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Nature Conservation Saves for Tomorrow

22 February 2024

To: Department of Planning, Housing and Infrastructure. Lodged online.

Re: Objection to the *Explanation of Intended Effect: Changes to create low and mid-rise housing*

The Blue Mountains Conservation Society (the Society) is a community-based volunteer organisation with over 850 members. Its mission is to help protect, conserve and advocate for the natural environment of the Greater Blue Mountains.

The Society strongly objects to the proposed changes outlined in the Explanation of Intended Effect (EIE or 'proposal') to create low and mid-rise housing.

SUMMARY OF OBJECTIONS:

- ***On planning grounds:***
 - 1 'One size fits all' planning policies are not fit for the Blue Mountains
 - 2 Inadequate affordable housing provision
 - 3 20+ years of local planning by Council and the community overturned
 - 4 Threat to built heritage and town character
 - 5 Lack of public transport
 - 6 Population growth should not be encouraged in the Blue Mountains where there is already a high bushfire risk and an increasing bushfire risk due to climate change

- ***On environmental grounds:***
 - 7 Environmental safeguards overturned
 - 8 World Heritage protection sidelined
 - 9 Threats to Blue Mountains Swamps
 - 10 Threats to Endangered Forests of the Lower Blue Mountains

RECOMMENDATIONS:

1. That the proposal is withdrawn.

2. If the proposal is to proceed, that the draft SEPP to enact the changes be publicly exhibited and the community notified by media releases and Council notification. The exhibition period should be at least 6 weeks to compensate for the lack of consultation held to date.

3. That the Blue Mountains LGA is excluded from the proposed reforms.

DETAIL OF OBJECTIONS:

Objections on planning grounds

Before we address our objections in detail, the Society wishes to express its concern about the lack of transparency in the process of introducing and adopting the proposal. The EIE document was placed on public exhibition on 18 December 2024 without a public announcement or notification to councils. This meant that many people only found out about, and did not engage with, the proposal until after the Christmas and school holiday period i.e. at the end of January. The Society also understands that the Department has no plans to release a draft State Environmental Planning Policy (SEPP) based on the proposal before it is adopted.

This lack of transparency and due process is extraordinary, given the enormity of the proposed reforms and their impact on communities in the 'Six Cities'. It is probably the greatest planning policy reform in over a decade and will change the face of the Blue Mountains and threaten its natural environment and the World Heritage Area. The public deserves better than this.

The Society recommends that the draft SEPP be publicly exhibited for at least 6 weeks with appropriate public notification

1. 'ONE SIZE FITS ALL' PLANNING POLICIES ARE NOT FIT FOR THE BLUE MOUNTAINS

The Blue Mountains is not another suburb of Sydney.

The Blue Mountains LGA has been on the receiving end of waves of 'one size fits all' policies from the Standard Instrument LEP to SEPPs (e.g. the recent Low Rise Housing Diversity Code) and now the current proposed housing reforms.

In myriad discussions with Departmental and Greater Sydney/Cities Commission personnel, and in myriad submissions on proposed government policy and plans, the Society has continually asserted that the Blue Mountains' unique position as a city in a World Heritage Area means that 'one size fits all' planning policies are entirely inappropriate for this Local Government Area.

In 2013, the NSW government proposed targeting the lower Blue Mountains for high levels of urban growth to help absorb Sydney's growing population. The proposal was defeated following a concerted campaign by the Blue Mountains City Council (Council), the Society and the community, where we again asserted that it was inappropriate to target the Blue Mountains for intensive housing development.

When the Standard Instrument LEP was introduced, efforts by Council, the Society and the community to maintain current LEP environmental provisions necessary for the protection of the World Heritage Area resulted in *Blue Mountains LEP 2015* becoming the most locally tailored LEP in the state. Similarly, the Society supported Council's (unsuccessful) recent efforts to amend the *Low Rise Housing Diversity Code* to incorporate BM LEP 2015 controls on stormwater. These controls would have helped mitigate the adverse impact of the Code's minimal stormwater management standards on the local environment and stormwater flowing into the World Heritage Area.

From around 2016 the Society engaged in the then Greater Sydney Commission's process of developing regional and district plans. In submissions and through meetings with our district commissioners, the Society impressed on the Commission the need to regard the Blue Mountains as a unique area because of its location in a World Heritage Area. In the Commission's Greater Sydney Region Plan, *A Metropolis of three cities* (2018), and the *Western City District Plan* (2018) the Blue Mountains is designated as a Metropolitan Rural Area (MRA). The MRA designation recognises the mountains' unique location in a World Heritage Area, its environmental values and the significant constraints on development, including from bushfire risk.

In the NSW Government's current planning framework MRAs are regarded as areas that are unsuitable for urban expansion. Any new housing in these areas is meant to meet the needs of the *local* community only.

The Society therefore thought (wrongly, as it turns out) that the MRA designation would protect the Blue Mountains from any further push by the state government to target it for development intensification. We are extremely disappointed that MRA designation has been ignored in the proposal. We also note with alarm the Urban Taskforce's call on the state government to open up the MRAs on Sydney's fringes to address the housing crisis.

