



# Blue Mountains Conservation Society Inc

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## Nature Conservation Saves for Tomorrow

Date: 17 April 2019

Dr Rosemary Dillon  
General Manager  
Blue Mountains City Council  
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By Email to: [council@bmcc.nsw.gov.au](mailto:council@bmcc.nsw.gov.au)  
cc Louise Menday [lmenday@bmcc.nsw.gov.au](mailto:lmenday@bmcc.nsw.gov.au)

Dear Dr Dillon

### Draft Lawson Crown Lands Masterplan

The Blue Mountains Conservation Society (BMCS) is a community-based volunteer organisation with over 800 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.

The Society made a previous submission to the public exhibition of the 3 'demonstration sketches' for the Crown Land at Lawson (April 2018) and is pleased to now have the opportunity to comment on the Draft Lawson Crown Lands Masterplan.

#### General comments

First, we commend the council for responding to the near-universal unpopularity of selling/leasing some of the site for private large scale development and to the low community support for the 3 'demonstration sketches', all of which proposed intensified development of organised sports facilities (reported in the 'Consultation Summary' and council meeting business paper February 26<sup>th</sup> 2019). The former idea has now been dropped from further consideration and the proposed 'sports precinct' in Stage 2 is much reduced in size in the current draft Masterplan.

However, the Society still does not support the proposed 'sports precinct' in Stage 2. Nevertheless, we are pleased that our criticisms about the research methodology and lack of evidence of the need for what we termed a sports 'overkill' on the site, represented in the 3 'demonstration sketches', has apparently been listened to, and that "Stage 2 will be subject to further detailed study on the carrying capacity of the mid mountains sporting facilities, on demonstrating need for sporting facilities and on environmental impacts" (Council Business Paper February 26<sup>th</sup> 2019, p.99).

The findings presented in the report to council on submissions to the 3 'demonstration sketches' and community consultation on the future of the site is

consistent with the 'Residents Open Space and Recreation Strategy Survey' undertaken for the Open Space and Recreation Strategy, where walking for exercise came out on top of the list of most popular recreational activities (with bushwalking and hiking second). Given this consistent response by the community in support of walking and walking facilities, we are concerned that local walking clubs are still not listed in the new draft Masterplan as 'stakeholders' for the purpose of consultation. The Society believes that there is more that could be done to better link the Lawson golf course area with the adjoining South Lawson Waterfall Circuit Walk and to upgrade these walking tracks, considering that the golf course is an access route to those popular bush walks.

We also note that "the overriding theme of the preliminary comments was protection of the special environment of the lands – that comprise the riparian area of Lawson Creek and the bushland adjoining the lands, the extant native vegetation on the lands and the open grassed spaces and the vistas these provide" (Consultation Summary p.1). This theme is reflected in the vast majority of respondents wanting minimal change at the site and any changes to be of low environmental impact and not destroy the quiet ambience and the open landscape character of the area. As the Consultation Summary notes (p.3), small park improvements such as bubblers and bins, providing for kids and families (e.g. nature play, picnic areas and education focussed on the natural environment and cultural heritage) and walking/bike paths emerged as main themes in nominated changes at the site. There was also support for the dog off-leash area to be fenced, due to dogs currently being off-leash outside the designated area and posing a safety risk to other users of the site, particularly children and older people, and running into the riparian bushland and impacting on the creek. All in all, the picture painted by the responses to the current community consultation reproduces the community's views when last consulted on a Masterplan for the site over 10 years ago. The highest support then was for the Bushcare Network's Option 6, which was a low impact, sustainable, and minimal re-development option aimed at enhancing the natural values of the site.

## **Response to Stage 1**

The BMCS supports the Lawson Crown Lands Masterplan Stage 1 concept except for the relocation of the dog off-leash area. We are also disappointed that the potential native nursery site at the old clubhouse has been deferred to Stage 2 of the Masterplan.

