Submission Proposed disposal of Crown Land within 32 Greens Road Warrimoo

File reference: 19/08762; Cluster 612819

It has recently been brought to our attention that the owners of 32 Greens Road Warrimoo (Lot 45 DP 751654) in the Blue Mountains applied towards the end of 2020 to purchase from Crown Lands the Unformed Road Reserve extension of Greens Road that runs along the western edge of their property (Appendix 1 – section in pink). We understand that formal submissions about the **privatisation of this public asset** have closed but hope that you will consider our comments about this important issue.

We do not support the purchase application for the following reasons:

1. Most of the unformed extension of Greens Road became a vehicular access track that closely follows the original reserve more than 60 years ago (further map studies may reveal a much older date). Both are clearly delineated on the Springwood topographic map of 1972 (appendix 2) and of 1981 (appendix 3). The road reserve and subsequent vehicular track were intended for **access to community infrastructure and protective services** that now includes:

    1.1 Access to high voltage power lines that pass through the valley below the property ('Greens Road Powerline Access' track on the map in appendix 4)

    1.2 National Parks and Wildlife maintenance access; the property shares three boundaries with the Blue Mountains National Park/World Heritage Area (all maps in appendices 1 – 4)

    1.3 Fire vehicle access along the complete length of the ridge as well as slashed foot/bike tracks linking with the Valley Heights Fire Trail to the west and to Florabella Pass (a well known walking track) to the east.

    We are unclear as to how these important usages of the unformed section of Greens Road will be maintained if the track is privatised.

2. The Greens Road track has been used by private individuals and by a range of **environmental and recreational groups** for many years. These groups include:

    - The NSW National Parks Association
    - The Blue Mountains Bird Observers
    - Blue Mountains Bushwalking Club https://www.bushexplorers.com.au/media/reports/1309740_2_Warrimoo%20Lookouts%20290719-%20Track%20Notes.docx
    - Sydney University Bushwalkers https://fatcanyoners.org/2020/11/17/greens-road-lookout-threatened/

    The object of many walks is the Greens Rd Lookout in the National Park from where stunning views over the Glenbrook Creek System are to be gained (appendices 2 and 4). This lookout is clearly shown in the readily available on-line site *OpenStreetMap* (appendix 4 –apologies for poor quality copy). The walk to it is through biodiverse sclerophyllous bushland and ends in woodland and heath that have fabulous displays of spring wildflowers and a great diversity of bird life. More intrepid walkers can continue via the various linking tracks to join Florabella Pass and to continue to Glenbrook Creek and beyond. If the track is privatised then a central access point to this important recreational and conservation area will be terminated.

The track and the lookout (sometimes referred to as Green Point Lookout) rate a mention in guide books of the area. See for example appendix 5 showing an extract from Robert Sloss: *Glenbrook to Lawson and the Blue Mtns National Park: a comprehensive guide to walking or jogging tracks and cycling trails in the Lower Blue Mountains*, 2008, pp.18-19.

The Greens Road track is much valued by the local community. There was just one comment following notification of the recent D.A. for the property but it succinctly sums up the feeling of the residents for this track:

> **Anthony Pavey** commented 5 months ago
>
> Any work on this lot needs to consider the importance of the trail running through the lot to the National Park. This trail is well loved by locals as it provides access for walkers and cyclists to a wonderful part of the bush, losing access to the trail would be big loss for the local community
>
> delivered to the planning authority report comment

Source: https://www.planningalerts.org.au/applications/1807277

3. **Access to important sites of biodiversity:** The Greens Road track allows access to an area of substantial biodiversity. Formal studies of the ridge and valley systems have not been extensive but to even walk for 15 minutes along the track demonstrates the richness of the plant and bird species. Specifically:

   3.1 Vegetation is in very good condition and includes, as verified by BMCC vegetation maps, the Scheduled Vegetation community of *Blue Mountains Heath and Scrub,* and the non-scheduled though floristically diverse *Eucalyptus piperita- Angophora costata* Open-forest, *Corymbia gummifera-C. eximia* Open-forest/Woodland, and *C. gummifera-E. sparsifolia* Open-forest.

