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Nature Conservation Saves for Tomorrow

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The General Manager^{15 SEP}
Blue Mountains City Council
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By Email to: council@bmcc.nsw.gov.au

Proposed Echo Point Visitor Information Centre Upgrade

The Blue Mountains Conservation Society (BMCS) is a community based volunteer organisation with over 830 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.

I am writing to you in response to the public submission process related to the proposed Echo Point Visitor Information Centre Upgrade. My apologies for the delay in lodging our submission.

The proposal

Blue Mountains City Council is proposing to upgrade the existing Echo Point Visitor Information Centre at 44-50 Echo Point Road, Echo Point, Katoomba. BMCS understands that the proposed development, to be undertaken in stages, including demolition of the existing visitor centre, construction of a new single storey visitor centre building on the site of the existing building, construction of an outdoor amphitheatre/gathering space, extension of the existing concrete platform to the south of the existing visitors centre, refurbishment of the existing lookout area, landscaping including stairs/ramps, construction of a 10 m wide bushfire Asset Protection Zone and reinstatement of the currently closed walking track to the Prince of Wales lookout.

Site constraints

The site of the proposed development is adjacent to the Greater Blue Mountains World Heritage Area, Blue Mountains National Park and the Three Sisters Aboriginal Place. The site:

- is within Sydney's drinking water catchment;
- is in an area of high bushfire risk;
- sits on the immediate edge of the escarpment of the Jamison Valley, with very steep slopes fringing the site; and

- adjoins areas harbouring significant flora, fauna and their habitats.

Not only does the site provide spectacular views into the Jamison Valley and the Greater Blue Mountains World Heritage Area, the site is also highly visible from within the World Heritage Area.

BMCS concerns regarding the proposed development:

1. Sustainability

The current visitor information centre was built in the 1980s and subsequently refurbished in 1993 and 2002. BMCS questions whether demolition of a building only some 30 years old is necessary, whether it is a wise use of limited financial and natural resources and whether it is in keeping with working towards a sustainable future for the Blue Mountains.

2. Blue Mountains Local Environment Plan 2015

The development as proposed by Blue Mountains City Council (BMCC) does not comply with the standards in Council's own Local Environment Plan 2015 (LEP 2015). In particular, LEP 2015 does not allow for a bushfire Asset Protection Zone to be constructed on land zoned E2 Environmental Conservation. Such development is not in keeping with the objectives of an E2 Environmental Conservation zoning. Additionally, the proposed maximum building height (8.95 m) does not comply with Council's own standard. BMCS understands that the provisions of SEPP (Infrastructure) 2007 apply to this development and prevail over the requirements of Blue Mountains LEP 2015. However, BMCS believes that there is no reason why BMCC, as proponent of the development, cannot abide by its own standards. BMCS is disappointed that Council has elected to ignore its own LEP 2015 requirements. BMCS has worked hard to ensure that, where land meets the E2 Environmental Conservation criteria, that this zoning is applied under LEP 2015. Where this zoning is applied, BMCS believes that the zone objectives and the limited development permissible in the zoning (as indicated below) should be respected.

Extract from LEP 2015

E2 Environmental Conservation zone objectives:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To encourage land restoration works on disturbed bushland areas.*
- *To restrict the development of private land that would be inappropriate because of physical characteristics or high bush fire hazards, but only where less restricted development is permitted elsewhere on the land due to split zoning.*
- *To maintain biodiversity in the Blue Mountains.*

3. Bushfire Risk

The bushfire assessment states that the visitors centre is considered a Class 9b structure by the *Building Code of Australia* and is considered an 'assembly' building. A Class 9b building is categorised by the NSW Rural Fire Service (RFS) as infill development and must be assessed in accordance with *Planning for Bush Fire Protection 2006 (PBP)* under Section 79BA of the *Environmental Planning & Assessment Act (EP&A Act)*.

The proposed Visitor Information Centre is to be built on the site of the existing centre which stands in an area of high bushfire risk. The bushfire assessment undertaken for the proposed development concludes that the proposed building is to be located in the 'Flame Zone' which is the highest Bushfire Attack Level (BAL).

Extract from Planning for Bush Fire Protection

Flame Zone

Radiant heat levels will exceed 40kW/m². Radiant heat levels and flame contact are likely to significantly threaten building integrity and result in significant risk to residents who are unlikely to be adequately protected. The flame zone is outside the scope of the BCA (Building Code of Australia) and the NSW Rural Fire Service may recommend protection measures where the applicant does not provide an adequate performance solution. Other measures such as drenching systems and radiant heat barriers may also be required.

The bushfire assessment commissioned by Council has proposed that a lesser BAL 40 standard be applied to the proposed building because measures, including preparation of an evacuation plan and an increased water supply, will be implemented.

