of environmentally protected lands in the Blue Mountains into urban areas has not been done in an open or transparent way with reasons given.

With regard to clauses 2.4 to 2.6 of the draft Planning Bill:

- there has been no community participation plan done before the regional growth plan was completed for exhibition; and
- no notice was given of the ways the community could participate in it.

The Government has failed to comply with every provision of its Planning Bill to carry out community participation up front with the community of the Blue Mountains. During the Metro Strategy public exhibition, there was no notice in the Blue Mountains local papers, no articles in local papers to advertise the Strategy's existence, and no public meetings in the Blue Mountains organised by the Department. How can the Government state that the community had its say in the high level strategic planning covering the Blue Mountains, and thus defend the removal of residents rights to comment on development applications?

BMCS recommendations

In view of the above serious issues BMCS recommends the following:

- The development of the Metro Strategy should be halted and the process re-started. The NSW Government should go through the correct community participation and strategic plan processes, as the Government has publicly committed to do in its own draft planning legislation and White Paper.
- The Blue Mountains should be removed from the Metropolitan Strategy. The Blue Mountains should not be treated as a "high growth" area and placed in a plan applicable to Penrith.
- Instead the Blue Mountains should be part of a regional growth plan with LGAs west of the Blue Mountains. The Blue Mountains should not be treated as an extension of Sydney and Penrith. The eastern escarpment was deliberately protected to provide a definitive boundary to the suburban sprawl of Sydney.

- The only areas placed in Metropolitan Urban Areas should be existing urban areas and those that have already been identified for future urban release/development such as the Growth Centres, Penrith Lakes or further stages of Glenmore Park; or areas that have had a full environmental, economic and social investigation before being considered suitable for release. This is evidence based planning, a key concept emphasised in the White Paper, which the Society cannot see at all demonstrated in the Metro Strategy.
- Criteria for any further release should be far more extensive than “infrastructure availability” and should take into account all social and environmental factors. Release should not be based on a landowner nominating their lands and the fact their land is identified in a higher order strategy, as the reasons for allowing a highly profitable rezoning.
- Any land considered for urban release should have to go through a strict process to justify its release. Clearly land that is zoned environmentally protected, as well as bushfire prone areas, steeply vegetated slopes, watercourses and rocky outcrops for example, should not be considered for urban release.

We hope the Department follows its own requirements and takes all the BMCS concerns and objections into account. The Government cannot say that the Blue Mountains community has truly had informed input into the Metro Strategy. The profound effect this Strategy will have on the Blue Mountains does not deserve the superficial, fast-tracked process it has been given, contrary to the Government’s own draft legislation and White Paper requirements.

Yours sincerely

A handwritten signature in black ink that reads "P. Ridgeway". The signature is written in a cursive, flowing style with a long, sweeping tail on the letter "y".

Peter Ridgeway

President

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