Over this past decade of meetings, community consultations and development of the regional and district plans, the Society felt assured that the Commission, the Department of Planning and the state government had accepted that the unique circumstances of the Blue Mountains LGA, including its significant environmental constraints and World Heritage status, precluded intensive housing development. This acceptance is written into the state government and Greater Sydney/Cities Commission's own planning documents. It is therefore extremely disappointing to the Society that the government has ignored its own previous planning position on the Blue Mountains and that we again must argue the case for its uniqueness.

The Society recommends that the Blue Mountains LGA should be excluded from the proposed reforms.

2. INADEQUATE AFFORDABLE HOUSING

It is questionable whether this proposal will achieve its aim of making more housing available and affordable. We are unaware of any studies in any 'Six Cities' location that demonstrate that this will be achieved. Is there any evidence to refute the scenario in the Blue Mountains that the proposal will result in more empty apartments to add to the significant number of dwellings currently empty? For example, in some streets in Blackheath there are more than 50 per cent of houses vacant all year (except at most 1-2 days). Medium density apartments would be an attractive opportunity for investors wanting an occasional visit to this tourist destination, and to benefit from the tax incentives.

While the EIE suggests, without evidence, that the proposed reforms may help relieve housing affordability pressures, the only mention of 'affordable housing' *per se* in the EIE is in relation to the existing in-fill Affordable Housing bonus provisions of the Housing SEPP. This bonus will continue to apply to development under the proposed mid-rise housing in the station and town centre precincts. What this means is that, if at least 10-15 per cent of the gross floor area of a residential flat building or shop-top housing development is used for affordable housing, the developer benefits from a floor space ratio (FSR) bonus of 20-30 per cent and a height bonus of 20-30 per cent. That translates into more floor space and likely an additional storey.

There is no provision for social housing or affordable housing in the proposal. And the housing intensification proposed in the EIE will likely only lead to development and land speculation without improving housing affordability.

Further, increased costs of insurance and building to bushfire construction standards in bushfire prone areas will decrease housing affordability.

3. 20+ YEARS OF LOCAL PLANNING BY COUNCIL AND THE COMMUNITY OVERTURNED

The Blue Mountains Sustainability Model, established more than 20 years ago, underpins Council's strategic planning and accords with Council's more recent Planetary Health Initiative. Given the Blue Mountains' unique setting in a World Heritage Area, Council is currently working to position the city as a globally recognised hub of innovation and excellence in sustainability and planetary health. Development of Blue Mountains LEPs over that time has similarly been informed by the city's World Heritage setting and the Council's stewardship responsibility. The Blue Mountains' strategic direction and planning framework is about to be undone by the state government's apparent determination to turn the city into a dormitory suburb of Sydney.

The Society and the Blue Mountains community have been extensively involved in developing and supporting Council's strategic direction over these last 20+ years. In introducing the proposed housing reforms and 'non-refusal standards' in a non-transparent way and without due process, the government is extinguishing the community's longstanding involvement in 'having a say' in what gets built where and the future direction of the Blue Mountains.

➤ *Blue Mountains LEP 2015*

The Council, the Society and community worked hard to ensure that the environmental protection measures incorporated into *Blue Mountains LEP 2005* following the declaration of the Greater Blue Mountains World Heritage Area in 2000 were carried over into *Blue Mountains LEP 2015*. These measures are designed to manage stormwater, weeds and other impacts from urban areas that could have a detrimental effect on the surrounding natural environment and World Heritage Area.

The 'non-refusal standards' proposed in the EIE will over-ride all these environmental protections in the areas affected by the proposed reforms. An increase in hard surfaces and reduction in pervious areas in development under the reforms will add to the burden of unmanaged stormwater from development under the *Low Rise Housing Diversity Code*. And we are concerned that stormwater controls in BM LEP 2015 could also be over-ridden by the reforms. This can only increase the adverse impact of development on the quality of water flowing into the World Heritage Area and Sydney's drinking water catchment. We are going backwards in protecting the World Heritage Area and Sydney's drinking water catchment.

➤ *Local Housing Strategy*

The Council's *Local Housing Strategy* (2020) and housing targets to 2026, endorsed by the previous state government, were based on a careful analysis of factors such as demographic data, environmental constraints, bushfire risk, availability and capacity of land, and services and infrastructure. The *Local Housing Strategy* (p.92) states that the linear settlement pattern along the Great Western Highway and rail corridor makes it difficult for Council and other agencies to adequately service community support infrastructure across

the LGA. The *Strategy* notes the limited water supply and local sewer infrastructure in the Blue Mountains.

The 'one size fits all' housing intensification proposal contains no consideration of how the required expanded sewer, water, electricity and stormwater management infrastructure in the precincts and R2 areas outside the precincts is going to be provided in a highly constrained area such as the Blue Mountains. Even if the necessary infrastructure upgrades were possible in the mountains it would be very costly. Will the state government be paying for this?