Extract from Planning for Bush Fire Protection

BAL- Bushfire Attack Level 40

Increased attack from burning debris with significant radiant heat and the potential for flame contact. The extreme radiant heat and potential flame contact could threaten building integrity. Buildings must be designed and constructed in a manner that can withstand the extreme heat and potential flame contact.

Table 2.1 of the bushfire assessment indicates that an Asset Protection Zone at least 50m wide is required in adjacent forested areas to the east to prevent flame contact with the proposed building. Council's bushfire assessment has again suggested so-called dispensation measures are suitable and concludes that an APZ only 10 m wide will be adequate.

BMCS understands that the existing Visitor Information Centre is poorly protected from possible fire impacts. However, regardless of the current situation, BMCS does not accept that a new building should be built in such a situation with far less than optimal fire protection measures in place. BMCS believes that the proposed fire protection measures, together with their likely environmental impacts, should be reviewed prior to further consideration of the proposed development.

4. Location of proposed Asset Protection Zone

BMCS understands that the proposed 10 m wide bushfire Asset Protection Zone will encroach into Greater Blue Mountains World Heritage Area, including the Blue Mountains National Park and the Three Sisters Aboriginal Place. The Review of Environmental Factors states that BMCC (as proponent of the development) will need to seek authorisation from the NSW National Parks and Wildlife Service to provide and maintain an APZ within their lands. The BMCS is concerned that this matter has not been resolved already. BMCS does not believe that any such encroachment is acceptable. National parks are public conservation areas and should not be used as APZs for development on adjacent lands. BMCS believe that the authorisation of an APZ on a national park is not consistent with the management principles of a national park, and therefore is not legally permissible under the *National Parks and Wildlife Act*.

BMCS is also concerned that, in due course, a far larger Asset Protection Zone, and hence further encroachment into the GBMWH, will be required.

BMCS believes that the issue of the APZ within the Blue Mountains National Park needs to urgently clarified before any further work on the proposal proceeds.

5. Proposed Walking Track Restoration

BMCS understands that the access path to the Prince of Wales lookout has been closed following a landslip and subsidence in the area. Apparently a Geotechnical Investigation has been undertaken but a corresponding report is not attached to Council's 'Have Your Say' site. There is insufficient detail available to assess any potential impacts of the proposed walking track restoration.

6. Flora and fauna

The adjoining Greater Blue Mountains World Heritage Area is listed at international level because of its outstanding natural values. These natural values include the area's exceptional biodiversity and high number of rare and threatened flora and fauna species, which also occur immediately adjacent to the site. Threatened species, including the iconic Yellow-bellied Glider and Greater Glider, are known to inhabit the valley immediately below Echo Point (see NSW Bionet records 2017).

Given the significant areas of flora and fauna habitat below the proposed development there is a significant potential for detrimental impacts from the proposed development. One particular concern is the proposed removal of trees in front of the Visitors Centre to develop a bushfire APZ on very steep terrain.

The proposed development will require disturbance of the ground surface. Minor excavation will be required to enable construction of supporting footings for the new visitor centre, outdoor amphitheatre/ gathering space, the Prince Henry Cliff Walk restoration and the lookout restoration. Some ground disturbance will also be associated with proposed landscaping and vegetation removal required to construct the bushfire Asset Protection Zone.

BMCS request that if the development proceeds, it is undertaken to ensure that all direct and indirect impacts of the proposed construction and on-going operation of the

development, are avoided and that the development has no impact on native flora, fauna or their habitats, either within or adjacent to the site.

7. Aesthetic values within the Greater Blue Mountains World Heritage Area.

The Review of Environmental Factors makes no assessment of the impact of the proposed development on the quality of views from within the Greater Blue Mountains World Heritage Area (WHA). This is a major oversight. Scenic values are recognised as a key value to be protected under LEP 2015 on land considered environmentally sensitive (Clause 6.1). The aesthetic values of the World Heritage Area are also recognised in the Strategic Plan for the area and have been nominated to the Commonwealth Government for consideration as an additional value at national heritage level with a longer term aim for world heritage recognition of the aesthetic value. BMCS believes that the impacts on scenic and aesthetic values within the WHA need to be urgently assessed before the proposal proceeds.

The BMCS believe that potential impacts on the scenic values of the WHA (let alone potential impacts on Commonwealth listed endangered species) may be sufficient grounds to require Commonwealth approval and that the development should be referred to the Commonwealth.

Consideration of alternatives to the proposed development

The Review of Environmental Factors (sec 3.4) outlines a number of possible alternatives to the current proposal including rebuilding the visitor information centre elsewhere in the Echo Point precinct. BMCS believe that this alternative should be considered much more thoroughly, as some of reasons stated for not pursuing this option are spurious.

Conclusion

Thank you for the opportunity to make this submission. If you have any queries please contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Madi Maclean', followed by a period.

Madi Maclean
President
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