



# 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](mailto:bmcs@bluemountains.org.au) Web Site: [www.bluemountains.org.au](http://www.bluemountains.org.au)

**Nature Conservation Saves for Tomorrow**

The General Manager  
Blue Mountains City Council  
Locked Bag 1005  
Katoomba NSW 2780

11<sup>th</sup> April 2018

By Email to: [council@bmcc.nsw.gov.au](mailto:council@bmcc.nsw.gov.au)

**Proposed redevelopment of Katoomba Christian Convention Centre, 119 Cliff Drive  
and 34 Violet St Katoomba Reference: X/163/2018**

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.

## **Summary of BMCS objections to and recommendations on the proposed development:**

### **1. Flora and Fauna Assessment**

*The BMCS considers that there are shortcomings in the Flora and Fauna Assessment that should be investigated, improved on and resubmitted before the Development Application is considered further. The surveys are unsatisfactory and the assessment of the impact of the development on flora and fauna is inadequate. Any development of 34 Violet Street must be rejected until full details are provided of the proposed actions, and until a specific site assessment is undertaken.*

*However, because the DA was lodged on 1 March 2018 (according to the BMCC website) the Society believes that the Flora and Fauna assessment may not be valid as the assessment was conducted with reference to the old TSC Act. The Society understands that, from 25<sup>th</sup> February 2018, any new DA lodged in the Blue Mountains LGA is subject to the biodiversity assessment requirements of the Biodiversity Conservation Act 2016.*

*Council must first determine if the submitted Flora and Fauna Assessment is valid. If it is not, it will have to be re-done.*

**2. Geotechnical assessment**

*The BMCS is quite concerned about the seriousness of the problems indicated in the Geotechnical Assessment and is especially critical that this assessment has been seriously down-played in the Statement of Environmental Effects. It would seem that given the demonstrated instability of the escarpment in the vicinity of Malaita Point, the inherent weaknesses of the geology, and the history of coal mining impacts should be seriously assessed before any intensification of land use occurs on the Katoomba Christian Convention Centre property.*

**3. Hydrology**

*It is vital that the car park not be expanded any further. Any decrease in bushland and/or swamp area or quality will not just impact on the vegetation community and its inhabitants but will also have a further detrimental impact on Witches Leap Creek and on the quality and quantity of groundwater, both with implications well away from the development site. If approval is granted for any re-development of the site it is essential that all site runoff be retained and filtered to remove iron as well as sediment during the excavation of the iron-rich sandstones so as not to further exacerbate the deterioration of Witches Leap Creek.*

**4. Excessive building height compromising the Protected Area – Escarpment**

*The BMCS recommends refusal of the development proposal on the grounds of non-compliance of the auditorium with the height restriction proposed and currently in place, and non-compliance with the objectives of Clause 6.12 Protected Area – Escarpment.*

**5. Intensification of development on the site and potential commercialisation**

*The BMCS recommends refusal of the development proposal on the grounds that the proposed site coverage (17%) exceeds the maximum allowable (15%) for this site (draft Amendment to the Blue Mountains DCP) creating unacceptable visual impact.*

*Upgrading and commercialisation of facilities will increase site use and patronage and exacerbate traffic and parking issues, impacting on residential amenity over longer periods.*

**6. Traffic and parking issues**

*The BMCS recommends that, before the application is considered, the applicant be required to model traffic impacts and parking requirements on the proposed capacity of the new auditorium and the potential for 3500 people to be on the site at the same time. The parking requirements should also take into account the arrangement with Scenic World to use the Clairvaux Oval parking area for overflow parking, and that patron parking demand for both Scenic World and KCC will peak at the same time i.e. at the Easter Conference.*

**7. Unacceptable visual impact resulting from height of proposed buildings, development intensification, and proposed vegetation clearing for construction and asset protection zones**

*The BMCS recommends refusal of the development proposal on the following grounds:*

*a) The development does not comply with Protected Area- Escarpment objectives:*

- o To preserve and enhance the visual, cultural and ecological values of the escarpment systems in the Blue Mountains*
- o To restrict development, including buildings, alterations and vegetation clearing, so as to minimise any adverse impact on the perception of escarpments as significant natural features.*

*b) The development does not comply with proposed amended LEP 2015 Clause 7.6: “To minimise and mitigate the impact of development as viewed from any public place, including but not limited to Echo Point”. The Visual Impact Assessment (VIA) does not consider the visibility of the proposed development from other popular tourist viewing areas e.g. King’s Tableland, Wentworth Falls, and Sublime Point Lookout, Leura.*

*c) The VIA does not take into account the intensified development on the site, requiring the removal of substantial numbers of trees and vegetation for construction and asset protection zone (APZ).*

*d) No qualitative methodology has been used in the determination of the VIA e.g. Landscape Visibility Analysis.*

**8. No assessment of impacts of development on scenic values from within the World Heritage Area**

*The BMCS believes that the proposed development will also be visible from within the national park and World Heritage Area, impacting on WHA scenic values. This has not been assessed in the VIA. A proper, objective Landscape Visibility Analysis using GPS technology needs to be undertaken before the application is considered.*

*Commonwealth approval may be needed, given the likely impact of the development on world heritage scenic values. It is recommended that Council require the proponent to refer the development proposal to the Commonwealth. Please note that if the proponent does not refer the development to the Commonwealth, the Society as a third party can do so under Commonwealth Environment Protection and Biodiversity Conservation Act.*

**9. No consideration of impact of the development on the adjoining Blue Mountains National Park as required by Clause 6.1(3) of LEP 2015**

*The BMCS notes that there has been no assessment done of the visual and other impacts of the development and its construction on adjoining national park properties. Proposed major excavation and vegetation removal could result in weed and silt-laden runoff downstream into the national park and hydrological disturbance.*

## **10. Insufficient time for public comment**

*This proposal is large and complex and will result in significant environmental and community impacts. The time period for public consultation and community input (4 weeks) is totally inadequate given the size of the project and the extent of the documentation which needs to be read through and understood. There have been no community information sessions or briefings by the proponent to enable the community to better understand the development. As a result the community has had little time to understand the issues or provide input, despite the scale and impacts of the proposal. **The Society strongly recommends that Council extends the public consultation period and asks the proponent to provide a community briefing on the project.***

The BMCS believes that the issues we have raised in objection to the current proposal are of such seriousness and importance that the consent authority cannot grant approval to this development in its current form.

**The Society therefore recommends refusal of this proposal.**

We will go through these objections in detail one by one:

## 1. Flora and Fauna Assessment

*The Society believes that, because the DA was lodged on 1 March 2018 (according to the BMCC website), the Flora and Fauna assessment may not be valid as the assessment was conducted with reference to the old TSC Act. The Society understands that, from 25<sup>th</sup> February 2018, any new DA lodged in the Blue Mountains LGA is subject to the biodiversity assessment requirements of the Biodiversity Conservation Act 2016.*

*Council must first determine if the submitted Flora and Fauna Assessment is valid. If it is not, it will have to be re-done.*

We consider that there are shortcomings in the **Flora and Fauna Assessment** provided by Travers Bushfire and Ecology that should be investigated, improved on and resubmitted before the Development Application is considered further. Specifically:

1. The surveys on which the conclusions are based are of different ages; some were conducted more than 10 years ago (2006 and 2007 by Conacher Travers; 2011 Travers bushfire and ecology). The various surveys have been merged with a small amount of additional desktop research from the Atlas of NSW Wildlife in 2016 and a random meander survey of plants across the site over some 6 hours on the 2<sup>nd</sup> June 2016, and a cold and windy late afternoon and evening fauna study in late May 2016. The 2007 surveys were undertaken in early February. There are obvious problems with such survey techniques: those of 2006 and 2007 could be considered to be outdated; desktop research from the Wildlife Atlas is only as good as the data that is put onto it and many species can be missing; February surveys of fauna miss the great honeyeater Autumn migration across the mountains; cold and windy times are not suitable for fauna studies and a plant survey on one day in June will miss many species that are not flowering in the middle of Winter and will most certainly miss almost every terrestrial orchid.
2. Nevertheless there is a very generous plant list (Table 3.1) – perhaps overly so – and many of the species that were sedges and associated plants did not fit the vegetation communities on the actual DA land. It made us concerned that this table was more a list of desktop internet searches for a larger area rather than a truly accurate reflection of the flora on the site. Then it was realised that **the material presented in the Flora and Fauna study is not a compilation specifically for 119 Cliff Drive and 34 Violet Street Katoomba but for the entire property owned by the KCCC that includes lots on the northern side of Violet Street and of the oval car park. This is infuriatingly complex and misleading when attempting to consider the “facts” related to a particular DA and the entire Flora and Fauna Assessment should be resubmitted to just cover the land under consideration.**