The housing intensification proposed by the reforms over-rides the Blue Mountains housing strategy and agreed-to 2026 housing targets. Instead, by July 1 the government "will furnish each council with a new set of targets stipulating how many dwellings they are expected to deliver, and over what timeframe" (*SMH 17/2/24 p.6*). The Society cannot help but think that a new, inappropriate housing target for the Blue Mountains will be imposed on the Council by government decree, not through careful analysis by city planners.

➤ ***Town master planning and precinct planning***

The Society has participated extensively in community consultation and development of the Council's town master plans and precinct plans. Some of these, for example the *Katoomba Masterplan*, have been years in the making, and are based on longstanding Blue Mountains planning and sustainability principles, in-house and commissioned studies, detailed analysis and extensive community consultation. The *Katoomba Master Plan* was adopted by Council only last November.

Katoomba is the centre of the Blue Mountains tourist economy and is a tourist drawcard in itself. It is also probably the town most hard hit by the proposed housing reforms, given the extensive 'precinct' footprint and dominance of R1, R2 and R3 zones where the proposed reforms will apply (see case study later). All the planning and community consultation that went into developing the *Katoomba Masterplan*, and all the initiatives directed at town revitalisation and beautification (e.g. the 'Treeline Lurline' project) and improved amenity for locals and visitors, will be sacrificed to wall-to-wall high and medium density housing development unsympathetic to its surrounds.

Apart from the impact on local residents, what tourist wants to walk or drive down Katoomba St or Lurline St, the main road and pedestrian corridor to the iconic Echo Point from Katoomba station and town centre, only to encounter blocks and blocks of box-like high and medium density housing development?

➤ ***Strategic planning***

The Society has also participated extensively in community consultation and development of the Council's strategic plans: The Blue Mountains Local Strategic Planning Statement, *Blue Mountains 2040: Living Sustainably (2020)* and *Sustainable Blue Mountains 2035: Community Strategic Plan (2022)*. Strategic planning in the Blue Mountains is underpinned by the Blue Mountains Sustainability Model and the Council's longstanding planning principles. It is also responsive to the growing threat of global warming, particularly increased bushfire risk, to our community and natural assets.

All this strategic planning for the Blue Mountains assumes a stable or minimally increasing population. And, as a Metropolitan Rural Area, the expectation has been that provision of new housing options is only meant to meet the needs of the Blue Mountains community.

Again, these well-considered plans and the principles and assumptions that underpin them will be undermined by the proposed 'one size fits all' housing reforms.

4. THREAT TO BUILT HERITAGE AND TOWN CHARACTER

Apart from its extraordinary natural beauty and outdoor recreation opportunities, the Blue Mountains is renowned for its built character and quaint villages, and its arts and culture offerings. It is a popular place to visit or take a peaceful break from the city on weekends.

The 'non-refusal standards' proposed in the EIE will over-ride provisions in all Standard Instrument LEPs regarding protection of built heritage, as well as specific provisions in *BM LEP 2015* aimed at preserving town character. This will threaten the built character of the Blue Mountains and undermine its value and attractiveness to residents as well as visitors and tourists. Visitation and tourism are important sectors of the Blue Mountains economy.

➤ *Heritage conservation*

One of the more egregious elements of the proposal is the over-riding of Heritage Conservation Area (HCA) protections (cl 5.10 in Standard Instrument LEPs) in the EIE-defined precincts. The provisions of cl 5.10 prohibit development that affects the heritage significance of the HCA, which is why the HCA protections must be over-ridden if the state government's housing reforms are to be implemented. If a development under the proposed housing reforms meets the 'one size fits all' non-refusal standards, any HCA protections that may apply to the site can be ignored.

Katoomba, for example, has a large Heritage Conservation Area running along the Katoomba St and Lurline St corridor from Katoomba town centre down to the iconic Echo Point. It is an area containing notable character residential areas featuring grand old homes and guest houses on large blocks (*Blue Mountains Local Character Study* and *Blue Mountains Local Character Statement*, Blue Mountains City Council 2020). But it is also an area targeted for high and medium density housing development under the proposed reforms (see case study). The current HCA provisions will no longer protect the area from inappropriate development.

The proposed reforms should not apply in Heritage Conservation Areas or local or state-listed Heritage Items.

➤ *Town character*

In addition to over-riding heritage conservation provisions, the proposed housing reforms will also over-ride provisions in *BM LEP 2015* which maintain the low-density, low-height built character of Blue Mountains villages that we are familiar with.

The EIS proposes:

- *halving* Council's current and proposed Minimum Lot Size for dual occupancies all over the Blue Mountains
- *doubling* Council's current maximum building height allowed in the precincts, more if at least 10-15% of the gross floor area of the building is used for affordable housing
- *doubling* Council's Floor Space Ratios on sites in the precinct
- *significantly reducing* vegetated areas in developments in the precinct
- *reducing* the number of parking spaces required for housing built to the 'non-refusal' standards

Combining the heritage, character, amenity and visitor economy-killing impacts of the proposal and the over-riding of local development standards, Katoomba in particular could be turned into an unsustainable, unsightly, tightly-packed, unvegetated, McMansion-style housing estate with streets clogged with parked cars; or worse, a high-rise housing area normally found around railway stations in Sydney.

