



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

16 April 2014

Mr Robert Greenwood
General Manager
Blue Mountains City Council
Locked Bag 1005
Katoomba NSW 2780

Dear Mr Greenwood

Sub-division - Hat Hill Road, Blackheath

The Blue Mountains Conservation Society is a community based volunteer organisation with nearly 900 members whose goal is to promote the conservation of the environment in the Greater Blue Mountains World Heritage Area. I am writing to you in regards to Council's Hat Hill Road, Blackheath Subdivision development

The Society and Council have previously corresponded on this matter in 2012 and 2013. The outcome of previous correspondence can be summarised as follows;

- Council confirmed that a development application under Part 4 of the *Environmental Planning and Assessment Act* was not required for the proposed Council subdivision works and consolidation of lots prior to sale.
- Council also confirmed that it will be undertaking an environmental assessment under Part 5 of the *Environmental Planning and Assessment Act* for the proposed Stage One and Two subdivision infrastructure works, as well as for the works associated with the proposed relocation of the dirt bike jump and dog off-leash area. The Society received advice from the NSW Environmental Defenders Office which confirmed that Council is legally obliged to undertake a Part 5 environmental assessments in relation to the subdivision construction works proposed by Council, as well as for the works associated with the proposed relocation of the dirt bike jump and dog off-leash areas. Under Part 5 of the *Environmental Planning and Assessment Act*, Council is required to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of (an) activity (sec 111). The Act defines the term "environment" widely and the courts have held that environmental assessments under Part 5 need to consider social, economic and ecological impacts. The courts have also held that REFs must be completed prior to works commencing and must not merely be "tick a box" exercises.
- Council indicated in writing that it will make the full Part 5 environmental assessment (commonly referred to as a REF - review of environmental factors) publicly available.
- The Society requested from Council a date as to when the full REF for the subdivision construction works will be completed and made available to the public. Council indicated in writing that the full REF will be completed "in due course".

The Society notes the full Part 5 REF for the Stage One and Two infrastructure works for the Hat Hill Road subdivision still has not appeared on Council's website under the Hat Hill Road Blackheath web

page. The page does not appear to have been updated since 2012. The only part of the REF that is publicly available to date is the Fauna and Flora Report, which the Society previously provided comments to Council on in terms of its adequacy and consistency with Councils own requirements.

The Society is therefore very concerned that at the Council Meeting on 25 February 2014 that a Council Report was approved which recommended approval for the commencement of infrastructure works in respect of Stage 2 of the Hat Hill Road Blackheath project, to facilitate the sale of the 30 lots in Stage 2. It is unclear from the Council Report whether Council has in fact completed the full Part 5 REF for both the Stage One and Two infrastructure works for the Hat Hill Road subdivision, as it is legally required to do. If Council has completed a full REF, then the Society asks that it be made publicly available, consistent with previous commitments from Council.

We look forward to an early response on Council's previously stated commitment to complete a full REF for the subdivision construction works and to make the REF available to the public.

If you have any queries in regard to this submission please contact, Alan Page, President on ph 4784 1704 or email president@bluemountains.org.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'AP', written in a cursive style.

Alan Page
President
Blue Mountains Conservation Society

cc All Councillors