3. Even given comments in (2) there are gaps and errors in the tabled survey results that may in part reflect the problems outlined in (1) above. **Plants that are missing** include:

*Ceratopetalum apetalum* – Coachwood

*Gleichenia microphylla* – commonly mistaken as *G. rupestris*

Some **plants have been incorrectly named or have outdated nomenclature**. For example:

*Acacia terminalis* subsp. *angustifolia* – should be subsp. *aurea* (the Upper Mountains form)

*Anthoxanthum avenaceus* – should be *Anisopogon avenaceus*

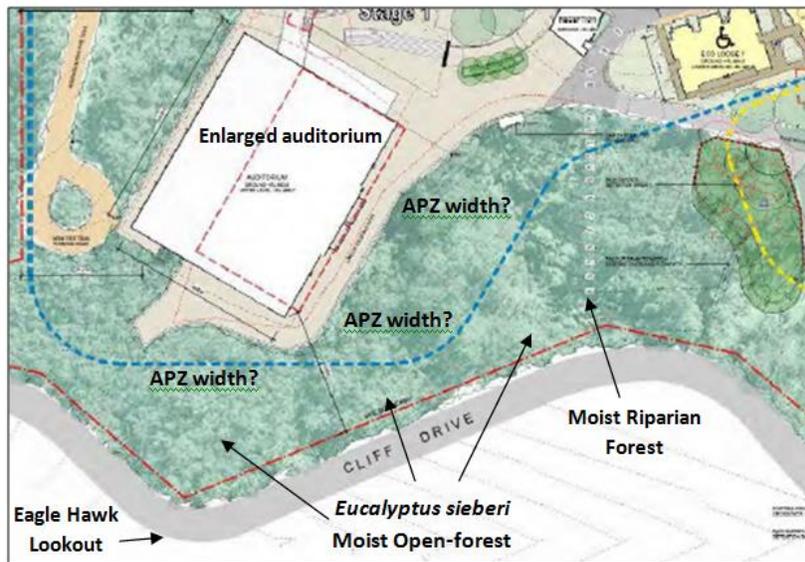
*Banksia spinulosa* var. *collina* – should just be *B. spinulosa*; *B. collina* does not grow here

4. **We are concerned about the vegetation community classification for the eastern slope** of 119 Cliff Drive below both the present and newly proposed auditoriums. Travers Ecology (p. 19) mapped this area as **Dry Open Forest (*Eucalyptus piperita* & *E. sieberi*)** and note that the majority of the community is highly disturbed. They then go on to say (p.20) that there is *a relatively undisturbed variation of this community within the far southeast of the subject site*. **That is all that is said about a community that occupies almost the entire eastern slope** and which merges into and surrounds a gully of Tree Ferns that has been designated a Moist Riparian Forest.

The growing conditions of the eastern slope community are quite different to the remainder of 119 Cliff Drive. When viewed from the edges of Cliff Drive near Eagle Hawk Lookout (refer to map F/F 1 below) the steepness of the slope is obvious, moisture levels and seepage rates are high and the bedrock highly weathered. The canopy is mostly dominated by *Eucalyptus sieberi* with *Banksia cunninghamii* dominating the tall shrub layer. There is also a dense and diverse understorey of many moisture-tolerant plants. **In this discussion this vegetation community will be referred to as the *Eucalyptus sieberi* Moist Open-forest** (photo F/F 2).



Photo F/F 2: *Eucalyptus sieberi* Moist Open-forest with *Banksia cunninghamii* tall shrub layer and ground layer of ferns (near Eagle Hawk Lookout); would be subject to considerable disturbance by auditorium redevelopment



Map F/F 1: Proximity of the new auditorium and APZ to steep slope of *Eucalyptus sieberi* Moist Open-forest

From the plans included in the Flora and Fauna Assessment it seems that **the expanded auditorium and associated roadways and some parking will intruded into the upper part of the *Eucalyptus sieberi* Moist Open-forest. It is not clear from the Flora and Fauna maps how far the Asset Protection Zone (APZ) will extend from the auditorium (usually 50 to 100 metres) but given the limited distance between the auditorium and Cliff Drive (as little as 30 metres) then we consider that there will be substantial disturbance to this community by direct construction, APZ clearing and the edge-effects that degrade by increased exposure to drying sunlight and westerly winds and from changed drainage.**

Schedule 1 Bushfire Protection Measures (a map) in the **Bushfire Hazard Assessment** (from Travers Ecology) in fact **confirms that our estimates of the degree of APZ intrusion into the vegetation of the eastern slope are correct.** As shown on Scheduled 1, **to accommodate the “inner and outer” APZs on the eastern side of the auditorium, all vegetation downslope to the edge of Cliff Drive will be cleared or seriously disturbed – this is completely unacceptable.** In the Inner APZ only 25-30% of the understorey will be retained and mowing will be a maintenance activity. Mowing is well documented as a seriously degrading activity near bushland. In the outer APZ that extends to Cliff Drive **up to 50% (and so possibly none) of the understorey will be retained in discontinuous clumps.** This is the area identified by us as the *Eucalyptus sieberi* Moist Open-forest and of which photographs F/F 2 to 4 were taken. **The eastern slope APZ clearance measures present a very serious threat to the survival of this fern-filled community where the retention of shade and soil moisture is critical for the survival of the current mix of species. It will be irrevocably changed.** This also undermines the applicant’s claim that the auditorium will be screened from view from points to the east e.g. Echo Point.

In the south-east corner a narrower APZ will be apparently implemented than required (up to about 47 metres but this is not clear) to apparently retain habitat for Eastern Pygmy Possums (this is also part *Eucalyptus sieberi* Moist Open-forest). Quite a number of hollow-bearing trees are marked there but it is not certain which are for retention (if any). The ecologically irresponsible proposal to remove the hollows as “directed by an ecologist” and put them into other trees is repeated here. Given the degree of disturbance just metres from this so-called protected zone and from the uncertain nature of the hollow-bearing tree removal **we consider it to be highly unlikely that any Eastern Pygmy Possums (Vulnerable in NSW) will survive.** Should the area eventually be declared Eastern Pygmy Possum-free due to these disturbances then we are very concerned that the APZ will be extended to Cliff Drive for the entire eastern and south-eastern perimeter of the property eliminating all associated vegetation communities and habitats and roadside aesthetics.

We consider then that **further disturbance of the *Eucalyptus sieberi* Moist Open-forest on the eastern slope by re-construction activities, APZ clearing and on-going property maintenance is highly undesirable** for the following reasons:

- 4.1 The **slope is inherently unstable** due to geology, steepness of slope and moisture seepage zones (refer to Geotechnical Assessment) and that it is held in place by the density of the forest. There has been **no assessment of changes to water table levels and therefore plant growth and slope stability resulting from the need to excavate some 2-3 metres into the bedrock to rebuild the auditorium**. In addition to potential destabilisation caused by building activities, in very cold weather soil water can freeze lifting the soil away from the slope with an increased potential for erosion and further slope instability. Freezing and thawing of water within faults and fissures in the bedrock can have a similar destabilising effect. This issue would be exacerbated if drainage water of any amount from the auditorium roof or from road drainage is allowed to run onto the slope. The now stable forest could collapse onto Cliff Drive.
- 4.2 The **bushland is very diverse** here with a complete tree cover and mature shrub understorey. It forms an important **wildlife corridor** between the Jamison Valley, the plateau ridges and the Grose Valley. It is of **critical importance for the great flocks of honeyeating birds that move from south to north through the region in autumn and early winter sometimes from as far away as Tasmania**. One of the migration paths for many thousands of small birds is from the Jamison and across Malaita Point and Narrowneck. The heaths and forests encountered near the escarpment edge are essential for resting places and for plant and insect foods for energy replenishment. The *Eucalyptus sieberi* Moist Open-forest on the KCCC is an important part of the supporting resource base for these birds. As already indicated this forest contains many fine specimens of *Banksia cunninghamii* that flower here from April to August at the time of the bird migrations. **To remove even a few Banksias let alone many would seriously impact on the seasonal bird migration and we therefore reject any proposal that would do so**. We consider it a serious oversight that the **annual honeyeater migration was not mentioned in the Flora and Fauna Assessment** (refer to point 7.1 below for more detail).
- 4.3 Responding to the moisture and shade are **an abundance of ferns** on the edge of Cliff Drive and within the *E. sieberi* Moist Open-forest. These are survivors of the Broad-leaved forests of a much milder Australia and so must be considered to be **heritage plants**. Their presence in the region formed **part of the nomination criteria for the Greater Blue Mountains World Heritage campaign**. Species include Rough Tree-ferns *Cyathea australis* that belongs to an ancient fern family, the Coral Ferns *Gleichenia microphylla* and *G. rupestris*, Umbrella Fern *Sticherus flabellatus* and Soft Water-fern *Blechnum nudum* (photo F/F 3 below). Running through the *E. sieberi* Forest at almost its north-eastern corner is an unmapped headwater

stream containing a grove of ancient Tree Ferns (photo F/F 4 below). This is a well-known corner on Cliff Drive and much admired and photographed.