5. LACK OF PUBLIC TRANSPORT

The rationale stated in the EIE pp10-11 for this infill development is that new housing is built in locations “well-serviced by infrastructure”, and that this will:

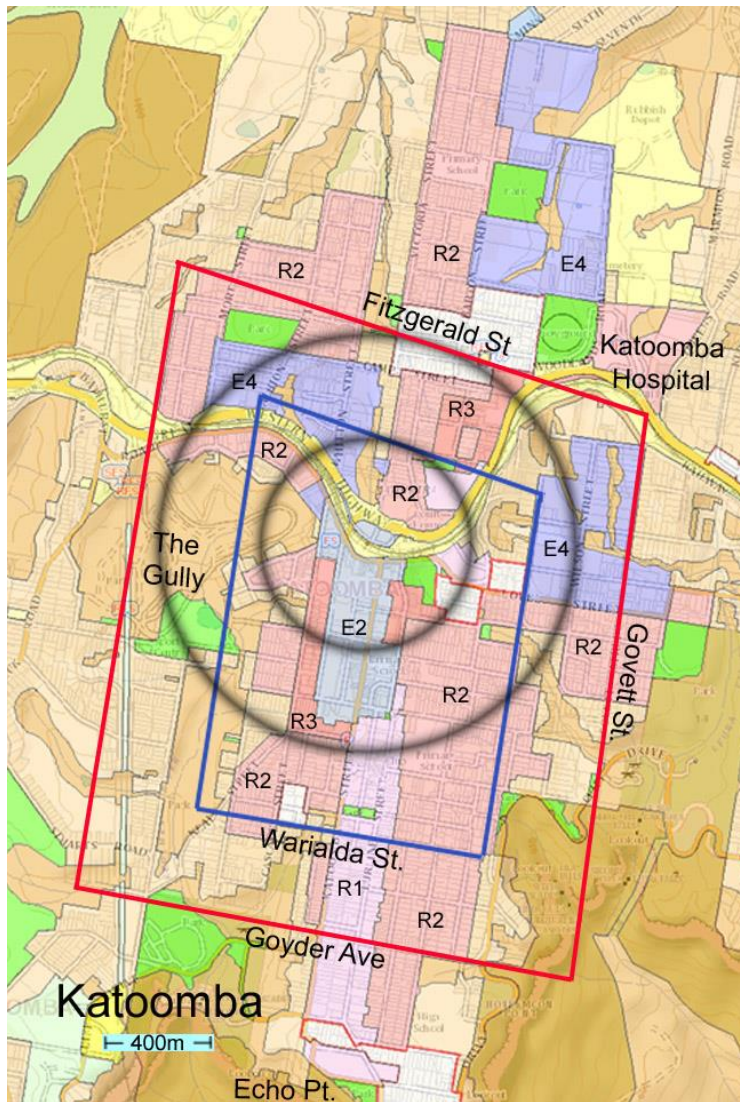
- *Use our existing public transport networks, and*
- *Minimise road congestion*

The concept of higher density residential buildings around railway stations may appear a sensible idea if there is a regular public transport service (as outlined on pp11-12). The Sydney-centric view of “well-serviced” locations also assumes that people living in these locations will not need cars and therefore road congestion will be minimised.

This rationale doesn’t hold in the case of the Blue Mountains. The existence of a railway station doesn’t necessarily mean that an effective public transport network exists. The Blue Mountains is not “well-serviced” by transport infrastructure and is very car-dependent. The proposal does not recognise that some places in Greater Sydney are not part of the Sydney suburban rail network – the Blue Mountains is serviced by the *intercity* rail network. This means infrequent trains outside peak hours. For most of the day, the frequency of trains is one per hour eastbound from or westbound to Katoomba. Beyond Katoomba (i.e. Medlow Bath, Blackheath, Mt Victoria) there is a 2-hour gap between trains in the middle of the day, with a bus service instead.

Take the example of Mt Victoria. Under this proposal, medium density/multi storey residential buildings could be built near the Mt Victoria railway station. This would place many people in a location which has few shops, services or employment opportunities, and DOES NOT have regular public transport. As noted above, for a substantial part of the day there is no effective rail service to the nearest small town of Blackheath (6 rail kms away) or to Katoomba with a wider range of services (16 rail kms away). Bus services don’t fill in the gaps left by the train but primarily service school routes. This means that new residents to Mt Victoria will need to own a car to function, creating on-street parking issues in this very small town (given the reduction in car parking spaces required in these new developments), more road congestion, more highway accidents and increased emissions. This is only one example of many towns where the aims stated (EIE pp10-11) cannot be achieved.

CASE STUDY: KATOOMBA



Map of the Katoomba town centre and surrounds showing the 'super-precinct' (within the red box and outer black circle), as defined in the EIE. The concentric black circles represent approximately 400m and 800m from the railway station. The blue and red boxes represent approximately 400m and 800m from the outside boundary of the E2 Commercial Centre zone.

This is an enormous 'super-precinct' footprint reaching almost all the way to Echo Point, where the proposed changes will apply in the E2, R1, R2 and R3 zones.

