



Blue Mountains Conservation Society Inc

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Nature Conservation Saves for Tomorrow

Dr Rosemary Dillon
Chief Executive Officer
Blue Mountains City Council
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11 September 2023

By email to: council@bmcc.nsw.gov.au

Re: Support for Amendment 16A to Blue Mountains LEP 2015

The Blue Mountains Conservation Society (the Society) is a community-based volunteer organization with over 900 members. Its mission is to help conserve the natural environment of the Greater Blue Mountains and to increase awareness of the natural environment in general.

The state government's 'one size fits all' Low Rise Housing Diversity Code was introduced in 2018. The Code over-rides local planning controls regarding density, building design and environmental protection controls for Code-compliant medium density housing development in 'R' Residential zones.

Over the past few years, the Society has supported Council's efforts to have the Blue Mountains, as a city in a World Heritage Area, exempted from the operations of the Code. When that failed, the Society supported Council's efforts to mitigate the potential adverse environmental and character impacts of the Code through various proposed amendments, most of which are now in force.

The Society now supports Council in further mitigating the potential adverse impacts of the Code through Amendment 16A to the Blue Mountains LEP 2015. The amendment seeks to stop multi-unit housing or dual occupancy development under the Code from occurring on inappropriately sized lots by standardizing current minimum lot size requirements for dual occupancies and introducing minimum lot size requirements for multi dwelling housing (terraces and manor houses). This will go some way to offset the impact of the Code on the built character of Blue Mountains towns.

However, the Society again wishes to express its concern over the NSW Department of Planning's continued refusal of Council's request to allow an amendment that would require developments under the Code to comply with stormwater management controls in LEP 2015. In a previous submission on Amendment 13A in August 2022, the Society concurred with Council's view that the Code's minimal 'one size fits all' approach to stormwater management is incompatible with the geographic character of the Blue Mountains and its World Heritage values. The Blue Mountains LEP 2015

contains stringent stormwater management controls to protect surrounding properties and the fragile receiving environment of the Blue Mountains World Heritage Area.

We also noted that developments under the Code do not have to comply with Chapter 8 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP). This provision requires developments or activities on land within the Sydney drinking water catchment to meet the 'neutral or beneficial effect on water quality' test and incorporate current recommended practices or performance standards to help achieve this. A large portion of the Blue Mountains LGA on the southern and western sides of the Great Western Highway between Mt Victoria and Wentworth Falls is located in the Sydney drinking water catchment.

As it now stands, we have an anomalous situation where there are two different development standards regarding stormwater management operating in the Blue Mountains, potentially on adjoining properties: complying medium density housing development under the 'one size fits all' Code, which has no meaningful provision for stormwater management, and Council-approved development which is required to comply with LEP 2015's stringent stormwater management standards.

Similarly, we now have the situation where a Code-compliant medium density development located in Sydney's drinking water catchment is exempt from having to meet the 'neutral or beneficial effect on water quality' test while next door could be a development that is required to meet that test.

The lack of adequate stormwater controls for development under the Code is inconsistent with the required protection of the World Heritage Area and Sydney's drinking water. This is unacceptable. The Society therefore supports Council in its ongoing efforts to remedy the situation.

Yours sincerely



Alan Page
Vice President
Blue Mountains Conservation Society