**What a tragedy it would be to lose plants such as these. We acknowledge that it is classified as Moist Riparian Forest by Travers Ecology but can see no specific plans to protect it from hydrological changes that might occur from re-development.**

- 4.4 Within the dominant *E. sieberi* Moist Open-forest of the eastern slopes are pockets of **temperate rainforest plants**. Unusual above the escarpment, these small but significant stands contain species that include Coachwood *Ceratopetalum apetalum*, Cedar Wattle *Acacia elata* and Blueberry Ash *Elaeocarpus reticulatus*.

**It is imperative that the species diverse *Eucalyptus sieberi* Moist Open-forest remains intact and undisturbed. The construction of a larger auditorium and associated access facilities, APZ clearance (no indication of size is given) and drainage changes are inconsistent with the maintenance of the considerable ecological values of this vegetation community. We remain, if not suspicious, then quite concerned about the motives behind a virtual silence on the detail of this part of the natural environment of 119 Cliff Drive in the Flora and Fauna Assessment and in the Statement of Environmental Effects.**



Photo F/F 3 (left): *Banksia cunninghamii* with diverse fern understorey

Photo F/F 4 (above): Tree Fern corner

- 5 No **vegetation classification or any environmental detail** in fact, is given for **34 Violet Street** or for the unformed road that runs between it and 119 Cliff Drive. Both pieces of land need to be assessed as, despite there being **no particular proposed development detail except unreadable labels on a map**, it seems that both will be transected by an access road. 34 Violet Street and the unformed road section drain into an unmapped headwater stream and are fairly swampy. Small headwater streams such as this would have drained into the formerly large area of Blue Mountains Swamp that is now reduced to a disturbed vestige of its former self to the north of the oval car park. It is assumed that some of the water from 34 Violet St and its surrounds still infiltrate beneath the oval and may work its way to the swamp. Given the extremely poor condition of the swamp north of the access road to the oval and to “Kedumba House” at 113 Cliff Drive it is imperative that all available water continue to contribute to the swamp’s survival so any further threat to groundwater at and near 34 Violet Street needs to be assessed and a management plan put in place.

The vegetation of 34 Violet Street has the appearance of an unmanaged wet shrub edge of the former upland swamp (now the oval). The vegetation as viewed from the street frontage (photo F/F 6) now consists of an invading canopy of *Eucalyptus sieberi*, *E. piperita* and the iconic Blue Mountains Ash *E. oreades*, thickets of damp-tolerant Tea-trees *Leptospermum* spp. (that when in flower are important habitat plants for moths and butterflies), ferns similar to the previous area outlined in point 4, including Tree Ferns and of particular importance, the bird-attracting *Grevillea acanthifolia* subsp. *acanthifolia* that is a local endemic plant and only grows in Blue Mountains Swamps (BMCC Scheduled vegetation community; NSW Endangered Ecological Community) (photo F/F 5).

**Any development of 34 Violet Street must be rejected until full details are provided of the proposed actions, and until a specific site assessment is undertaken.**



Photo F/F 6: *Grevillea acanthifolia*, a Blue Mountains endemic, in remnants of disturbed Blue Mountains Swamp (EEC) in the vicinity of 34 Violet St Katoomba

- 6 The fauna survey results presented in Table 3.2 indicates fewer species than would normally be expected partly because of the reasons outlined in point 1 above (eg February observations in 2007 and bad winter weather survey in late May 2016). This has resulted in:
- 6.1 **Missing birds with the most serious omissions being the autumn migratory birds** such as Yellow-faced Honeyeaters who move through this area in tens of thousands, White-naped Honeyeaters, Silveryeyes (missing from the 2007 survey as they are mostly absent then), Striated Pardalotes, Fuscous Honeyeaters, Mistletoe Birds, Scarlet Honeyeaters and Crescent Honeyeaters. The Blue Mountains and especially the escarpments around the Jamison Valley are very well known for these extraordinary autumn migrations. **Every patch of native vegetation including that on the Katoomba Christian Convention Centre can be important then for feeding and roosting. It is inexcusable that the bird species associated with this annual event are largely missing from Table 3.2 and that there is no mention of this migration in the associated text.**
- 6.2 There is a **noticeable paucity in the number of reptiles and amphibians listed in Table 3.2.** Has the property been assessed for the Blue Mountains Water

Skink (*Eulamprus leuraensis* – listed as Endangered in NSW and Commonwealth) or the Giant Burrowing Frog (*Heleioporus australiacus* – listed as Vulnerable in NSW and Commonwealth)? Both species are found in proximity to the nearby Katoomba Falls. It would appear from **the pathetic total of just four species that reptiles and amphibians have not been specifically surveyed** but rather chanced across. **This is not satisfactory.**

**6.3** There are **no insects, no butterflies** when spring migrations bring many species to the upper Mountains often in great numbers and **no dragonflies** though the region is now famous for sightings of the Giant Dragonfly (*Petalura gigantea*). Again **this is most unsatisfactory.**

**7** It is **apparent that nothing will stand in the way of the re-development of the Katoomba Christian Convention Centre and the entire Flora and Fauna Assessment has been conducted to ensure that this happens:**

**7.1** The assessment covers the entire KCCC property in the area not just the DA land. There is thus **confusion in complexity.** It is often not clear what species are where, or exactly where certain actions will apply.

**7.2** Important species using the forests have been left out of the details. This is particularly so in the case of the autumn migrating honeyeaters and in the paucity of reptiles and amphibians

**7.3** A whole forest type (*Eucalyptus sieberi* Moist Open-forest) is missing in detail and in any discussion of possible impacts.

**7.4** Of really great concern is the complete dismissal of development impacts on the fauna in particular. It is not possible due to serious time constraints given for our submission to pull apart statement by statement **section A3 7 Part Test of Significance.** It is however **very disheartening to read the arguments presented to dismiss any protection needs of the fauna of this property.** These arguments include, for example:

**7.4.1** For the **Eastern Pygmy Possum** it is stated (p. 93) that:

It is considered that the study area provides recorded foraging, likely denning and potential breeding habitat for this species. A number of small cavities and hollows exist within the impacted areas that may be utilised for breeding and shelter by this species. Impacted natural areas of Dry Open Forest habitat extends out towards the recorded location, thus reducing the total available extent of this habitat for EPP within the confines of Cliff Drive [the authors are actually talking about the south-east corner of *Eucalyptus sieberi* Moist Open-forest]. **The proposal will result in the removal of low to high quality habitat is for the extension of the auditorium, construction of the adjacent meeting rooms and their associated APZ's.**

How much clearance there will in fact be of the *Eucalyptus sieberi* Moist Open-forest is indicated in a statement on p. 94:

A detailed habitat assessment was undertaken in June 2017 to determine the extent of potentially important habitat for EPP to be removed (see Section 4.3.4 for calculated analysis). This found that the total available habitat bound within Cliff Drive contains 3.06 ha of potential EPP habitat areas. Of this 1.43ha (**46.7%**) **will be removed or modified by the proposal**. The impacted area is made up of 1.1ha (77%) *low to moderate* and 0.33ha (**23%**) **high to very high quality habitat**.

This will apparently be okay though because there is other bush in the area that could be used as habitat. This flies in the face of research about territorial needs of mammals (and of birds), of the inability for some species to move far and of competition from invading individuals for breeding hollows and food resources.

7.4.2 For the **Eastern Falsistrelle** it is noted (p. 97-98) that:

Flight is not very manoeuvrable and as such foraging takes places in open structures or along trails in forest environs. It hunts beetles but also moths and bugs. The Eastern Falsistrelle roosts mainly in tree hollows, occasionally utilising caves and abandoned buildings (Parnaby 1992; Phillips et al. 1985). Roosts in trees are generally in hollow trunks of eucalypt trees in colonies of 3 to 80 (Churchill 2008)...