Outside the 'precinct' the proposed development intensification of dual occupancies in the R2 zone will apply all the way to Echo Point.

This means almost *all* of Katoomba is impacted by the proposed housing reforms.

The proposed reforms would permit 6-storey modern apartment buildings or shop-top housing within 400m of the railway station, and in the E2 Commercial Centre and for 400m beyond that (demarcated by blue box), as well as in the R1 and R3 zones inside the blue box. 4-5 storey residences would also be permitted in the R1 and R3 zones between 400-800m from the railway station or E2 zone boundary i.e. the area between the blue and red boxes.

In the R1-zoned Katoomba St and Lurline St corridor from the Katoomba town centre to Echo Point, which is used by visitors in cars and buses or pedestrians from the railway station, 6-storey housing development would be permitted inside the blue box and 4-storey residential development would be permitted in the area between the blue and red boxes.

In the Katoomba town centre we could also have the absurd situation where a listed Heritage Item (e.g. one of the many 2-storey heritage buildings in upper Katoomba St, for instance), could be straddled by 6-storey modern apartment blocks totally out of keeping with surrounding heritage buildings and the town character.

There is no orderly and rational land and infrastructure development evident in the proposal. Worse, it overturns more than 20 years of careful planning for the Blue Mountains LGA based on the Blue Mountains Sustainability Model, the need to protect the World Heritage Area, limit growth because of environmental constraints and increasing bushfire risk, and preserve the mountains' built heritage and town character.

All the time and effort (and financial resources) invested in developing these local plans, by Council and community volunteers in organisations such as the Society, will be overturned if the proposed reforms are implemented. This undermines the community's goodwill and confidence in the state's planning system, particularly when such changes are introduced without a transparent consultation process.

The Society therefore recommends that the state government withdraws the proposal.

6. POPULATION GROWTH SHOULD NOT BE ENCOURAGED IN THE BLUE MOUNTAINS WHERE THERE IS ALREADY A HIGH BUSHFIRE RISK AND AN INCREASING BUSHFIRE RISK DUE TO CLIMATE CHANGE

No-one living in the Blue Mountains can forget the catastrophic 'black summer' bushfires of 2019-2020. Eighty per cent of the Greater Blue Mountains World Heritage Area (GBMWA) was burnt, homes were lost and most of the villages in the upper and mid-Blue Mountains were under threat at various times.

Because it is surrounded by bushland, the Blue Mountains LGA is already a high bushfire risk area. Critically, some residential areas on the outskirts of towns where the reforms would apply are classified as 'bush fire prone land' and are subject to the NSW Rural Fire Service's *Planning for Bushfire Protection 2019*. Outside these mapped areas, houses are exposed to ember attack. Although any development under the proposed housing reforms will still have to meet current bushfire planning controls and regulations, the proposal ignores the danger of putting more housing in high bushfire risk areas, especially as the Blue Mountains LGA faces increasing bushfire frequency and intensity due to climate change.

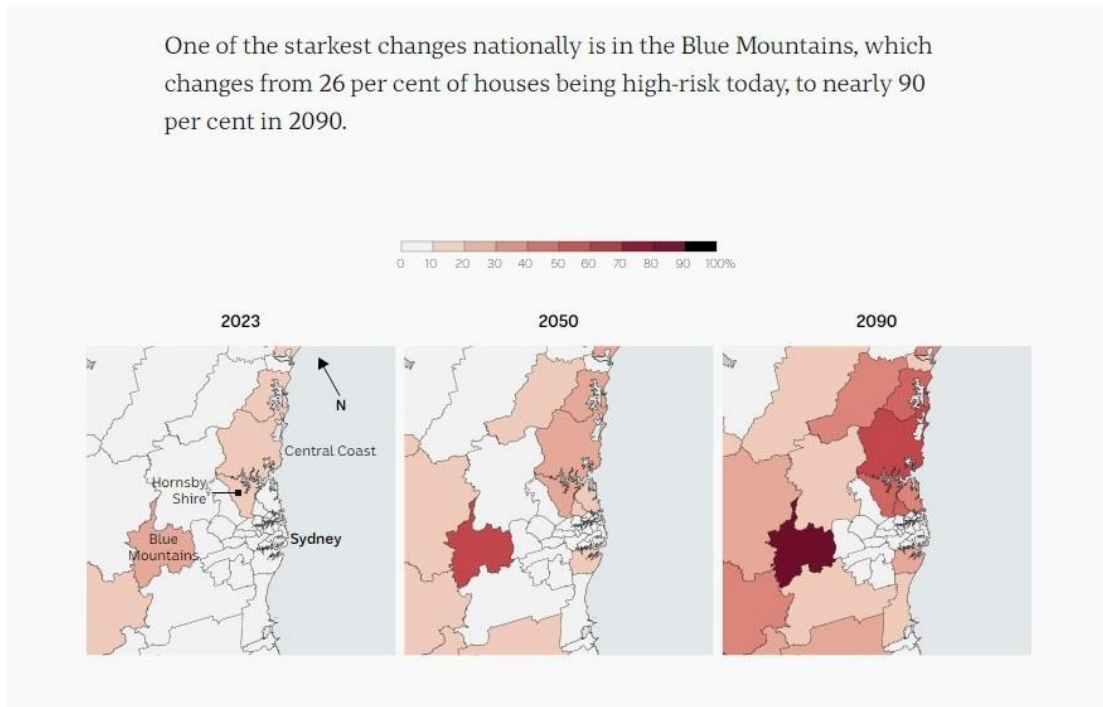
Many railway stations and towns have bushland reserves, national parks, or private bushland (C2 zone) within the 800m precinct designated for higher density residential buildings. For example, around the Springwood local centre (area zoned E2) a huge number of residential buildings will be permitted, all within a short distance of the Fairy Dell Reserve. This potentially puts large numbers of residents at risk.

