



# Blue Mountains Conservation Society Inc.

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## Nature Conservation Saves for Tomorrow

7 August 2020

Dr Rosemary Dillon  
CEO  
Blue Mountains City Council  
Katoomba NSW 2780

Via email: [council@bmcc.nsw.gov.au](mailto:council@bmcc.nsw.gov.au)

Dear Dr. Dillon,

### **Faulconbridge Mallee Land Clearing End of Shirlow Ave, Faulconbridge**

The Blue Mountains Conservation Society (the Society) is a community-based volunteer organisation with over 800 members. Our mission is to help protect, conserve and advocate for the natural environment of the Greater Blue Mountains.

The Society wishes to express its deep concern over what appears to be a serious incident of unauthorised clearing of native vegetation on privately owned land at the end of Shirlow Ave Faulconbridge (L 111 DP 751635), and possibly encroaching on a section of Adeline Park. The land in question is zoned E2 Environmental Conservation, and tracks are not permitted on E2 land, as they are not a listed development. Roads are permitted but only with consent.

Mature trees have been chain-sawed and vegetation ripped out, apparently for the purpose of cutting a mountain bike track through bush including scheduled 5A Blue Mountains Heath and Scrub and areas of the rare Faulconbridge Mallee Ash. Photographs of the environmental destruction created by the track construction can be found below.

As Council is aware, clearing and/or lopping native vegetation and trees without development consent or a Council permit is illegal and can attract penalties or prosecution under the NSW *EP&A Act* and/or the NSW *Biodiversity Conservation Act 2016*. It is unclear who is responsible for the land clearing and if the property owner has any knowledge that their land is being used for apparently illegal purposes.

#### **The Track**

The Society was contacted by residents of Shirlow Ave Faulconbridge who were concerned about bike tracks being carved out of pristine bushland at the end of the street. On Thursday 17 July several members of the Society joined local residents on a walk along the fire trail then back along the newly made track.

The new track, which looks like it's not yet completed, is over 800m in length. The track viewed on 17 July looks to be within L 111 DP 751635, and runs in an easterly arc from the northwest corner of the lot to the south west corner. In places it's within 20m of the Blue Mountains National Park.

Apart from the tree and vegetation clearing, the track construction has involved removing rocks, throwing removed trees and vegetation across natural drainage lines and general interference with natural land contours (see photos following).

Some special vegetation observed along the track included *Cymbidium suave* (Snake Orchid), which is right on the track, an extensive overhang of *Alania endlicheri*, a former ROTAP species, and areas of *Eucalyptus burgessiana* (Faulconbridge Mallee Ash).

The track does not yet seem to be being used, but its use would certainly cause further damage.

Having experienced the immense destruction of recent bushfires, it was deeply saddening to see the destruction of this old growth bushland.

### **Contact with Council**

Local residents contacted Council, and Council Officers inspected the track on 7 July. The Council reviewed the situation and on 28 July sent the following, which reads in part:

*Whilst Council does not endorse or condone the work undertaken or the manner in which the work was undertaken, Council's regulatory options are limited in this instance, particularly in the absence of being able to identify the person or people who undertook this work.*

*Notwithstanding, in Council's view the aggregate environmental impact of the work undertaken is localised and is not sufficient to take regulatory action against the owner of the land under the Protection of the Environment Operations Act 1997.*

*Accordingly, Council is unable to progress the matter further at this time.*

While the Society recognises that no action can be taken if those responsible for the clearing cannot be identified, we cannot agree that the 'aggregate' environmental impact of the work undertaken "is localised and is not sufficient to take regulatory action against the owner ..", presumably to repair the damage. As the on-site observations and photographs show, there has been considerable disturbance to bushland (including scheduled vegetation in the Blue Mountains LEP 2015) in a strip nearly 1 km in length, and possible damage to watercourses. The clearing could cause soil erosion. The damage will only escalate once the track is completed and bike riders regularly use the track.

The Society would like answers to the following questions:

- Has Council contacted the owner of the land to ascertain whether or not they are aware of the apparently unauthorised activities on their property and, if so, was permission given?
- On what basis was the environmental impact of the works deemed 'localised' and 'not sufficient' to take regulatory action?

- Will Council take action if those responsible for the clearing are identified and evidence produced?
- If part of the trail may encroach on Adeline Park, can Council install appropriate signs indicating that there is to be no clearing of the bush for mountain and trail bikes or 4WD tracks?

This apparently illegal vegetation clearing for a bike trail is just one instance of a growing problem of unauthorised mountain bike, trail bike and 4WD tracks being pushed through bushland in this area by irresponsible individuals and, possibly, bike clubs. This is a growing problem in the Blue Mountains generally, one which requires Council's urgent attention.

