

**Blue Mountains Conservation Society Inc.**

## **Planning and Development Resource Kit**



### **Welcome**

Welcome to the Blue Mountains Conservation Society's Planning and Development Resource Kit. Members of the public often approach the Society for advice or help on environment-related matters that they are concerned about in their neighbourhood or in the mountains more broadly. This is a positive sign that Blue Mountains residents care about the environment and want to take action to protect it. We have therefore developed this kit to help residents take appropriate action on environment-related matters and learn more about the legal frameworks and institutions regulating development in the Blue Mountains.

The kit doesn't contain information and advice on common development-related issues such as traffic or amenity. The Society's focus is on preserving the natural environment and opposing activity which will degrade or destroy the Blue Mountains environment. The content of the kit reflects these primary concerns.

The kit provides a guide to what you can do in the kinds of common situations that members of the public regularly approach the Society about for advice and support. Specifically, this kit will help you:

- Identify who to report a pollution event to.
- Find out if development activity such as land clearing is legal or illegal, and who to report illegal works to.
- Find out if a development has been approved near a house you are thinking of buying.
- Find out if development works comply with the conditions of approval and, if not, who to report this to.
- Inspect Development Applications and write submissions.
- Make a general enquiry to the Blue Mountains City Council about environmental damage or development-related activity.
- Take further action if you have followed the advised procedures and processes and are still dissatisfied with the outcome.

### ***Organisation of the Kit***

The kit is divided into 3 sections, each of which contains multiple pages:

- **Scenarios**, which represent common environment-related situations that residents are concerned about and want to find out more about, or take action on but don't know what to do.

- **Information sheets**, which give background information on the legal frameworks, processes and institutions regulating planning, development and compliance in the Blue Mountains. They also cover how to use and access materials on the Blue Mountains City Council's website, how to inspect and write submissions on Development Applications, and other topics.
- **Case studies** of particular development activities which serve to illustrate some of the problems in the planning and regulation system and what people did in those situations.

The pages also contain links to relevant documents, organisations and other sites and resources.

### ***How to use the Kit***

We suggest you start by identifying the 'scenario' (following) that best fits your situation. Click on that scenario and you will be taken to the relevant page.

Alternatively, if you are looking for specific information you can start with the information sheets.

- **Scenarios:**

#### ***Environmental issues***

1. **LAND CLEARING.** You notice that trees have been cleared and the land has been bulldozed, or someone tells you about this. You want to find out what's going on and what you can do about it.
2. **POLLUTION.** You notice a strange smell or dead fish or a lot of sediment or strange coloured water in your local creek or a creek where you were walking. What should you do and who do you contact?
3. **BACKYARD BURNING.** Someone in your neighbourhood is burning off vegetation or other materials. Who should you contact?
4. **RUBBISH DUMPING.** You see rubbish dumped on the side of the road, in a public place or in the National Park. Who do you report it to?

#### ***Building works causing environmental damage***

5. **COMMENCEMENT OF WORKS.** Someone has commenced works (a house, a shed, vegetation clearing) near or on what you believe or know to be a sensitive environmental area: a creek or a swamp, significant vegetation or threatened species. You weren't notified of the proposed development, don't know if it's legal or illegal and are very concerned about the environmental damage the development is causing. How can you find out more and what can you do about it?

6. **NON-COMPLIANT WORKS.** A development that you know about, and perhaps lodged an objection to when it was on exhibition, has begun. But it doesn't comply (or you don't think it complies) with its conditions of approval, particularly in relation to environmental protection measures such as erosion control. Alternatively, it may be a 'complying' development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* that doesn't seem to comply with its Complying Development Certificate. What can you do about it?

#### ***A development proposal***

7. **DEVELOPMENT APPLICATION AND APPROVAL.** You have heard that a Development Application has been lodged for a house, multi-residential development, retirement village or tourist accommodation in an environmentally sensitive area. You may have received a letter from the Blue Mountains City Council, seen a Council or other notice about it in the *Blue Mountains Gazette*, seen it on the web or heard a rumour. How can you find out more about it and lodge an objection on it? And how can you find out if a development has been approved near a house you are thinking of buying?
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?
9. **COUNCIL OR OTHER PUBLIC AUTHORITY DEVELOPMENT.** You have heard about or have seen a Council notice in the *Blue Mountains Gazette* or on the Council's website that works e.g. building a sporting field or bike track are going to take place in an environmentally sensitive area on Council land. How can you find out more about it and what can you do about it?

- **Information sheets:**

**Development Control in the Blue Mountains**

**Development Approval in the Blue Mountains**

**How to View BMCC Interactive Maps**

**How to Collect Evidence**

**How to Access a Development Application or Approval**

**How to Inspect and Make a Submission to a Development Application**

**How to Make an Enquiry at the Blue Mountains City Council**

**Further Action**

- **Case studies :**

**Vegetation clearing**

**Parklands, Blackheath**

**Disclaimer:** While all care has been taken to ensure the contents of the kit are accurate and up to date, there may be some errors. The information and advice offered is only meant as a general guide and is no substitute for legal advice. Information on getting legal advice can be found on the **Further Action** page.

**Acknowledgement:** The Blue Mountains Conservation Society wishes to thank everyone who generously contributed to the development of this Resource Kit.