The Society did not support any of the 3 'demonstration sketches' previously exhibited for community consultation (except for the idea of a community nursery) and instead advocated for a 'new fourth option' aimed at minimal impact and sustainable use of the site. The elements of our fourth option were:

- Ensure the site is protected as an open space recreation area and bushland reserve.
- Maintain the existing uses at their current locations, including the BMX track, oval, cemetery, dog off-leash area and bushwalking tracks – with no new sporting or residential re-development of the site.
- Provide additional small-scale recreational opportunities consistent with the natural values of the site, such as a children's nature playground, children's bike track, and other passive recreational opportunities (e.g. picnic tables and interpretative signage).
- Enhance the natural values of the site including widening of the bushland areas along the creekline and improving stormwater management.
- Upgrade and expand the existing walking track network.

The Society is therefore pleased to see that many of these elements, which are also what the majority of the community wants, as the consultation process revealed, have been incorporated into Stage 1 of the draft Masterplan.

However, we are disappointed that the potential native nursery site at the old clubhouse has been deferred to Stage 2 of the Masterplan. As Council is aware, the Society has been attempting to find a location to re-open its nursery in the mid mountains for a number of years and this is acknowledged in the draft Masterplan. A Stage 2 timeframe is not feasible for the Society and we don't understand why the 'native plant nursery' cannot be part of Stage 1. The nursery would not involve additional funding or the relocation of the current tenants of the clubhouse. In this regard we note that the report to the council meeting of February 26<sup>th</sup> (p.96) states "that some aspects of Stage 2, namely those unconnected to future feasibility studies and funding opportunities, may be brought forward and commenced earlier should the opportunity arise" (see the Appendix to this submission for the Society's proposal for a native nursery extracted from our submission of April 2018).

**Recommendation: That the 'native plant nursery' be included in Stage 1 of the Masterplan.**

The Society strongly supports the South Lawson Park Bushcare Group's proposal for a new Blue Mountains Arboretum and Botanical Walk and Ride Trail along or near the shared loop path. We can see the aesthetic, educational and environmental value of additional massed displays/groupings of the more spectacular flowering shrubs and trees of the mid mountains. The idea of an arboretum, proposed in the Bushcare Network's Option 6 for the 2005/6 consultation, had strong community support.

**Recommendation: That the South Lawson Park Bushcare Group's proposal for a new Blue Mountains Arboretum and Botanical Walk and Ride Trail be included in Stage 1 of the Masterplan.**

The BMCS also shares the Bushcare group's concerns about the location of the pedestrian access at the far north-eastern end of the site (between Waratah St. and Honour Ave, Site element No.1). This is a very steep area of bushland and swamp close to the creek and BMX course. We agree that a path through this area is environmentally inappropriate and recommend that this section of the path, north of the intersection with the Honour Ave pedestrian access path, be removed from the Masterplan. A path on the western side of the oval and BMX track to Waratah St is more appropriate.

**Recommendation: That the proposed access track from Waratah St on the north-eastern side of the BMX track to the intersection with the access track from Honour Ave be removed from the Masterplan for environmental reasons.**

### **Fenced dog off-leash area**

The BMCS notes the statements in the Consultation Summary and February 26<sup>th</sup> Council Report that the slightly higher ranking for an unfenced rather than fenced dog off-leash area was influenced by the very high number of responses from the dog walking community to the public consultation. The Society strongly supports the council's plan to fence the dog off-leash area for the social, environmental, amenity and safety reasons clearly laid out in the report. Turning the whole site into a dog off-leash area or leaving the off-leash area unfenced is incompatible with the multiple uses and users proposed for Stage 1. Many dog owners currently regard the whole site as an off-leash area and unleashed dogs currently overrun the site. Many dog

owners do not (or cannot) control their off-leash dogs and this deters other current and potential users. It is clear from the report that off-leash dogs are also causing damage to the Lawson Creek banks and riparian flora and fauna, undermining the work of the local Bushcare group over many years.

If, as the report to council says, the intent of the draft Masterplan is to encourage increased public use of the Lawson Crown Lands, and specifically to encourage more children and families and people with limited mobility, then public safety is imperative. We agree that there must be a better delineation between activities on the site and that the off-leash dogs must be contained in a fenced area and compliance enforced. We also note that First Nation traditional owners have indicated acceptance of a fenced dog off-leash area as a compromise to not wanting dogs on the site at all.