... Where possible, identified hollow-bearing trees should be retained in-situ. Where the felling of hollow-bearing trees is required, this should be conducted under the supervision of a fauna ecologist to ensure appropriate animal welfare procedures are taken. **Hollows of high quality or with fauna recorded residing within should be sectionally dismantled** and all hollows should be inspected for occupation, activity and potential for reuse. In the instance of recording the presence of threatened microbats during tree removal, **maximum effort should ensure safe relocation of the roosting colony. Re-used hollows or those with likely occupation are to be relocated to conservation areas within close proximity to the site**. All other hollows removed should be replaced with nest boxes. Every second box should be a design suitable for microbat species. Boxes should be constructed all of weatherproof timber (marine ply), fasteners and external paint.

Statements such as these are quite alarming. Good luck to the colony of Eastern Falsistrelle as its tree hollow home is dismantled and moved somewhere else to be apparently reconstructed to the tenants required standards. **This is an alarming rationalisation for environmental destruction.**

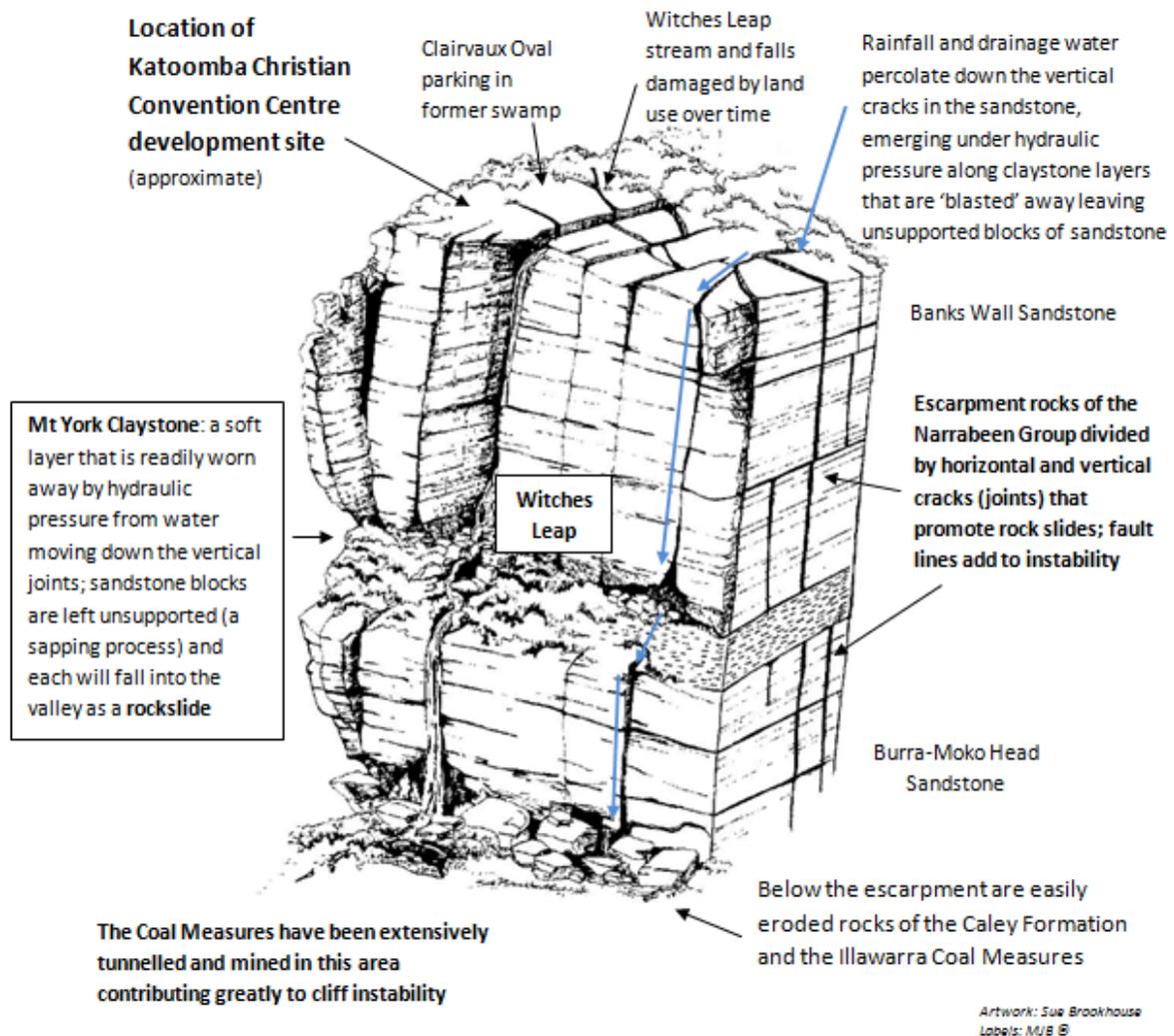
7.5 In the Flora and fauna Assessment there are pages of arguments similar to those expressed in 7.4 above. In the case of each bird or animal discussed **the presence of trees and especially of tree hollows is of paramount significance in the survival of the species on this site, yet every opportunity is being taken to remove these habitat resources. Exactly how many trees are to be removed is indicated in the Statement of Environmental Effects.** It is alarming to read that:

**The site contains a large number of trees (thousands\*\*) and numerous trees will be removed to facilitate the proposed works. 395 trees have been identified for removal as being within or near the building footprints or for Asset Protection Zone requirements. Retention of tall screening trees around the 2 storey buildings and the perimeter of the site has been prioritised and trees in poor health have been targeted for removal for APZ requirement. In addition, Travers Ecology recommend 278 trees be removed removal [sic] have been assessed as dead, damaged or dangerous.**

[\*\* The statement of thousands of trees has no evidentiary calculations; it is not a justified figure. If there were actually 2000 trees for example some 30% will be removed for this development.]

This is a total of **673 trees** – 673 habit resources that will no longer be available – so a great many individuals will become homeless or will suffer resource stress. **We consider that the environment and its flora and fauna inhabitants will pay too high a price for the ambitions of the redevelopment of the Katoomba Christian Convention Centre.**

## 2. Geotechnical Assessment



### **Escarpment Geology and Hydrology in the vicinity of the Katoomba Christian Convention Centre**

The Katoomba Christian Convention Centre is located on a known site of geological instability (as in fact are a number of public venues in the immediate vicinity including Scenic World). The main geological features in the vicinity of the KCCC site are shown in the accompanying diagram and will be referred to below. As hydrology (the movement of water) is closely associated with geology, some parts of the hydrological system of the area are also noted.

The *Geotechnical Assessment* (from STS GeoEnvironmental) accompanying the DA details concerns about the actual site but does not outline wider geological issues. That assessment notes the moisture on the site, the interbedded nature of the sandstone and shale that are quite weathered directly beneath the areas for further development, and the

presence of small joints in the hard sandstone below. The report indicates that major excavation will have to occur to break up the sandstone and that will require expert supervision. Removal of rock to the required depth of at least 2 to 3 metres using heavy equipment could cause such vibration that sandstone blocks may move along the joint lines and require rock bolts to hold pieces in place, and rendered buildings on the site and in the neighbouring residential area *may* be subject to cracking. Concern is also expressed in the Geotechnical Assessment about the construction of ecolodges and other facilities on the north-eastern slope of the property that is mapped as having major slope constraints (up to 35<sup>0</sup>) in LEP 2015. Inappropriate techniques or poor management there could cause the slope and buildings directly above Cliff Drive to fail.

**We are quite concerned about the seriousness of the problems indicated in the Geotechnical Assessment and are especially critical that this assessment has been seriously down-played in the *Statement of Environmental Effects*.**

**Geological issues in the escarpment beneath and surrounding the development site** have not been considered in the Geotechnical Assessment but should have been. We do acknowledge that the Assessment does indicate interbedded shale and sandstone as being an issue (differential weathering and erosion can cause structural failure), and the presence of “small” joints in the sandstone. These issues are greatly amplified if the sedimentary rock escarpment that borders the site to the east, south and west is also considered. The **above diagram** indicates some of the geological elements and resulting problems for developments such as the KCCC that are located very close to the escarpment. These include:

- **Alternating layers of weathering-resistant sandstone and weaker claystones and shales.** As the claystones and shales are more quickly weathered and eroded away by water, massive unsupported sandstone blocks are left behind until each eventually falls onto the lower slopes. This process, known as sapping, produces rock falls and escarpment retreat. Sapping is clearly evident in the Narrabeen series of rocks that make up the escarpment. It particularly occurs along the line of Mt York Claystone (mid-way down the cliff face) and in the Caley Formation (at the base of the main escarpment). Blocks of sandstone (Banks Wall Sandstone and Burra-Moko Head Sandstone) above these eroded bands are eventually so undermined that they fall onto the talus slopes below as landslides of varying magnitudes.

