



Blue Mountains Conservation Society Inc

ABN 38 686 119 087

PO Box 29 Wentworth Falls NSW 2782

Phone: (02) 4757 1872

E-Mail: bmcs@bluemountains.org.au Web Site: www.bluemountains.org.au

Nature Conservation Saves for Tomorrow

Director, Codes and Approvals Pathways
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

8 December 2016

Re: Draft Medium Density Guide and Explanation of Intended Effects for the new Medium Density Development Code

The Blue Mountains Conservation Society is a community based volunteer organisation with over 850 members. The goal of the Society is to promote the conservation of the environment in the Greater Blue Mountains region. The Society would like to make a submission in relation to the Draft Medium Density Guide and Explanation of Intended Effects for the new Medium Density Development Code.

It should be noted that the Blue Mountains community has just completed a long and hard fought process to update its Local Environmental Plans (LEP) to comply with the Standard LEP template. The resulting finalised Blue Mountains LEP contains significant provisions to conserve and protect the internationally recognised Greater Blue Mountains World Heritage Area and our unique heritage built environment, both of which are so essential to the local tourism and visitation economy. On finalisation of the LEP, the NSW Government issued a press release which "recognised the unique position the Blue Mountains holds in NSW" before acknowledging:

The Blue Mountains community is rightly proud of its historic towns and villages, its local environment, all living amidst a world-heritage listed National Park....This plan provides direction for the future of the area while protecting the historic atmosphere and environment that local people love.

The Society is disappointed that the proposed changes to the Exempt and Complying Development Codes SEPP as outlined in the previously exhibited Discussion Paper will be going ahead, even with slight amendments. In the Society's submission to the Discussion Paper we expressed our concerns that the changes will significantly undermine the protections contained in the Blue Mountains LEP 2015 aimed at protecting our built heritage and the Greater Blue Mountains World Heritage Area. The proposed changes to the Codes SEPP would allow blanket increases in residential densities across the Blue Mountains without adequate regard for proximity to transport or services, infrastructure capacity, or the heritage, character or constraints of area. Indeed, one of the major risks to the World Heritage Area identified in the *Greater Blue*

Mountains World Area Strategic Plan (NSW Department of Environment and Climate Change and Department of the Environment, Water, Heritage and the Arts, 2009) is increasing urbanisation in the adjacent areas i.e. in the City of Blue Mountains. The Society also believes that the changes fundamentally proposed undermine local strategic planning processes such as the development of LEP 2015. Why should communities invest time and effort in strategic planning processes, including consultations, when the outcomes can just be overridden by the State Government?

The Society understands Blue Mountains City Council is currently working toward preparing a Local Housing Strategy (LHS), and a resulting consultation process with the community. This is consistent with the recent NSW Government's requirement that local councils determine how to meet the housing needs of their communities, including identifying areas for increased densities. We understand that the NSW Government, as part of the wider planning for Greater Sydney, will place new housing projections or targets on councils – the Society believes that if this is the case it is then up to communities and councils to work together to determine where new housing development will occur, including medium density.

We appreciate that the Department of Planning and Environment has made some adjustments to the proposed changes in the Exempt and Complying SEPP in response to the submissions to the Discussion Paper, but these changes do not allay our concerns. **We are still adamantly opposed to the introduction of the proposed changes to the Codes SEPP because of the impact it will have in the Blue Mountains LGA.** We outline our concerns about the Draft Medium Density Guide and Explanation of Intended Effects below.

Permissibility:

The Society is pleased that it seems that the proposed changes to the Codes SEPP, allowing medium density housing as complying development, will now only be permissible in zones where multi-dwelling housing is allowed i.e. The R1 General Residential and R3 Medium Density Residential zones. This means that there will be no multi-dwelling housing as complying development allowed in the R2 Low Density Residential zone, apart from the currently permissible dual occupancies. If this is the correct interpretation of the amendments, this is a welcome advance on the position in the Discussion Paper.

