

Blue Mountains Conservation Society Inc.

Planning and Development Resource Kit



Scenario 8: Subdivision

You have heard that a large undeveloped bushland site in your area is going to become a housing estate or other large development. How can you find out more about this and what can you do about it?

All developments of this kind will require Council involvement and approval, whether it is an 'old' subdivision (subdivided on paper many years ago) or a 'new' subdivision on previously unsubdivided land. A recent example of an 'old' subdivision is the residential development at the end of Hat Hill Rd, Blackheath.

WHAT YOU CAN DO:

STEP 1: Check if there is a Development Application (DA)

You can check if there is a current proposal before Council i.e. a Development Application. To find out how to do this, see the **How to Access a Development Application or Approval** page.

If there is a Development Application, go to Step 2. If there isn't a Development Application, go to Step 3.

STEP 2: Make a submission to the Development Application

If you can find a current Development Application on exhibition, you can make a submission. To find out how to do this, see the **How to Make a Submission to a Development Application** page. There are additional provisions to protect the environment which will assist you argue your case when the development is a subdivision. These are fully explained in the directions on the **How to Make a Submission to a Development Application** page (in Step 3).

We also suggest you read the **Development Control in the Blue Mountains** and **Development Approval in the Blue Mountains** pages to gain an understanding of the planning framework and the process of development approval.

You may also want to discuss this with your neighbours and encourage them to also make a submission.

STEP 3: Watch and Wait

If you can't find a Development Application, it could be that a Development Application hasn't yet been lodged with Council. However, you could still make enquiries at the Council. To find out how to do this, see the **How to Make an Enquiry at the Blue Mountains City Council** page.

Community response to a large development or subdivision

Trying to stop or at least modify a very large environmentally damaging development needs to be a community effort. Traditionally, once the word was out, community groups often spontaneously formed around large development or subdivision proposals in order to write submissions on the proposal, lobby local Councillors (if the Council was the 'consent authority') and perhaps take legal action, as was the case in Parklands, Blackheath (see **Parklands case study**).

However, a recent change to NSW state legislation has meant that determination of certain Development Applications (DAs) is now out of the hands of Councillors. These include developments with a capital investment value of between \$5 million and \$30 million, DAs from the Council or other government agencies, DAs with more than 10 objections from different households, DAs departing by more than 10% from a development standard and DAs associated with a higher risk of corruption.

These stipulated Development Applications will now be referred to a Local Planning Panel (LPP). LPPs comprise 4 members: a Chair appointed by or at least approved of by the Minister for Planning, 2 members chosen by Council from a pool of experts created by the Dpt of Planning, and a community representative chosen from a pool created by the Council. Different ward-based community representatives will be chosen depending on the ward in which the development proposal is located. Councillors, property developers and real estate agents cannot serve on LPPs.

While the community can still lodge submissions and attend and speak at Local Planning Panel meetings, panel members cannot be approached or lobbied. How the new laws will impact on community action against large developments or subdivisions is unclear at this stage.

In the case of proposals for large developments you can contact the Blue Mountains Conservation Society for advice and support, and the Society may also lodge its own submission on the proposed development.

Go to the **Further Action** page for information about campaigning and possible legal action.