



Blue Mountains Conservation Society Inc

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Nature Conservation Saves for Tomorrow

BMCS Statement to the SYDNEY WESTERN CITY PLANNING PANEL

Katoomba Christian Convention Centre

Tuesday 4th December 2pm

We are the oldest and largest conservation organisation in the BM with over 800 members. Our members include highly qualified and experienced experts in land management, geology, hydrology and ecology. Several of these members contributed to our submission on this Development Application.

The Blue Mountains Conservation Society thanks the Sydney Western City Planning Panel for the opportunity to speak about this Development Application. We also thank the Blue Mountains City Council for the thorough preparation of the Assessment Document for the proposal that reflects many of the concerns that the Society expressed in its submission.

Our analysis of the documents presented in our submission, identified errors and omissions in the flora and fauna assessment and the Statement of Environmental Effects. We also identified shortcomings in the geotechnical, visual impact and traffic and parking assessments and inadequacies in the vegetation management plan. We also provided our own expert analysis of the unacceptable adverse impact of the development on the site's flora and fauna, geology, hydrology and scenic value.

Our objections to the proposal largely concur with those in Council's Assessment Report on these matters.

The Society therefore strongly supports the Council Assessment Report's recommendation to refuse development consent and agree with it that the problems with the current Development Application and many of the accompanying reports and assessments are so fundamental and insurmountable that it should be withdrawn.

We will now make some **specific comments on the Assessment Report:**

Specifically the **Reasons for Refusal** that most reflect the Society's concerns about the Development Application are:

1. **Firstly items relating to the size and character of the development:** The Society agrees with **RfR No. 9** that *building heights do not comply with the height controls under LEP 2015*; **no. 11** that *the building scale and character is not appropriate for the bushland character and setting*; **no. 13** that *the proposed development [of 17% of the property] does not comply with a building site coverage of a... maximum 15% and particularly no. 17* that *non-compliance with the building height control, building site cover control, and parking rate provision indicates an over-development of the site.*

2. ***** Please refer to the addendum**

We note in **RfR no. 1** that a *bush fire safety authority has not been issued by the NSW Rural Fire Service*, and further on page 6 that the RFS has categorised the development as a new whole-of-site special fire protection purpose development requiring compliance with Planning for Bushfire Protection 2006, meaning that **asset protection zones** of 100m or greater will be required. APZs of this size cannot be contained within this property's boundary so not only will much of the on-site remnant vegetation be cleared but parts of the **Jamison Valley Heritage Conservation Area** that includes lookouts on Council Community land along Cliff Drive, and sections of the Blue Mountains National Park could be affected as well.

We therefore agree with **RfR no. 5** that *the Council cannot be satisfied the development complies with aims of LEP 2015 with regard to the retention and enhancement of bushland on the site*. We also agree with **RfR nos. 7 and 12** that *the new APZs will overlap with land mapped by Council as Protected Area – with Slope Constraints ... Escarpment... significant vegetation communities, threatened species habitat and indigenous vegetation that effectively surrounds and screens the existing development at the site.*

3. The Society contends that the development size and the required extent of the APZs will result in **a considerable loss of biodiversity from the property** including at least 673 trees, so we agree with Council's **RfR 14** that *the extent of vegetation removal arising from the additional site cover and associated asset protection zone ... will be contrary to the relevant Zone objectives in LEP 2015.*

Council has expressed concern on pages 6, 94 and 95 of the Assessment Report about the **inadequacies of the flora and fauna analysis**. It noted for example that Schedule 6 significant vegetation communities of:

- *Eucalyptus radiata subsp. radiata – Eucalyptus piperita* Open-forest
- *Eucalyptus oreades* Open-forest/Tall Open-forest

... as well as areas of [Schedule 6 Significant Vegetation Community] **Blue Mountains Escarpment Complex** along the south-eastern boundary with Cliff Drive have not been included in that study. We therefore agree fully with **RfR no. 6** that *the development does*

not comply with LEP 2015 clauses with regard to impact on Schedule 6 significant vegetation communities...

If a new Flora and Fauna study is requested we would like to add to Council's list on pages 34 and 35 of the areas that require reassessment, an action demanding a thorough bird survey that includes the East Coast-wide migration of honeyeaters that frequent this property and the wider Jamison Valley in autumn and spring.

4. The Society is concerned about the **geotechnical instability** of the site. Problematic geotechnical issues were raised in the Geotechnical Report that accompanied the DA but were considerably downplayed in the Statement of Environmental Effects. We therefore agree with Council's **RfR no. 8 (part)** that *the proposal does not demonstrate that... soil stability can be adequately achieved*, and with **RfR 18c** that insufficient information has been supplied on **excavation site management**.
5. On a related issue the Society asked questions about downstream **hydrological impacts** of the development and called for improved on-site retention of water and iron-rich sediment especially during construction stages. We were also concerned about the **lack of retention of rainwater and its re-use** through the property. We therefore agree with Council's **RfR 18c** that indicates there is insufficient detail on stormwater management and with **section 14 and 15** of the Discussion of Issues detailing hydrological anomalies and requests for further detail that have apparently gone unheeded by the Applicant.
6. If approved **this development will have visual and physical impacts well beyond the property boundary**. Specifically we strongly agree with **RfR no. 12** that: *when the APZ requirements are applied on the site, the new buildings will be significantly exposed, particularly the auditorium, to Cliff Dr and to public places to the east and north-east and to the Blue Mountains National Park ... and so cannot comply with the Protected Area provisions in LEP 2015*. We also agree with **RfR no. 15** that *the Council cannot be satisfied that the objective in LEP 2015 cl. 5.10 can be met in terms of setting and views in relation to the National Park, which is a heritage conservation area, as a consequence of vegetation removal by required APZ clearing*.

Placing these objections into a **regional context** the Society agrees with the Council's decision in **RfR no. 4** that *the development does not comply with **Sydney Regional Planning Policy No. 20 – Hawkesbury Nepean River** with regard to the protection of environmentally sensitive areas, cultural heritage, and flora and fauna, neither within nor outside of the property boundaries.*

For all of the reasons outlined above as well as the many others contained in the Assessment document we support Council's recommendation that the Katoomba Christian Convention Centre development application be refused.

Madi Maclean
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***** Addendum to point 2:** *The detail in point 2 was correct at the time the statement was prepared and given, and as contained in the on-line copy of the Assessment Report. However after the Society gave its statement to the Panel, the proponent's Flora/Fauna/Bushfire consultant (Travers) announced that an email had been received the previous day (Monday 3/12) stating that the RFS had changed its mind about its assessment of the development. After previously providing advice that it was a new whole-of-site special fire protection purpose development (requiring compliance with Planning for Bushfire Protection 2006 and asset protection zones (APZ) of 100m or greater) the RFS now considered it to be an in-fill development. We understand however that at present this makes little practical difference. No bush fire safety authority has been issued and the amount of APZ clearing will still be substantial.*

We would recommend checking with Council in regard to this issue.