However, we do not support a relocation of a fenced off-leash area to the vegetated area adjoining the current unfenced off-leash area for the following reasons:

- It is unclear why the fenced dog off-leash area is proposed to be relocated to the area of remnant/regenerated vegetation other than it is apparent from the 'Masterplan Concept Stage 2' plan that the current dog off-leash area would be required for a 'possible' future sports precinct with associated parking and amenities. But if the proposed Stage 2 sporting precinct is dependent on "further investigation on the need for facilities...before a decision is made to seek grant funding" (Council Business Paper February 26<sup>th</sup> 2019, p.100), then it seems precipitous to move the dog off-leash area.
- However, if the Council is proposing the new fenced dog off-leash site as an alternative for dog owners wanting access for their off-leash dogs to the vegetated area along Lawson Creek and to the creek itself, the Society questions this decision. It's not clear from the documentation that the dog owners requested this relocation of the off-leash area to a vegetated area. The current greatest use of the site is dog owners using the grassed areas (non-vegetated areas) for dog walking. There is very little use of the vegetated areas for dog walking, so its hard to see why Council wants to degrade these vegetated areas to provide an off-leash area which would be unsuitable for exercising dogs off-leash.
- Further, an article appearing in the *Blue Mountains Gazette* (March 6<sup>th</sup> 2019, p.9) suggests that this is not the solution that the dog off-leash people want because a fenced off-leash area could be too 'restrictive'. (Noting, however, that the 'dog off-leash community' want the whole site to be dog off-leash). If open space is what the dog owners want, then a greater amount of open space is provided at the current off-leash site.
- The Society cannot understand why the area of remnant vegetation proposed for the fenced dog off-leash area will be allowed to be further degraded through understorey clearing required for paths and from dogs running off the paths through the undergrowth, as they currently do along the creek. We can't understand why more vegetation on the site has to be cleared or degraded when there is already a cleared area (the current dog off-leash area) for dogs to freely run around in. If a greater area of vegetation is desired for the off-leash area, surely the already vegetated areas could be extended with additional plantings. It seems to us that more vegetation should be encouraged, not less.
- If shelter from the rain or shade for the dog owners congregating and socialising around the current logs supposedly marking out the southern limits of the off-leash area is required, this could be provided by the erection of roofed shelters with seating within the fenced area at that location and at other locations within the fenced area. Such a simple and cheap solution

could surely be funded from the Western City Deal grant. In addition to extending sections of existing vegetation further into the current off-leash area, other additional plantings, including trees, would provide a longer-term solution to providing increased vegetation and shade in the current off-leash area.

All in all, the Society cannot see in the documentation relating to the draft Masterplan any compelling evidence or justification for the proposed relocation of the (fenced) dog off-leash area to the area of remnant vegetation, other than a possible future use of the current off-leash area for a sports precinct and associated infrastructure. The Society would like to see future environmental impacts minimised and this means the dog off-leash area being maintained in its current location ie on the grassed areas but with the area fenced.

**Recommendation: That the dog off-leash area should be fenced but stay at its current location.**

### **Response to Stage 2**

As set out in our submission to the 3 'demonstration sketches' of April 2018, the Society does not support intensified organised sports facilities and infrastructure on the site. We outlined the natural values and constraints of the site, as documented in the council's commissioned report *Lawson Crown Land Environmental Constraints Assessment Report* (Ecological 2017) and noted that, when the environmental constraints were mapped together, nearly the entire site was considered highly or moderately constrained. This to us indicates that the site is not suited to further development other than that proposed for Stage 1.

The BMCS therefore does not support Stage 2 of the Masterplan except for a possible native nursery which we request to be brought forward to Stage 1.

### **Summary of comments and recommendations:**

- The BMCS supports Stage 1 of the draft Masterplan except for the relocation of the (fenced) dog off-leash area.
- The BMCS recommends that the 'native plant nursery' be included in Stage 1 of the Masterplan.
- The BMCS recommends that the South Lawson Park Bushcare Group's proposal for a new Blue Mountains Arboretum and Botanical Walk and Ride Trail be included in Stage 1 of the Masterplan.
- The BMCS recommends that the proposed access track from Waratah St on the north-eastern side of the BMX track to the intersection with the access track from Honour Ave be removed from the Masterplan for environmental reasons.
- The BMCS recommends that the dog off-leash area should be fenced but stay at its current location.
- The BMCS does not support Stage 2 (except for a possible native nursery).