The proposal also disregards the fact that the Great Western Highway is the only evacuation route out of the Blue Mountains. It must also be recognised that the railway line is an impenetrable barrier that funnels all traffic from residential areas into the limited number of highway access points.

Even now, accidents close the highway on a regular basis. In a bushfire emergency situation, with more traffic on the highway due to the higher population, and the need to evacuate large numbers of people, the risk to lives could be catastrophic. As an example, in the terrible 2013 Springwood-Winmalee bushfire the area became paralysed with traffic. Emergency services vehicles such as fire trucks couldn't get along the Great Western Highway.

The risks associated with already living in a highly bushfire prone area are only going to increase with climate change. According to recent research conducted by Finity Consulting,

the Blue Mountains also faces a dramatic increase in the *number of homes* exposed to high bushfire risk due to climate change. Today it is 26 per cent; by 2090 it will be 90 per cent.



Source: <https://www.abc.net.au/news/2023-10-23/house-bushfire-resilience-star-rating-app-launched-prepare/102914534>

It is irresponsible for the state government to encourage a rapid population increase in the Blue Mountains and put more people in harm's way in an attempt to solve Sydney's housing crisis.

Objections on environmental grounds

The urban areas of the Blue Mountains are located on ridgetops and surrounded by steep slopes down into the valleys of the Blue Mountains National Park (BMNP). The Blue Mountains National Park forms part of the GBMWhA. Railway stations and town centres are all located at or near the headwaters of creeks flowing into the GBMWhA.

Everything that happens on this narrow ridge affects the national park below. In addition, the close proximity of town centres to escarpments and bushland have necessitated the need for environmental controls even in the most highly developed central areas.

7. ENVIRONMENTAL SAFEGUARDS OVERTURNED

In many areas, these proposed reforms will override local planning controls designed to safeguard the environment, affecting the immediate local environment and its biodiversity (as well as further downstream/slope into the GBMWhA).

It is not accurate to make a blanket claim that infill development will "protect important habitat and biodiversity from an encroaching urban fringe" as is stated in the *Explanation of Intended Effect* document (*EIE* pp.10-11). Whilst this may assist in reducing the need for

greenfield housing development on urban fringes, the impact in established urban areas will be loss of bushland and biodiversity. This is particularly the case in the Blue Mountains LGA. There is a need for analysis and planning place by place.

In many situations in the Blue Mountains it will lead to:

- loss of native vegetation
- loss of faunal habitat
- reduction in the quality of water that enters creeks
- increase in the volume and velocity of water entering watercourses
- loss of protective buffers around watercourses
- soil erosion as buildings can be permitted on steeper slopes
- loss of protective buffers around significant vegetation communities

➤ ***Loss of bushland***

The proposed reforms expand the footprint of development which will lead to **loss of bushland** for the buildings, and more clearing for fire protection (Asset Protection Zones). Bushland even in urban areas has become increasingly important habitat for wildlife, particularly during and after bushfires.

Reduced lot sizes to 450 sq m for dual occupancy will mean more environmental damage due to:

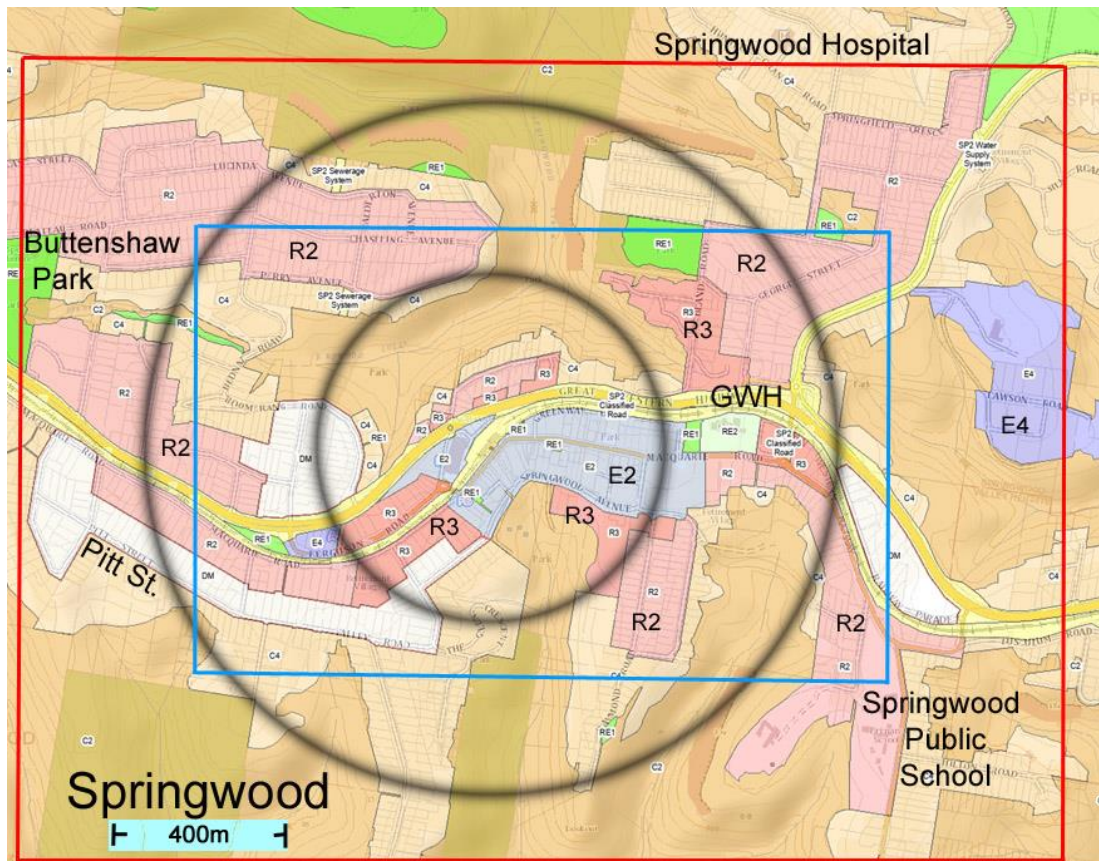
- inadequate space for stormwater control structures;
- more clearing of bushland required for more Asset Protection Zones;
- less pervious areas left for groundwater recharge.

There will be very limited options for Council to ensure any environmental protections following its environmental assessments due to the “non-refusal standards”. As for the community, it will be another case of effectively having ‘no say’.

The **Landscaping provisions** in Appendices B & C of the EIE are totally inappropriate for a city surrounded by a World Heritage Area. Planting a few isolated exotic trees is not going to compensate for loss of bushland. There are no requirements to ensure invasive species are not planted, and there is no consideration of retaining wildlife corridors. There are several bird migration paths that cross over the urban ridgeline intersecting the Blue Mountains National Park and these birds rely on native canopy in urban areas to make their flights. One example is the annual movement of honeyeaters in the Blue Mountains including species such as Yellow-faced Honeyeater and White-naped Honeyeater. These species depend on the corridors of flowering eucalypts provided by remnant urban bushland.

➤ ***Significant vegetation, creeks, steep slopes***

Springwood is one of the local town centres zoned E2 in close proximity to two Endangered Ecological Communities, the Blue Mountains Shale Cap Forest and the Turpentine Ironbark Forest (see objection #9 below). The town lies close to significant vegetation communities (as listed in the BMLEP 2015), creeks and steep slopes. None of these will be protected when the 6 and 4 storey residential buildings go ahead in the precinct around the town.



Blue Mountains Heath and Scrub is a Scheduled Vegetation Community in the upper Blue Mountains and hence protected under the BM Local Environment Plan. This occurs within the 800m 'precinct' of the following railway stations:

- Hazelbrook
- Wentworth Falls
- Mt Victoria

Whilst there is no mapped Blue Mountains Heath and Scrub in the zones where the proposed building can occur, it is possible that adjacent works in nearby Residential zones could impact them indirectly, i.e. by loss of protective buffers.

The infrastructure required will inevitably cause additional damage by reducing protective buffers, e.g. connecting services to sewer lines and pumping stations (SPS) often requires excavation through swamps, swamp buffers and creekline buffers.

➤ **Watercourses**

The headwaters of creeks within town or railway precincts need the protections required by the Blue Mountains LEP to be healthy waterways for the biodiversity they support locally, and for the World Heritage Area and Sydney's Water Catchment into which they run.

As "non-refusal standards" will ensure buildings are allowed to proceed which may otherwise have been rejected on environmental grounds, it will inevitably lead to damage to creeklines by erosion and pollutants affecting water quality and aquatic life.

For example, Lawson Creek is extremely close to the centre of the Lawson township and railway. Higher density and more residential buildings in either E1 or R2 zones would require

substantial stormwater control structures, for which there is unlikely to be adequate space, before reaching the headwaters only a few hundred metres downslope.

There are R2 residential areas south of Warrimoo station within the defined precinct for intense development, just 100m from a tributary of Glenbrook Creek. Environmental impacts are inevitable.

The R2 residential area in the Murri/ Warriga Street vicinity of Katoomba is in the precinct for intense residential development and less than 200m from the headwaters of the Kedumba River. Any additional housing on the steep slopes down to the creek, will inevitably result in the negative impacts listed above.