The sapping process is a continuous one, operating in the cliff-line rocks including those directly below the KCCC site. Evidence can be found in rock falls small and large in its vicinity and in fresh rock faces on the escarpment.

- **Major vertical and horizontal cracks (or joints) in the Narrabeen sandstones** of the escarpment. As shown in the diagram these joints divide the sandstone into huge blocks. Sometimes distinctive formations like the Three Sisters and Orphan Rock result from erosion along the joints but more often their presence

contributes to the sapping process (as outlined above) and determine the size of the sandstone block that will fall.

Jointing also plays a major role in the movement of water within and around the escarpment. After rain a proportion of available water will seep into the sandstone and may be channelled both vertically and horizontally along these cracks. Groundwater moving vertically will eventually encounter the claystone layers and will then move more horizontally towards the face of the escarpment where it may emerge as springs or seepage zones. Such water transports with it fine clay particles from the claystone and shales layers which will erode away over time, leaving the capping sandstone unsupported and ready to collapse (sapping process as outlined above). During times of prolonged rainfall (or from increased amounts of runoff from artificial surfaces or drainage lines) so much water may be moving through the rocks that the build-up of hydraulic pressure may see the weaker rocks almost ‘blasted’ apart by the exiting water thereby speeding up cliff collapse processes.

**Jointing is a major natural structural defect beneath the KCCC development site and should have been more fully considered in the Geotechnical Assessment.**

It must also be considered, but it is not, that the **movement of groundwater** determined by both the jointing pattern and the claystone/shale layers **is also critical in sustaining the plants and animals of the BMCC Scheduled Vegetation Community Escarpment Complex** (note this is not well shown on maps because of the vertical nature of the cliffs here). **Every effort must be made to not interfere with current groundwater flow from the site, neither to increase nor decrease it to so as to not exacerbate natural erosion processes or to deprive cliff-line plants of required seepage water.**

- **Fault lines** of various sizes have been detected within the escarpment rocks and particularly in the underlying Illawarra Coal Measures in this area. There is one at the entrance to the old Katoomba coal mine and another contributed to the famous Katoomba Landslide. Fault lines have not been well-mapped in this area and may be a further element of instability that needs to be considered.
- **Underground coal mining has not been mentioned in the *Geotechnical Assessment*.** Such mining was extensive both immediately beneath the escarpment and under the plateau towards the Katoomba commercial area. According to Pells and Hammond (2009) in *The Burning Mists of Time* the coal measure beneath the entire KCCC property was mined (so there are large areas empty of supporting rock) and the ‘daylight tunnel’, part of the transportation system for coal, and for kerosene shale from Ruined Castle and the Megalong Valley, passed through the rocks beneath the property as well. The implications

of such extensive removal of deep bedrock are not considered in any document accompanying this DA.

**The combination of the inherent problems presented by the local geology and the presence of abandoned coal mines that have reduced much of the support of the escarpment rocks and nearby plateau seriously reduces the structural integrity of the escarpment in the vicinity of the KCCC.** Just how serious is demonstrated by the **focus of large landslides** immediately to the south and west of the property boundaries that were associated with mining beneath Malaita Point (the conference centre stands at its northern end with Cyclorama Point its highest spot). From January to June 1931 the Katoomba (Dogface Rock) Landslides removed over a hundred thousand tons of sandstone from the western side of Malaita Point some 250 metres due west of the location of the new auditorium. Closer still and in more recent times (1960s) substantial rock slides have occurred on the southern edge of Malaita Point.

On its eastern side the KCCC property boundary is separated by just 50 metres from the escarpment edge and about 160 m from its southern, with the narrow Cliff Drive in-between. It should be kept in mind that in just one of the 1931 rock falls, 30 metres depth was shaved off the cliff line overnight. Even smaller falls, such as the November 2017 tragedy in Wentworth Falls, can produce substantial cliff retreat and destabilisation of a larger part of the escarpment. **It would seem then that given the demonstrated instability of the escarpment in the vicinity of Malaita Point, the inherent weaknesses of the geology, and the history of coal mining impacts should be seriously assessed before any intensification of land use occurs on the Katoomba Christian Convention Centre property.** Any such assessment should not just look at slope instability and the impacts of ground vibration, but should also consider the possibility of encountering **unforeseen mining impacts in creating collapsed rock zones and even caverns** as have been found in similarly located developments.

### 3. Hydrology

The movement of water in the vicinity of the Katoomba Christian Convention Centre is closely associated with geology, as noted above, but also with Blue Mountains Swamps, and increasingly with changes associated with the intensification of land use in this area. **The movement of groundwater in relation to the vertical and horizontal jointing pattern of the escarpment rocks, its contribution to weathering and erosion of those rocks, and to its role in sustaining cliff-line vegetation has already been noted above.** There are however other hydrological issues that must be considered in relation to the KCCC proposed development:

- The main stream draining the site is an unnamed stream that flows over Witches Leap (so called herein Witches Leap Creek). This stream is a tributary of the Kedumba River that eventually flows into Lake Burragorang. **Witches Leap Creek has carried for many decades an excessive load of iron** as

demonstrated by the iron bacteria formations on the waterfall rocks and surrounding vegetation. Despite information from the BMCC, the transport of such excessive amounts of iron is not a natural process here, but rather an indication of catchment disturbance such as the excavation of iron rich rocks and of the destruction of upstream swamps that are normally a depository for such iron (when naturally weathered from rocks), seepage from old sewage lines and the rusting scrap metal paddock on the Scenic World property.

**If permission is granted to a redevelopment on this site it is essential that all site runoff be retained and filtered to remove iron as well as sediment during any excavation of the iron-rich sandstones so as not to further exacerbate the deterioration of Witches Leap Creek.**

- **The role of upland swamps** in regulating stream flow by retaining then slowly releasing water is now well-known. A well-formed ‘hanging swamp’ (NSW EEC *Blue Mountains Swamps in the Sydney Basin Bioregion*; BMCC *Blue Mountains Swamps*) once occupied the headwater valley of Witches Leap Creek below the main building of Clairvaux. Much of that swamp was bulldozed and levelled to create a playing field that is now apparently owned by the Katoomba Christian Convention and used by both that establishment and Scenic World for parking. Given the increase in visitor numbers planned by this development it is **vital that the car park not be expanded any further. Any decrease in bushland and/or swamp area or quality will not just impact on the vegetation community and its inhabitants but will also have a further detrimental impact on Witches Leap Creek and on the quality and quantity of groundwater**, both with implications well away from the development site.

#### **4. Excessive building height compromising the Protected Area – Escarpment**



The applicant's map above shows the escarpment areas on the site (pink). While the current auditorium is shown to be mostly within the escarpment area, the new auditorium will be 50% larger and also located mostly within the escarpment area in the south-east corner of the block. The auditorium is sited on the upper slopes of Cyclorama Point, the highest spot in the immediate vicinity, with downhill slope constraint areas immediately abutting the proposed building to the south and east.

**The height of the proposed auditorium is 12.9m. This is well above current and proposed building height limits.**

Provisions of LEP 2015:

- Clause 6.12 Protected Area – Escarpment. The objectives of this clause are:
  - To preserve and enhance the visual, cultural and ecological values of the escarpment systems in the Blue Mountains
  - To restrict development, including buildings, alterations and vegetation clearing, so as to minimise any adverse impact on the perception of escarpments as significant natural features
  - To limit the proportion of hard surfaces in close proximity to escarpment systems
  - To ensure that the design and siting of development minimises any adverse environmental impact
  - To encourage the retention, restoration and maintenance of areas of disturbed native vegetation.

There follows detailed assessment criteria meant to ensure compliance with the objectives.

**The Society believes that the siting of the large auditorium building in the escarpment area fails to comply with these objectives and criteria.**

- Height limit for Protected Area – Escarpment: **5.5m**
- However, Clause 4.3A (3) allows building up to **8m** in Escarpment areas under certain circumstances (if it doesn't go above tree canopy or protrude above the ridgeline etc)
- And a proposed amendment to Clause 4.3A (9) relating to the whole of this land, which is included in "Katoomba Precinct RE2/SP3-KA20", allows for a building height of **10m, so long as it is not visible from Cliff Drive or any public place.** This amendment is still being assessed by the DPE.

