



31 January 2018

Office of the Acting General Manager

Reference File: F04497 – 18/22937

Director, Planning Frameworks
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

**SUBJECT Draft SEPP (Environment) – Blue Mountains City Council
submission**

Based on the information provided within the Explanation of Intended Effect, the proposed Environment SEPP and associated changes to other legislation will maintain existing environmental controls for development in the Sydney drinking water catchment and the Hawkesbury-Nepean catchment. Consolidation of the applicable SEPPs should make for a simplified and easier to use planning framework. The associated changes to SEPP (Seniors) will increase the opportunity for seniors housing in the upper mountains while maintaining appropriate environmental controls.

Changes to SEPP Seniors

Existing provisions in SEPP (Seniors) limit the locations within which the development of housing for seniors and people with a disability can occur. One of these limitations is that development cannot be approved under that SEPP if it is on 'environmentally sensitive land'. Environmentally sensitive land is specified in Schedule 1 of the SEPP, and includes land in a 'water catchment'.

In the context of the Blue Mountains LGA, the majority of land to the west and south of the Great Western Highway from Mount Victoria to Wentworth Falls is located within the Sydney Drinking Water Catchment. Therefore, all of this land (much of it close to town centres) is currently prohibited from being developed for seniors housing or housing for people with a disability.

The proposal to remove the term 'water catchment' from Schedule 1 of SEPP (Seniors), with proposed safeguards to maintain water quality, is supported. The change will allow development applications for seniors housing and housing for people with a disability to be assessed under the SEPP if located on land zoned primarily for urban purposes and in a water catchment, including a drinking water catchment.

This is positive, and responds to the representations made by the Council to Water NSW on this issue. Importantly, the proposed changes retain the need for any development (including development for housing for seniors of people with a disability) in the drinking water catchment, to undergo the same referral, concurrence

and assessment requirements in other Environmental Planning Instruments and legislation. This includes the application of the Neutral of Beneficial Effect on Water Quality (NorBE) tool in relation to the Sydney drinking water catchment.

This amendment will make clear that the development of seniors housing and housing for people with a disability under SEPP (Seniors) is possible on land zoned primarily for urban purposes and within the drinking water catchment, but ensures environmental assessment of these developments is not compromised. This change has the potential to increase the opportunity for seniors housing development in these areas.

The proposal to not allow the Site Compatibility Certificate process to be used on land adjoining land zoned for urban purposes and identified as a water catchment is also supported. This is an important safeguard for catchment health.

Repeal of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 and Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean River (SREP 20)

The proposed replacement and repeal of SEPP (Sydney Drinking Water Catchment) and SREP 20 is supported on the basis that no significant change to the protections for the Sydney drinking water catchment and the Hawkesbury-Nepean catchment are proposed.

Reform of NorBE tool

Changes to the NorBE tools are raised as possible in the Explanation of Intended Effect. Blue Mountains LEP 2015 has specific and detailed clauses (Clause 6.9) requiring that development has no adverse impact on water quality and quantity leaving a site. This applies to the whole LGA. If the NorBE tool can be reformed to include a similarly comprehensive approach (i.e. to quantity and quality), use of the tool could be extended to the whole of the Blue Mountains LGA, rather than just the drinking water catchment. This would provide a standard benchmark for all stormwater assessment.

Thresholds could be introduced to ensure developments that have no implications for stormwater outcomes are exempt from using the tool. For example, where no works are to occur and a change of use is proposed. No such thresholds are currently used and instead a 'catch all' approach is applied.

Proposed changes to other planning legislation

Along with the changes proposed in relation to SEPP (Seniors) there are changes being proposed associated with the preparation of Planning Proposals and the insertion of clauses related to acid sulphate soils and flood planning into non-Standard LEPs. These proposed changes are not considered to be significant, although the introduction of these 'new' clauses should be accompanied by the deletion of equivalent clauses in order to reduce confusion in the operation of these non-Standard LEPs.

Please note the explanatory material incorrectly identifies LEP 1995 for the Blue Mountains. Two non-Standard LEPs are in force in the Blue Mountains: LEP 2005 and LEP 1991.

Should you have any questions or require clarification on any of the points made in this submission, the appropriate contact is Will Langevad, Director Development & Customer Services on 02 4780 5000.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'R Dillon', with a horizontal line extending to the right.

ROSEMARY DILLON

General Manager