If you have queries in regard to the issue raised in this letter please contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'L. Garland', with a stylized flourish at the end.

Lachlan Garland  
President  
Blue Mountains Conservation Society  
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## **ATTACHMENT: Extract from BMCS submission April 2018**

### **Site for Society Nursery**

One aspect the Society is very supportive of is that one option identifies space for a community nursery. This would provide an ideal permanent home in the mid mountains for the Society's community native plant nursery.

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The Society's nursery is a community not for profit nursery run by volunteers, which provides affordable locally grown and sourced native plants to the general public through sales at community markets. Nursery volunteers also undertake community education, through Hut News and at the markets, on local native plants. A large number of people volunteer at the nursery, providing physical, cultural and social benefits to the volunteers who participate. The nursery also contributes to the physical, cultural and social development of the wider community by providing community education and low cost locally sourced native plants for use in resident's gardens and by bushcare groups.

The Society has been attempting to find a location to re-open its nursery in the mid mountains for a number of years. However, the nursery site proposed in the option developed by Council, adjacent to the creekline and away from the existing local road network, is not suitable. The Society's preferred site for a community nursery, as identified by community members during the Community Forum on March 24<sup>th</sup>, is where the old clubhouse is currently located.

The Society believes the old clubhouse site within the Lawson Crown Land precinct is an ideal location for a community nursery, for the following reasons:

- The Society needs a nursery site in the mid Mountains as the milder climate allows for extended growing seasons and enables the propagation of plants suitable for the mid and lower Mountains.
- The old club house site is readily accessed from the existing local road network (meaning the construction of new roads is not required).
- The old club house site has existing connections to services including water, sewer and electricity. As well the existing building will provide access to toilet and kitchen facilities.
- The Society's community nursery would only require a small amount of storage space in the building (if at all). We imagine the existing building would be shared with other community and not for profit organisations and bodies.
- The site is flat minimising the requirement for any earthworks and soil disturbance, and is already developed so does not require vegetation removal.
- The site is also located away from the creekline minimising risks to water quality.
- The Society would need an area to accommodate shade house(s) (around 20 metres by 10 metres), a lockable shed for tools, a covered area for wet weather for the volunteers and a small area to construct a soil bay. The Society believes these requirements could be accommodated at the old club house site and surrounds.
- The site has an existing car park which is ideal as car parking for several cars (volunteers and general public) would also be needed.

In terms of infrastructure, the Society would supply all nursery related infrastructure

as outlined above. The one outstanding item would be a security fence with lockable gates surrounding the nursery area, which may cost up to \$10,000 to install. The Society would be keen to discuss with Council how this piece of infrastructure could be funded. Some minimal site works such as bunding or stormwater management works may also be required.

The Society's previous community nursery at Lawson sold plants on-site on Wednesday and Saturday mornings to the general public. The Society would be keen to continue offering sales to the general public at the proposed Lawson location.

An issue has arisen about whether a community nursery is permissible under the current zoning of the site. The site is currently zoned RE1 Public Recreation under LEP 2015. Development permitted with consent within a RE1 Zone include "Community facilities". A community facility is defined in the LEP as

*a building or place:*

*(a) owned or controlled by a public authority or non-profit community organisation, and*

*(b) used for the physical, social, cultural or intellectual development or welfare of the community,*

*but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

However a "plant nursery" (defined in the LEP as "a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site") is not a development that is permissible within a RE1 zone.

The Society believes that the Society's community nursery – as a volunteer based nursery owned and run by a not for profit community organisation which provides physical, social and cultural benefits to the volunteers who participate and to the wider community – is consistent with the definition of a community facility within the LEP. Therefore we believe the proposed location of the nursery is compatible with the current RE1 zone.

The only issue which may be incompatible with an RE1 zoning is the proposed sale of plants to the general public from the nursery. While the Society would argue that selling plants on site is not incompatible with the definition of community facility, as the nursery is operating on a not for profit basis, the Society would be keen to discuss this issue further with Council. If sales on site are incompatible with the definition of a community facility one option, while not preferred by the Society, is not to retail from the site. The other option is for Council to consider rezoning the old club house site to allow for the use of a plant nursery. The Society notes that if some of the re-development proposals for the Lawson Crown Land precinct proceed, Council would need to pursue re-zoning of at least part of the site.