The Society looks forward to your response. Please don't hesitate to contact the Society if more information is required.

Yours sincerely,



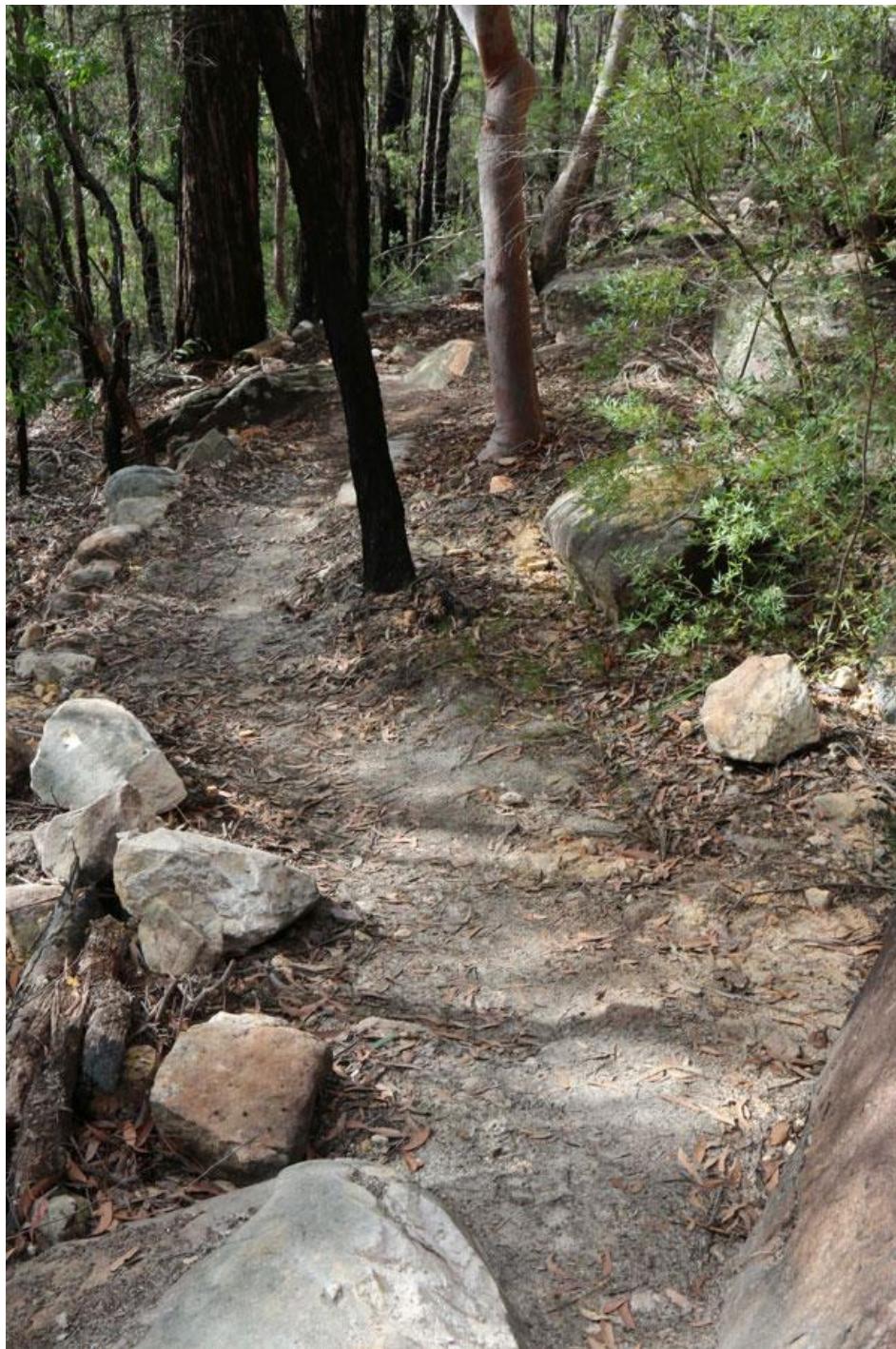
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cc. Cr Romola Hollywood  
cc. Cr Chris Van der Kley  
cc. Cr Brett Hoare

## Attachments – photos taken in July 2020



**Image 1** Broad clearing of path



**Image 2 – Shifting of habitat rocks ©MWB**



**Image 3** Damage from banking of track © MWB



**Image 4 Cleared vegetation an banking of track that may produce erosion channel © MWB**



**Image 5 Damaged to sandstone shelves ©MWB**



**Image 6 Cleared vegetation piled over track side plants ©MWB**



**Image 7 Wholesale clearing of vegetation**



**Image 8** *Banksia serrata* cut down



**Image 9** Damage to sandstone rock features © MWB



**Image 10 *Banksia serrata* cut down and banking**