8. WORLD HERITAGE AREA PROTECTION

As the urban areas of the Blue Mountains are located on ridgetops and surrounded by steep slopes down into the valleys of the Greater Blue Mountains World Heritage Area (GBMWA) the quality and quantity of stormwater is a major issue.

The existing infrastructure for stormwater is seriously inadequate for the current level of development. Most stormwater enters the GBMWA at high speed, carrying sediment, pollutants and weeds far down into the system. Because of the water's velocity, it also causes more erosion when it enters a stream and for some considerable distance along the channel.

Multi-unit residential buildings and smaller lot sizes add to the hard surfaces and will increase the volume and speed of water entering the stormwater system. The precincts are mostly already highly developed and so it is difficult to find space for stormwater control structures below the developments and before it enters the steeply sloping bushland e.g. around South Katoomba. Where there is space, this will eventuate in the destruction of more bushland to build retention basins and pollution traps; and will mostly need to occur in bushland reserves such as Fairy Dell Reserve located near the Springwood town centre.

A substantial area of R2 zoned land is within the Springwood town precinct, both to the east, north and south of the town centre. Some of the land eligible for higher density development along Macquarie Rd, Raymond Rd and Scott St is within 100 m of Magdala Creek which flows south into the World Heritage Area and into Glenbrook Creek, a significant tributary of the Nepean/Hawkesbury River. Again, there are unlikely to be suitable sites to construct protective stormwater devices without building on steep slopes or in an EEC (Blue Mountains Shale Cap Forest or Blue Gum Riverflat Forests).

9. THREATS TO BLUE MOUNTAINS SWAMPS

The additional development permitted will increase the area of hard surfaces that enable direct surface runoff and therefore less water infiltrating through soil and rocks to recharge aquifers that provide groundwater to our swamps. The importance and vulnerability of Blue Mountains Swamps has been recognised by their listing as threatened in both federal and state legislation, and hence the need to provide for their protection.

Currently under the Blue Mountains planning guidelines (BM Development Control Plan 2015 – DCP) at least 40 per cent of a lot must remain pervious i.e. 40 per cent of the lot free of hard surfaces in low density residential zones (R2) and medium density zones (R3). This can be ignored if it gets in the way of building any of the multi-unit residences outlined (ref 'non-refusable' standards on p28 or appendix A of EIE)

Smaller lots, now permitted in low density residential zones, mean that fewer pervious areas remain. The problem will be exacerbated by the new SEPP or whatever forms these changes take.

Swamps can also be damaged by excavating even narrow trenches for services such as sewer connections, by altering groundwater flows. Even if council will have a role in assessing the locations of these services for most of the proposed medium/low density developments proposed, it will have a very limited role in achieving changes and certainly no voice to refuse.

Damage to swamps will no longer be a reason to reject one of these high density residential developments.

In addition to the swamps being threatened they provide the habitat on which two threatened species depend: the Giant Dragonfly (*Petalura gigantea*) and Blue Mountains Water Skink (*Eulamprus leuraensis*).

From Linden to Mt Victoria swamps are found and can be impacted from any development further upstream/upslope.

The following towns have swamps or their protective buffers located within 800 m of the railway station, where the proposed intense development may be possible:

Hazelbrook
Lawson
Wentworth Falls
Katoomba
Mt Victoria

10. THREATS TO ENDANGERED FORESTS OF THE LOWER BLUE MOUNTAINS

The NSW listed endangered ecological communities (EEC) in the mid and lower mountains are:

- Shale-Sandstone Transition Forest
- Sydney Turpentine Ironbark Forest
- Blue Gum Riverflat Forest on Coastal Plains
- Blue Mountains Shale Cap Forest
- Sun Valley Cabbage Gum Forest

There are many listed locations of endangered Forests of the lower Blue Mountains within the 800m precinct boundary of town centres or railway stations, likely to suffer indirect impacts. This will mostly be due to loss of protective buffers, changes to hydrology, in the name of “asset protection” or for the provision of infrastructure.

An example in Springwood where there will be strong indirect (and even direct) impact of increased development on Blue Mountains Shale Cap Forest is along a stretch of R2 zoned residential land from 60 – 70 Macquarie Road. Each of these properties, that occur within 160 and 240 metres of the town centre, include stands of this significant forest.

Another Springwood example of where the endangered Blue Mountains Shale Cap Forest extends onto private residential land is in the vicinity of Frazer Rd/Moore Rd / Baxter Ave (18 – 26 Moore Rd and 10 – 12 Baxter). As these are located approximately 700m from the

town E2 zone boundary, it would be permitted to destroy this directly to enable medium density housing.

The proposals will mean that there will be little opportunity for assessment and mitigation of likely impacts.

All in all, the Society believes this is a very ill-considered 'one size fits all' proposal to address Sydney's housing crisis and hopes the government will withdraw it. However, if the proposal proceeds, the Society calls for the draft SEPP to enact the changes to be publicly exhibited and the community notified by media releases and Council notification. Further, that this exhibition period be at least six weeks to compensate for the lack of consultation held to date. Finally, for all the reasons outlined in this submission, the Blue Mountains should be excluded from the implementation of the proposal.

Yours sincerely



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