

HUT NEWS

"Nature Conservation Saves for Tomorrow"



This Special Issue of 'Hut News' has been produced in response to the NSW Government's call for submissions on its proposed planning reforms.

MOUNTAIN BLUES- *the implications of proposed 'improvements' to the NSW Planning System*

Just before Christmas, the NSW government released the discussion paper *'Improving the NSW Planning System'*, which aims to 'streamline' the NSW Planning System. **The Blue Mountains Conservation Society believes that it will have a major impact on the Blue Mountains.**

Comments are invited before Friday 8 February 2008. Ring 1300 305 695 for a free copy or download it from www.planning.nsw.gov.au/planning_reforms.

The need for reform?

There is an urgent need to reform the planning system in NSW to stop further destruction of the natural systems on which we all depend for our air, water and food. The NSW government could be leading Australia by making sure that all new development is genuinely ecologically sustainable.

Unfortunately this is not what the NSW government is proposing. Instead, it is concerned with speeding up development approvals, to the detriment of environmental protection—and democracy.

Recent planning reforms have eroded genuine public participation and reduced independent environmental assessment. This started in 1997 with the introduction of 'complying' development and private certifiers, and reached its zenith in 2005 when the Minister gained discretionary power to approve major projects. Any environmental assessment, if it

happens at all, is also discretionary, ad hoc and unstructured.

This series of reforms has largely been promoted by major development industry organisations including the Urban Development Institute of Australia (UDIA), Property Council of Australia and the Urban Taskforce of NSW. The position of these organisations can be found on their websites (for example, on the UDIA website at <http://www.udia-nsw.com.au/html/32783.cfm>). Despite its clear origins, this current discussion paper dresses up the proposals as being for the benefit of 'mums and dads'.

How could this affect the Greater Blue Mountains World Heritage Area?

Most pressure on the Blue Mountains World Heritage Area results from the cumulative impact of many dwellings built on, or close to, the bushland fringe. Impacts include erosion, sedimentation and pollution of streams, swamps and bushland, as well as weed, feral and domestic animal incursion, and increased bushfire risk. Such developments require thorough and independent consideration by local council, not a tick-box style assessment done by a private certifier employed by the developer (see the information about Complying Development overleaf). The proposed changes will mean that no environmental safeguards will be applied to many new residential developments to prevent serious impacts, because:

- no environmental assessments will be undertaken, and
- no consultation with the community or neighbours will occur, nor will input be possible from groups like Bushcare or Landcare.

How could this affect me?

The most direct effect from these changes would occur if a house is to be built next door and is approved by a private certifier as a **complying development**. You will not be notified of the plans prior to the approval being given, therefore you will have no opportunity to suggest minor changes which may assist you and may be quite acceptable to the owner. For example, moving the location of the house a few metres to retain solar access to your living room window.

How could this affect the bush?

If you are a member of the local Bushcare group which has been looking after a creekline reserve, you won't know that the buffer area along the creekline is under threat until the bulldozer has cleared it.



AGENDA 2008 What environmental issues are you passionate about?

REMINDER

Next monthly meeting
this Friday evening

VISITORS WELCOME

TIME & DATE : 7.30pm Friday, 25 January 2008

VENUE : Conservation Hut, Wentworth Falls

SPEAKERS : Management Committee members,
invited guests & audience participation

MEMBERSHIP ENQUIRIES

Membership Secretary 4759 2372
membership@bluemountains.org.au
PO Box 29, Wentworth Falls 2782

WHAT CAN YOU DO?



Please write a letter before the deadline which is Friday 8 February 2008. Below are some suggested points:

NSW Government discussion paper: 'Improving the NSW Planning System'

I call on the NSW government to make real improvements to the planning system by strengthening the *Environmental Planning and Assessment Act 1979* so that all developments will be more ecologically sustainable.

I object to the proposals to allow developments in environmentally sensitive areas to be approved without an environmental assessment.

The Blue Mountains Council area should receive special consideration because of its unique ecosystems, National Parks and World Heritage Area. It should not have to meet the target of 50% of all developments to be covered by the "exempt and complying" development system.

I object to the proposal to bypass local councils for most rezoning and development applications. It is unacceptable that they be assessed and approved by the State Government, private certifiers, unelected panels, or that they be exempt from assessment altogether.

I object to the loss of opportunities for local community participation in the planning and development process and for residents to express their views on development that will impact on their amenity and the local environment.

I object to the lowering of environmental standards in order to comply with state-wide codes. Such standards are crucial in ensuring that the Blue Mountains is planned and developed in ways that consider impacts on the natural environment as well as residential amenity.

Mail to:

**Planning Reforms,
GPO Box 39 Sydney NSW 2001**

Or email to:

planningreform@planning.nsw.gov.au

And if you can, send a copy to your State Member of Parliament:

**Hon Phil Koperberg,
Member for Blue Mountains
107-109 Macquarie Road,
Springwood. 2777**

or

**Hon Karyn Paluzzano,
Member for Penrith
PO Box 4368 Penrith 2751**

COMPLYING DEVELOPMENTS

This is a system to assess development proposals for approval whereby a developer hires a 'private certifier' who assesses whether it complies with the existing planning requirements. It is intended to be a simple 'tick-the-box' system where no environmental or social expertise is required. This system has no provision for any input from the community.

Up until now, in the Blue Mountains this has mainly been limited to dwellings, alterations and swimming pools in built-up areas where there are few environmental or residential concerns. The locations where certain types of developments can currently be processed as complying developments are shown on maps which form part of council's planning documents.

In the past the State government has agreed that 'environmentally sensitive areas' should not come under this complying development approval system. **These 'reforms' propose to allow residential developments in sensitive areas to be included in the system.**

The reforms also propose that this system be extended to cover 50% of all development applications within this council area (together with 'exempt' developments).

Complying developments do not require an independent person with environmental expertise to assess applications. This will completely undermine the safeguards in our local Plans (LEP 2005 and LEP 91) to protect creeklines, slopes and significant vegetation communities.

EXEMPT DEVELOPMENTS

Exempt developments are those small developments that don't need to go through any assessment process. Fences, flagpoles, water tanks, internal house alterations and small sheds have come under this category.

In the Blue Mountains these types of structures are only exempt IF they do not involve clearing native vegetation and are not located near a creek, on steep slopes or other sensitive areas, etc. These reforms would expand the categories of what can be built without approval and **prohibit Councils from disqualifying developments because of location.**

As discussed in the World Heritage Area section on page 1, a large number of small developments on a sensitive National Park edge degrades the buffer bushland and eventually degrades the National Park itself.

There is of course good reason to expand the list to cover internal alterations to all buildings, solar hot water systems on roofs, and water tanks located in existing cleared areas beside buildings.

REZONING PROPOSALS

A 3 tiered system is proposed:

- **The State will take over rezoning responsibilities for areas of regional or State significance.** This could mean that the State government rezones sites such as St Columba's in Springwood and the Queen Victoria hospital site at Wentworth Falls.

There are no guarantees that the State will consider the protection of these environments as more important than development.

It is also unclear what opportunities the community will be given to participate except maybe at the initial concept stage.

- **Where council will be left with the powers to review its local plan,** it will need to lower its environmental standards to comply with a proposed State code. Councils will be prevented from having higher standards to protect sensitive areas such as ours in the Blue Mountains.
- **Minor zoning changes** are proposed to be done behind closed doors as an administrative procedure, without the knowledge or contribution of anyone in the community. This may be OK for some changes, but who decides what is 'minor'?