

SSD-86456706 STATE SIGNIFICANT DEVELOPMENT APPLICATION
Proposed Residential Flat Buildings and Mixed-Use Development
142–150 Narrow Neck Road, Katoomba NSW

SUBMISSION OBJECTION

To the Department of Planning, Housing and Infrastructure,

I formally object to the above State Significant Development application and associated rezoning proposal.

This submission is made pursuant to the exhibition process under the Environmental Planning and Assessment Act 1979 (EP&A Act), and addresses the mandatory considerations under Section 4.15.

1. Failure to Satisfy Section 4.15 – Mandatory Considerations

Under Section 4.15(1) of the EP&A Act, the consent authority must consider environmental planning instruments, impacts, site suitability, and the public interest.

The proposal fails to satisfy these mandatory considerations:

(a) Environmental Planning Instruments

The proposal is inconsistent with the Blue Mountains Local Environmental Plan 2015 (LEP), particularly in relation to:

- Exceeding building height restrictions and floor space ratio
- Departure from the intended low-density character
- Failure to achieve zone objectives relating to environmental protection and compatibility

The reliance on a concurrent rezoning does not negate the requirement to demonstrate strategic and site-specific merit, which has not been established.

(b) Impacts of the Development

Bushfire Risk (Life Safety)

The site is bushfire-prone and subject to a Bushfire Attack Level (BAL-29). Recent bushfire events demonstrate that fire has approached the site and only narrowly missed it due to a change in wind direction.

Under the NSW Rural Fire Service framework, including *Planning for Bush Fire Protection (PBP)*:

- Development must prioritise protection of human life
- Safe evacuation must be clearly demonstrated
- Asset Protection Zones (APZs) and defensible space must be achievable

The applicant has failed to demonstrate:

- Safe evacuation capacity via Narrow Neck Road, which is constrained and services residents further along the bushland interface
- That increased population density will not compromise evacuation or emergency response
- That the scale of development is appropriate for a BAL-29 environment

The increase to 218 dwellings materially elevates risk exposure and is inconsistent with established bushfire planning principles.

The proposal intensifies development in a location with constrained evacuation capacity, which is contrary to established bushfire planning principles and represents an unacceptable risk in emergency scenarios.

In accordance with established NSW planning principles, including those reflected in *Planning for Bush Fire Protection*, **the protection of human life is the primary consideration**, and this proposal fails to demonstrate that this objective can be achieved.

Biodiversity and Environmental Impact

The site forms part of an environmentally sensitive landscape proximate to the Katoomba Falls catchment.

The proposal involves clearing **16,979.23 m² of native vegetation**, resulting in:

- Loss of habitat for native species including echidnas, blue tongue lizards, and significant bird populations
- Fragmentation of ecological corridors
- Long-term environmental degradation

Under the Biodiversity Conservation Act 2016, impacts on biodiversity must be properly assessed and avoided or minimised.

The EIS fails to:

- Adequately quantify biodiversity impacts
- Demonstrate application of the avoid, minimise, offset hierarchy
- Apply the precautionary principle, a key component of ecologically sustainable development (ESD)

The failure to adequately assess and avoid biodiversity impacts is inconsistent with the objects of the Biodiversity Conservation Act 2016 and the principles of ecologically sustainable development, particularly the precautionary principle and intergenerational equity.

Landform, Slope and Stormwater Impacts

The site is characterised by sloping terrain, creating inherent constraints:

- Significant excavation and landform modification will be required
- Increased impervious surfaces will intensify stormwater runoff
- There is a foreseeable risk of erosion, sediment transport, and downstream impacts

The applicant has failed to demonstrate that:

- Stormwater can be managed without adverse off-site impacts
- The development is compatible with the natural landform

There is a foreseeable risk of **off-site impacts to adjoining properties**, including increased stormwater flow, erosion, and potential property damage, which has not been adequately addressed.

In accordance with Section 4.15(1)(c), the land is not suitable for development of this intensity.

Traffic, Access and Infrastructure

The proposal will substantially increase traffic along Narrow Neck Road:

- This road is a constrained route serving existing low-density development
- It is critical for evacuation and emergency access
- Increased traffic will lead to congestion, reduced safety, and delays to emergency services

The infrastructure is not designed to accommodate this scale of development, and the impacts have not been adequately mitigated.

(c) Suitability of the Site

Having regard to:

- Bushfire exposure
- Environmental sensitivity
- Slope and drainage constraints
- Limited road capacity

The site is unsuitable for a high-density development of this scale.

(e) Public Interest

The proposal is not in the public interest as it:

- Places future residents at **unacceptable bushfire risk**
- Results in **irreversible environmental harm**, including loss of native vegetation and habitat
- Overburdens **inadequate local infrastructure and evacuation routes**
- Undermines the integrity of the **statutory planning framework**
- Sets a precedent for inappropriate development in **environmentally constrained locations**

The cumulative impacts of bushfire risk, biodiversity loss, infrastructure constraints, and landform limitations render the proposal fundamentally unsuitable for the site.

2. Inadequate Strategic Merit of Rezoning

The concurrent rezoning proposal seeks to substantially increase development capacity without sufficient justification.

Established planning principles (including those recognised by the NSW Land and Environment Court) require that planning proposals demonstrate:

- Strategic consistency
- Site suitability
- Public benefit

These criteria have not been met.

The proposal represents **site-specific spot rezoning** that is not supported by strategic planning and is inconsistent with orderly and economic development.

3. Adverse Amenity Impacts

The proposal will result in:

- Excessive visual bulk and scale
- Increased noise and activity
- Loss of local character
- Adverse impacts on the local tourism character and landscape values

While property value is not a determinative factor, the Court has recognised that **loss of amenity is a relevant planning consideration**, and such impacts are likely to diminish surrounding property values.

Conclusion

For the reasons outlined above, the proposed development:

- Fails to satisfy Section 4.15 of the Environmental Planning and Assessment Act 1979
- Is inconsistent with the Blue Mountains Local Environmental Plan 2015
- Does not adequately address bushfire risk in accordance with Planning for Bush Fire Protection
- Results in unacceptable biodiversity and environmental impacts
- Is unsuitable due to slope, runoff, and infrastructure constraints
- Is not in the public interest

Accordingly, the application should be **refused**.

Yours faithfully,

Kris Rowe