**The Society believes that the proposed development fails to comply with these proposed changed provisions.**

- Another proposed amendment to Part 7.6 is to add:
  - (20) The objectives for development on land identified as "Katoomba Precinct RE2/SP3-KA20" on the Built Character Map are as follows:
    - a) To minimise and mitigate the impact of development on land in Zone E2 Environmental Conservation and E1 National Park and Nature Reserves
    - b) To minimise and mitigate the impact of development as viewed from any public place, including but not limited to Echo Point.
    - c) To protect the amenity of adjacent residential areas.

d) To maintain existing pedestrian access between the Scenic World site and existing walking tracks in the adjoining National Park.

**The Society believes that the proposed development fails to comply with even these objectives.**

The Blue Mountains Conservation Society cannot understand how this increase of height to 10m has been allowed in such a visually prominent escarpment area, given the objectives of Clause 6.12 Protected Area – Escarpment. There is now manifestly a conflict in LEP 2015 on the management of escarpment areas with the special height provisions proposed for “Katoomba Precinct RE2/SP3-KA20”.

To add insult to injury, the applicant, not satisfied with the generous proposed height limit rise to 10m, has applied for a further height of 2.9m on top of that for the auditorium through an LEP 2015 Clause 4.6 request for a height variation. The auditorium is located on the most visually prominent point on the site. In support of its case for an additional height allowance, the applicant is relying on the precedent set in 2011 for Council approval of an 11m bookshop building on the site *but not at that visually sensitive spot*.

It is unacceptable to the Society that a development in such a visually prominent position on the escarpment should exceed what we believe to be an already excessive height limit, particularly when this height limit has not yet been approved by the DPE. Should this amendment not be endorsed by the DPE, most of the proposed buildings will not be in compliance with the current 8m height restriction.

The Society also believes that approval for this development in its present form will set a precedent for approving other over-size buildings along the visually sensitive escarpment areas of the Blue Mountains.

We will return to a discussion of the likely visual and other impacts of the development on Echo Point, the Blue Mountains National Park and World Heritage Area later.

**Recommendation:** *The BMCS recommends refusal of the development proposal on the grounds of non-compliance of the auditorium with the height restriction proposed and currently in place, and non-compliance with the objectives of Clause 6.12 Protected Area – Escarpment.*

## **5. Intensification of development on the site and potential commercialisation**

### *Site Coverage*

The application proposes an increased site coverage of 17%, up from the maximum allowable building site coverage of 15% for the development site in the draft Amendment to the Blue Mountains DCP. 15% is the current site coverage. The applicant says this is a ‘minor variation’ and claims that 80% of the site will be undeveloped. However, a 2% variation translates to **over 1100m<sup>2</sup> of extra land on the site that will be developed** – that’s about a quarter-acre house block in size. The applicant also doesn’t take into

account the impact on the '80% undeveloped area' of vegetation clearing for an asset protection zone (APZ).

From the plans supplied by the applicant, it seems the proposed new auditorium, at about 2700m<sup>2</sup>, is around 50% bigger in terms of area of old auditorium (about 1800m<sup>2</sup>). The new bookshop/WC complex is at least 2x the current size. And there will be additional buildings on previously undeveloped areas of the site even with demolition and replacement of some old buildings, and a new large 500 seat dining hall/admin building (and accommodation buildings) in a previously undeveloped area on the site (approx. 900m<sup>2</sup> including entry plaza). These will all require APZs around them (see later).

The current accommodation on the site is 220 beds, proposed to go up to 390 (an increase of 170). The campground accommodating 150 people will also still be available outside the times of major events when it will be used for parking.

The increased capacity of the auditorium and accommodation on the site will increase traffic and parking issues and impact on residential amenity over longer periods. It is likely that the upgraded facilities will be used more by the applicant (KCC) and will attract greater use by other organisations. Otherwise, why is the site being redeveloped?

#### *Commercialisation*

The proposed development represents a substantial upgrading of the site and its facilities. The facilities are already available to other groups outside of times used by the applicant (KCC) for worship and other purposes. An upgrading of the facilities to the level proposed on such a scenic site will make it a very attractive facility to other users. Hiring out of the facilities will be a way for the KCC to recoup some of the substantial cost of the development. One of the key issues raised by Council in a pre-DA meeting was that frequent use of the facilities outside regular KCC activities has the potential to shift the place of worship character of the site toward a commercial character (Statement of Environmental Effects p.4).

**Recommendation:** *The BMCS recommends that the development proposal be refused because the proposed site coverage (17%) exceeds the maximum allowable (15%) for this site in the draft Amendment to the Blue Mountains DCP creating unacceptable visual impact. Upgrading and commercialisation of facilities will increase site use and patronage and exacerbate traffic and parking issues, impacting on residential amenity over longer periods.*

## **6. Traffic and parking issues**

The Society believes that the applicant's Transport Impact Assessment is misleading. It essentially says that there'll be 'no problems' with the increased traffic and parking requirements resulting from the increased seating capacity of the new auditorium: 3500, an increase of 1200 on the current 2300.

The applicant refers to a 2017 study of traffic (including tourist traffic) in the Traffic Impact Assessment at the time of the Easter Conference – the busiest time of the year with the highest number of visitors – to argue that the impact of the new development on traffic will be ‘negligible’. But 3100 attendees over the 4 days of the 2017 Easter Conference, when the seating capacity of the auditorium was 2300, is not comparable to the potential for 3500 attendees to be on the site in the new auditorium *at the same time*.

The applicant also uses the findings of the 2017 study – that parking demand was within the current capacity – to argue that the Blue Mountains DCP parking provision requirement, presented in the table from the Traffic Impact Assessment below, should not apply. But it is likely that the improved facilities will attract many more people to the site than attended the 2017 Easter Convention.

**Table 4.1: Parking Assessment**

Land Use	DCP Parking Rate	Yield	Parking Requirement	Existing Demand	Proposed Parking Provision
Place of Worship	1 space per 4 seats or 1 space per 10m <sup>2</sup> GFA, whichever is greater	3,500 seats	875 spaces	398 spaces (Easter Saturday 2017 survey)	754 spaces
Café	1.5 spaces per 100m <sup>2</sup> GFA	Approx. 150m <sup>2</sup>	22 spaces	-	5 spaces
Accommodation (eco-tourist facilities)	1 space per proprietor plus 1 space per accommodation suite	390 beds in various bed configurations (45 rooms)	46 spaces	-	53 spaces
Camping ground (during Easter Convention)	Based on parking and traffic report	150 people	30 spaces	30 spaces	0 spaces
<b>Total</b>	-	-	<b>973 spaces</b>	<b>413 spaces</b>	<b>812 spaces</b>

Note: The camping ground when used solely for the purposes of camping has a capacity of 150 people. If it were to be used purely for overflow carparking, it has a capacity to accommodate 33 cars.

The table above shows that the proposed parking provision is less than the requirements based on DCP rates, however surveys of the exiting parking demand for the peak Easter period indicates that actual demand is likely to be significantly less than DCP requirements. This is due to a number of factors but includes:

- Family nature of the Easter Event means that vehicle occupancy (i.e. number of people arriving in the same car) is high;
- The operation of designated shuttle bus services between the site and Katoomba railway station and other off site accommodation facilities; and
- Multi-purpose trips involving patrons attending the auditorium, cafe and/or overnight accommodation, and therefore reducing the overall parking demand on site.

The active management by KCC of travel demand during events was observed by TTPP to be a key factor in the successful running of the Easter Convention 2017.

It is recommended that the continued use of active travel demand management (i.e. shuttle buses, preparation and dissemination of event travel information) be part of the site's ongoing operation.

The 754 parking spaces proposed to be provided by the applicant for a ‘place of worship’ seating 3500 is below the DCP’s requirement of 875. Further, with little parking available on the development site (about 60 at peak use times when the campground area is not available for parking), the vast bulk of the 754 parking spaces allocated for the auditorium are located in the Clairvaux Oval parking area. However, the Clairvaux Oval parking area is not for the exclusive use of people attending the Katoomba Convention Centre auditorium but is shared with Scenic World patrons. Scenic World has an

arrangement with KCC (who owns the Clairvaux Oval parking area) to use Clairvaux as overflow parking for Scenic World. Presumably this carpark would also be used by Scenic World patrons at peak visitor times, such as Easter. This arrangement with Scenic World suggests that even less than 754 parking spaces will be available to auditorium patrons at peak times.