However, the Society still objects to dual occupancies in R2 and multi-dwelling housing in R1 and R3 as complying development, given the special circumstances of the Blue Mountains LGA as a city in a national park and World Heritage Area. As such, the Blue Mountains should not be regarded as another suburb of Sydney ripe for intensified housing development based on 'one size fits all' development standards and design.

Type of medium density housing permissible as complying development:

While the Society is pleased to see a reduction of the types of medium density housing that will be allowed as complying development, the development and design standards for these will create unacceptable streetscapes in the Blue Mountains. Our

understanding is that each dwelling in a complying medium density housing development or dual occupancy will be required to have street frontages and access. This will likely create a solid wall of attached or semi-detached buildings and garages along the street frontage in R1, R2 and R3 areas. Complying development provides a cheaper development pathway, and therefore will become the predominant form of dual occupancy and multi-housing development.

The 'one size fits all' development and design standards in the Guide and Explanation of Intended Effects will produce streetscapes dominated by house and garage frontages. This is totally inappropriate to the built character and heritage villages of the Blue Mountains. The proposed design and development standards over-ride the provisions of the Blue Mountains LEP and DCP 2015, contrary to statements made in the Guide and Explanation of Intended Effects.

Minimum Lot Sizes

The Society is pleased to see that the amended proposed changes to the Codes SEPP now state that the MLS for dual occupancy must not be less than that in the LEP, so that the proposed Codes in this regard will be consistent with the LEP. However, the Blue Mountains City Council has raised concerns about MLS relating to multi-dwelling housing (including terraces and manor homes) which the Society also shares. **Again, the Society is adamantly opposed to the type of intensive residential development in the Blue Mountains that the proposed changes to the Codes SEPP intend to create.**

Inconsistency of proposed changes to Codes SEPP with West District Plan and Metropolitan Rural Area (Blue Mountains).

On 21st November, the Greater Sydney Commission released the draft District Plans. The Code SEPP approach does not relate to the Metro and District planning now under way, nor to the role of the Greater Sydney Commission.

In the Metro Plan (A Plan for Growing Sydney) and West District Plan, the whole of the Blue Mountains LGA is classified as a 'Metropolitan Rural Area': a non-urban area at the periphery of Greater Sydney. On p.129 of the West District Plan is **Sustainability Priority 6: Discourage urban development in the Metropolitan Rural Area**. While this mainly pertains to discouraging turning rural land into urban residential development, we believe that the Blue Mountains LGA, as a Metropolitan Rural Area, should also be considered in the same terms. The priority description goes on to say that "In general, urban development in the Metropolitan Rural Area will not be supported unless the relevant planning authority has undertaken strategic planning in accordance with Sustainability Priorities 7 and 8"

Sustainability Priorities 7 and 8 pertain to 'design-led planning' that takes into account the special features of the Metropolitan Rural Areas and which should consider how to "provide greater certainty with regards to built form outcomes in and around villages" and "articulate the different landscape and heritage values and character of rural areas, with different planning and development controls" amongst other things (p.130). 'Design-led planning', defined in this way, was precisely the basis of the development of Blue

Mountains LEP and DCP 2015. **The 'one-size-fits all' approach of the proposed changes to the Codes SEPP is inconsistent with planning at a local and District/Metro Plan level.**

For all the above reasons, the Society continues to be totally opposed to the proposed changes to the Exempt and Complying Codes SEPP as outlined in the Draft Medium Density Guide and Explanation of Intended Effects, and asks the Department not to proceed with the changes proposed. **However, if the Department proceeds with these changes, we request that the Blue Mountains LGA be exempted from the Medium Density Housing Code.**

Yours sincerely

A handwritten signature in cursive script that reads "T. Cameron".

Tara Cameron
Senior Vice President
Blue Mountains Conservation Society
mobile 0419 824 974 or email taracameron4@gmail.com