Also note that the maximum proposed accommodation capacity on the development site and adjoining Clairvaux complex is 600, which only minimally reduces traffic and parking demand for an anticipated auditorium attendance of 3500.

**Recommendation:** *The BMCS recommends that, before the application is considered, the applicant be required to model traffic impacts and parking requirements on the proposed capacity of the new auditorium and the potential for 3500 people to be on the site at the same time. The parking requirements should also take into account the arrangement with Scenic World to use the Clairvaux Oval parking area for overflow parking, and that patron parking demand for both Scenic World and KCC will peak at the same time i.e. at the Easter Conference.*

**7. Unacceptable visual impact resulting from height of proposed buildings, development intensification and proposed vegetation clearing for construction and asset protection zones**

The applicant has provided a Visual Impact Assessment (VIA) and contends that the buildings (except for the dining hall) will not be visible from Cliff Drive (as required by amended LEP 2015 Clause 4.3A). The VIA concludes that the visual impact of the development from public places such as Echo Point, Panorama Drive and Cliff View Lookout will be ‘negligible’. The Society disagrees and believes that the VIA underestimates the visual impact of the proposed development because it appears that no serious, objective Landscape Visibility Analysis (Viewshed Analysis) using GPS technology has been undertaken.

The proposed over-height auditorium is located on the upper slopes of Cyclorama Point, the highest spot in the immediate vicinity. Further, the auditorium and inner and outer APZs intrude into the Protected Area – Escarpment. The size of the proposed new over-height auditorium and the height of other buildings, development intensification on the site and tree/vegetation clearing for construction and APZs is highly likely to make the proposed development highly visible from Echo Point, Panorama Drive and Cliff Lookout and other nearby and distant vantage points despite the applicant’s claims to the contrary. See comments on impact of clearing for APZ on south-eastern side of the auditorium under point 4 of discussion on the Flora and Fauna Assessment.

We therefore believe the proposed development is not compliant with current and proposed provisions of LEP 2015. The relevant clauses are:

- LEP 2015 Clause 6.12 Protected Area – Escarpment. The objectives of this clause are:

- To preserve and enhance the visual, cultural and ecological values of the escarpment systems in the Blue Mountains
- To restrict development, including buildings, alterations and vegetation clearing, so as to minimise any adverse impact on the perception of escarpments as significant natural features
- Proposed Amendment 3 to Clause 4.3A (9) relating to the whole of this land which is included in “Katoomba Precinct RE2/SP3-KA20” allows for a building height of 10m, so long as it is not visible from Cliff Drive or any public place.
- Proposed amendment to LEP 2015 Part 7.6. Add:
  - (20) The objectives for development on land identified as “Katoomba Precinct RE2/SP3-KA20” on the Built Character Map are as follows:
    - a) To minimise and mitigate the impact of development on land in Zone E2 Environmental Conservation and E1 National Park and Nature Reserves
    - b) To minimise and mitigate the impact of development as viewed from any public place, including but not limited to Echo Point.

We will address these points in more detail below:

**a) Visual impact in local vicinity**



Figure 8 Key Viewpoints

Above is a map from the Visual Impact Assessment (VIA) showing ‘Key Viewpoints’ that were assessed for visual impact of the proposed development. Needless to say, all the photographs of the site from these viewpoints in the Assessment are of the site as it

currently is. Note that the 'height poles' stuck on the roof of the current auditorium cannot be seen from this distance. The VIA concludes that there will be 'negligible visual impact' from Echo Point, Panorama Drive and Cliff Lookout. These are just claims and are not backed up by objective evidence from a Landscape Viability Analysis. The Society simply cannot believe the visual impact from these viewpoints will be 'negligible' given:

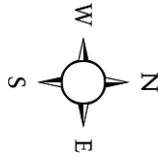
**Intensified development of the site.** As previously noted, the application proposes an increased site coverage of 17%, up from the maximum allowable building site coverage of 15% for this site. This translates to **over 1100m<sup>2</sup> of extra land on the site that will be developed.** In addition, this extended development area will require an APZ.

**Larger buildings.** From the plans supplied by the applicant, it seems the proposed new auditorium, at about 2700m<sup>2</sup>, is around 50% bigger in terms of the area of the old auditorium (about 1800m<sup>2</sup>). The new bookshop/WC complex is at least 2x the current size. And there will be additional buildings on previously undeveloped areas of the site even with demolition and replacement of some old buildings, and a new large 500 seat dining hall/admin building (and accommodation buildings) in a previously undeveloped area on the site (approx. 900m<sup>2</sup> including entry plaza). These will all require APZs around them.

**Clearing for asset protection zone (APZ).** The Statement of Environmental Effects (SEE, p.37) tells us that the development will require APZ of between 50m and 100m. However, it seems from the Bushfire Protection Assessment (BPA, p.18) that the APZ required is more than the APZ proposed. Compliance could require greater clearing than presently proposed. In either case, the APZ will intrude into the Protected Area - Escarpment area.

As noted under point 4 of the discussion on the Flora and Fauna Assessment, contrary to the claims of the applicant it is unlikely that the auditorium will be screened from viewpoints to the east e.g. Echo Point because of the extent of vegetation clearing for the APZ.

Map orientation:



Asset protection zone (APZ) map from Bushfire Protection Assessment  
 light green: inner APZ  
 striped green: outer APZ  
 Black hatching: retained habitat

**Tree and vegetation removal:** The Tree Assessment Report (p.7) tells us that the proposed development will require the **removal of 673 trees, or 58.78% of trees currently on the site**. This figure comprises 395 trees removed because they are within the development footprint and within the APZ, and 278 trees removed from outside the development footprint because they are unsafe and dangerous. Only 41.22% of the trees currently on the site will be retained “wherever possible”.

The Vegetation Management Plan (VMP, pp.25-26) states that in the inner APZ (light green), the vast bulk of the development site, it is intended to retain 25-30% of the understory and shrub layers, and the canopy layer is not to exceed 15% cover. Trees will be retained in the outer APZ (striped green) except adjacent to firebreaks or fire trails; up to 50% of understory and shrub layers to be retained. Presumably some of the trees earmarked for removal because they are “unsafe and dangerous” will be in the outer APZ.

The Society contends that tree and vegetation removal for construction and the inner APZ will be extensive, exposing large areas cleared of vegetation and covered by buildings. This conflicts with the Visual Impact Assessment's claims below:

Comment in VIA re: Echo Point view point (visual impact rating 'negligible'), from p.13 VIA:

"Whilst the view is very sensitive to change because of the high number of viewers and iconic nature of the view, it is unlikely that the proposed development will be visible from this location. The scale of the proposed development in relation to the overall scale of the landscape setting is insignificant. The proposed development will not protrude above any adjacent vegetation nor will it disrupt the skyline by protruding above the tree canopy along the ridgeline".

Comment in VIA re: Panorama Drive view point (visual impact rating 'negligible'), from p.14 VIA:

"The removal of trees as part of the construction works and the creation of the Asset Protection Zones (APZ) may mean that the proposed development is more visible than the existing development. Nevertheless, the scale of the proposed development is small in relation to the overall scale of the view. In addition, the large numbers of trees that will be retained along the eastern boundary of the site will provide screening of the proposed development."

Comment in VIA re: Cliff View Lookout view point (visual impact rating 'negligible'), from p.15 VIA:

"Whilst tree removal is required to meet bush fire protection requirements, the overall scale of the proposed development is small in relation to the overall view. In addition, the buildings and structures associated with Scenic World and the scenic railway are located to the fore of the site. The proposed development will not impact views towards Orphan Rock, Scenic World and the sandstone escarpment. The proposed development will not protrude above the existing skyline".

Summary from VIA:

Generally, the proposed development has a low to high visual impact. **Table 12** summarises the findings.

Table 11 Visual Impact Assessment Summary			
	Motorist	Pedestrian / Cyclist / Tourist	Residents / Hotel Guests
<b>View Point 1: Echo Point</b>	N/A	Negligible	N/A
<b>View Point 2: Panorama Drive</b>	Negligible	Negligible	Negligible
<b>View Point 3: Cliff View Lookout</b>	N/A	Negligible	N/A
<b>View Point 4: Scenic World</b>	N/A	Negligible	N/A
<b>View Point 5: Corner of Cliff Drive and Violet Street</b>	Moderate	High-moderate	N/A
<b>View Point 6: Cliff Street</b>	Moderate	High-moderate	High

The long distance views (View Points 1 to 3) have a negligible visual impact. It is noted that the scale of the proposed development is very small in relation to the scale of the overall views. Whilst tree removal will occur to facilitate the construction of the new buildings and the establishment of the APZ, over 80% of the site will remain undeveloped. This includes the existing trees located to the east and south of the proposed auditorium. The auditorium will not protrude above the existing tree canopy adjacent the building and it will not visually break the skyline of the tree canopy located along the ridge. The proposed development will not have any impacts of any existing views towards Scenic World, Orphan Rock and the sandstone escarpment.

East of the auditorium between Cliff Drive and the auditorium, the site rises approximately 16m (from approximately RL 968 to RL 983.850), with a dense tree canopy that extends up to 25m. Therefore, the height of the trees below the auditorium is approximately RL 992 to RL 1008.850, with the tree canopy providing screening of the auditorium, which has a maximum ridge height of RL 997.054. South of the auditorium, the ground level rises from approximately RL 990 to RL 1004. The tree canopy in this area also extends up to 25m. Therefore, the height of the trees is approximately RL 1005 to RL 1029.

The medium distance view (View Point 4) has a negligible visual impact due to the existing vegetation along Cliff Drive. The vegetation along Cliff Drive is being retained.

The short distance views (View Points 5 and 6) have a moderate to high impact. However, the proposed development is considered to provide a good quality architectural design. Existing dilapidated building structures are replaced with new contemporary buildings.

The BMCS simply cannot accept the conclusions of the VIA on the ‘negligible’ visual impact of the development from these 3 viewpoints discussed here, especially when it appears the visual impacts have not been properly assessed through a Landscape Visibility Analysis. The BMCS believes that vegetation clearing and topography will leave many areas of the site – particularly the over-height auditorium and the ‘ecolodges’ on the eastern slopes facing the main tourism precincts – unscreened from view.

Echo Point and the surrounding viewpoints looking westwards towards the development site offer what are arguably some of the most iconic vistas in Australia. The tourist experience will be destroyed if banks of over-height development are allowed along the escarpment areas, particularly in the Katoomba area. Development consent for the proposed development in its current form would set a precedent for such inappropriate development.

## **b) Visual impact on key ‘viewpoints’ outside immediate vicinity**

A simple topographic map analysis using basic directions of visibility from selected observation points and the heights of contour lines suggest that the site is highly visible from at least the following popular tourist viewing areas on the north-east and eastern escarpments, some of which are in the Blue Mountains National Park, as well as from private housing and tourist accommodation associated with these:

- Reid Plateau and lookouts
- The western side of Echo Point and associated Prince Henry Cliff Walk
- The Three Sisters
- Top of the Giant Stairway
- Sublime Point Lookout, Leura
- Lincoln’s Rock, Sunset Rock and other escarpment locations on Kings Tableland

The VIA has not considered that the development may be seen from Jamison Valley walking trails – the most popular in the region. **Impacts on views from at least Furbers Stairs and Federal Pass must be assessed.**

**Recommendation:** *The BMCS recommends that the development proposal be refused on the grounds of non-compliance with Protected Area- Escarpment objectives:*

- *To preserve and enhance the visual, cultural and ecological values of the escarpment systems in the Blue Mountains*
- *To restrict development, including buildings, alterations and vegetation clearing, so as to minimise any adverse impact on the perception of escarpments as significant natural features.*

*And be refused on the grounds of non-compliance with proposed amended Clause 7.6: To minimise and mitigate the impact of development as viewed from any public place, including but not limited to Echo Point.*

## **8. No assessment of impacts of development on scenic values from within the World Heritage Area and national park**

Nowhere in the applicant’s Visual Impact Assessment is any mention made 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. The VIA has not considered that the development may be seen from Jamison Valley walking trails – the most popular in the region. **Impacts on views from at least Furbers Stairs and Federal Pass must be assessed.**

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 of management 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.

Nowhere is the Development Application is reference made to the Greater Blue Mountains World Heritage Area Strategic Plan (2009). This is a plan of management for protecting World Heritage values, including visual and aesthetic values, signed off by the NSW Commonwealth and State Governments. The Plan warns that threats to WH values can arise from inappropriate development on adjacent properties, which the development site is. It states (p.33) “Scenic values can be compromised by inappropriate developments in prominent locations adjoining the area. Properties adjoining GBMWhA with prominent vantage points are highly valued and under pressure for residential and tourist development. Such development has the potential to diminish the scenic values for others”. It is therefore incumbent on consent authorities to require that developments comply with LEP and DCP provisions designed to protect those world heritage values. This includes provisions for Protected Area – Escarpment.

BMCS believes that the impacts on scenic and aesthetic values within the WHA need to be urgently assessed before the proposal proceeds. The BMCS also believes that potential impacts on the scenic values of the WHA may be sufficient grounds to require Commonwealth approval and that the development should be referred to the Commonwealth.

**Recommendation:** *Commonwealth approval may be needed, given the likely impact of the development on world heritage scenic values. It is recommended that Council require the proponent to refer the development proposal to the Commonwealth. Please note that if the proponent does not refer the development to the Commonwealth, the Society as a third party can do so under Commonwealth Environment Protection and Biodiversity Conservation Act.*

## **9. No assessment of impact of the proposed development on Blue Mountains National Park**

The applicant also does not consider the impacts of the proposed development on the adjacent national park, as is required in LEP Clause 6.1 (3) Impact on environmentally sensitive land, Development near Blue Mountains National Park.

This clause states:

Development consent must not be granted for development on land that is adjacent to, directly opposite or separated by only a local road from land in the Blue Mountains National Park unless the consent authority:

- a) has considered the impact of the proposed development on the heritage significance and scenic attributes of the National Park, and

- b) is satisfied that the development incorporates effective measures to avoid, minimise or mitigate any adverse environmental impact on the land in the National Park.

The Society believes that there are potential risks to the national park by the development and its construction:

- visual impact on the national park
- sediment runoff during deep excavation of the site
- increased volume & velocity of runoff into streams increasing erosive potential
- increased potential for weed seeds and sediment to be transported into the National Park
- decreased infiltration into groundwater.

Downstream and downslope impacts would result in degradation of the World Heritage Area and the Sydney Metropolitan drinking water catchment.

### **10. Insufficient time for public comment**

This proposal is large and complex and will result in significant environmental and community impacts. The time period for public consultation and community input (4 weeks) is totally inadequate given the size of the project and the extent of the documentation which needs to be read through and understood. There has been no community information sessions or briefings by the proponent to enable the community to better understand the development. As a result the community has had little time to understand the issues or provide input, despite the scale and impacts of the proposal. The Society strongly recommends that Council extends the public consultation period and asks the proponent to provide a community briefing on the project.

### **Conclusion**

The BMCS believes that the current proposal has not been developed with sensitivity to and full cognizance of the environmental significance and scenic value of the site and that the consent authority should not grant approval to this development in its current form. Further, a precedent should not be set for approving developments that do not comply with planning controls (building height and site coverage). Over-development of this critical site, located on the escarpment comprising one of the most iconic tourist vistas in Australia, has the potential to compromise National Park and World Heritage Values and should be avoided at all cost.

The BMCS has identified the shortcomings of the flora and fauna, geotechnical, visual impact and traffic and parking assessments and believes inadequate consideration has been given to the impact of the development on the site's environment, hydrology and scenic value. ***However, because the DA was lodged on 1 March 2018 (according to the BMCC website) the Society believes that the Flora and Fauna assessment may not be valid as the assessment was conducted with reference to the old TSC Act. The Society***

*understands that, from 25<sup>th</sup> February 2018, any new DA lodged in the Blue Mountains LGA is subject to the biodiversity assessment requirements of the Biodiversity Conservation Act 2016.*

*Council must first determine if the submitted Flora and Fauna Assessment is valid. If it is not, it will have to be re-done.*

Finally, the BMCS believes that the issues we have raised in objection to the current proposal are of such seriousness and importance that the consent authority cannot grant approval to this development in its current form. **The Society recommends rejection of this proposal** and that the studies in question be further developed before any future development proposal can be considered for this site.

If you have queries in regard to the issues raised in this submission please contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "Madi Maclean". The signature is fluid and cursive, with a small flourish at the end.

Madi Maclean  
President  
Blue Mountains Conservation Society  
mobile 0412 428 202 or email [president@bluemountains.org.au](mailto:president@bluemountains.org.au)