   3.2 At least one endangered plant is now recorded with the National Herbarium – ***Pultenaea villifera* var. *villifera.*** It has been listed as an Endangered Population in the Blue Mountains Local Government Area under NSW legislation: (https://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=10720)

   In 1999 botanical specimens collectors from the National Herbarium in Sydney collected samples of this plant from 32 Greens Road Warrimoo near its north-eastern boundary. It is of great concern that this plant was not mentioned in a recent Development Application and it is not known if this stand has survived bulldozing currently being carried out. This does illustrate genuine concern about any other examples of this species on site and about the appropriateness of management of a second identified group of this Pultenaea right on the track in the National Park not far from the southern boundary of no. 32 should access cease.

   3.3 A considerable variety of bird species inhabit the surrounding bushland. Bird watchers as individuals and groups enjoy the tranquillity of the track-side from which to spot species that include Australian King Parrots, Superb Lyrebirds and Yellow-tailed Black Cockatoos.

   3.4 An interesting fern-filled valley that, though mapped as (doubted) modified bushland, may be a volcanic diatreme and is accessible from the track. It is on the property of no. 32 (almost where the number 32 is marked on the map in appendix 1) but there is no mention of it in the Development Application for the property lodged in 2019.

4. We are quite **concerned** about how the Development Application for 32 Greens Road was processed, **about comments made within it about the Crown Land Unformed Road** and about missing biodiversity information and what this might mean for any future private management of the track:

   4.1 The present owners (Toni and Glenn Cancellier; Mr Cancellier is apparently the Co-ordinator of the Real Estate and Property Division of the NSW Department of Fair Trading) purchased the bushland block of 32 Greens Road in 2017 with the full knowledge that an unformed Crown Land Road Reserve ran near the western edge of the property, and that much of this road reserve was incorporated into the clearly marked (both on maps and on the ground) current vehicular access trail to the National Park.

   4.2 In the **Development Application** that was submitted to the Blue Mountains City Council (X/469/2019; on 7/6/2019) maps and plans show the road reserve. In the **Statement of Environmental Effects** particularly in the sections on Crime Minimisation and Vehicular Access it is clearly stated that **Crown Lands will retain ownership of the trail extension of Greens Road** (appendix 6). This would have been taken into consideration when Council approved the development on the 5/6/20. It is worth noting that an Operational Development Consent XO/469/2019/A was then lodged on the 29/10/20 and approved on the 30/10/20 with no mention of any changes to the ownership or operation of the Crown Land road reserve.

   4.3 Of further concern in the Statement of Environmental Effects there is not one word about flora and fauna on the site even though aerial photographs on Council's interactive maps clearly show an almost completely forested property including the current house site on E4 zoned land. In the section on Biodiversity (see appendix 6) the applicant makes no mention at all of biodiversity. We do not understand how this Development Application was approved.

   In the last month or so it appears almost the entire area (some 2.3ha) of E4 zoned land on the property has been completely bulldozed. This does not bode well for maintenance of the track in any way that will provide protection for the remnant flora and fauna.

5. In **October 2020**, before the Operational Development Consent (as noted above) was lodged with the BMCC, the **property owners applied to Crown Lands to purchase the Road Reserve**. [This may be because in the Bushfire Report accompanying the DA, the Asset Protection Zone has been extended 10m (to 45m) and may take in a part of the northern end of the road but we are unsure of the implications as there is no further correspondence with Council in the DA file.] We consider this approach is inconsistent with, and negates statements made, in the Development Application. Submissions regarding the proposal to purchase the road reserve closed on the 18th November 2020. The proposal also had limited advertising, which means the local community are uninformed and largely do not know of what is proposed.

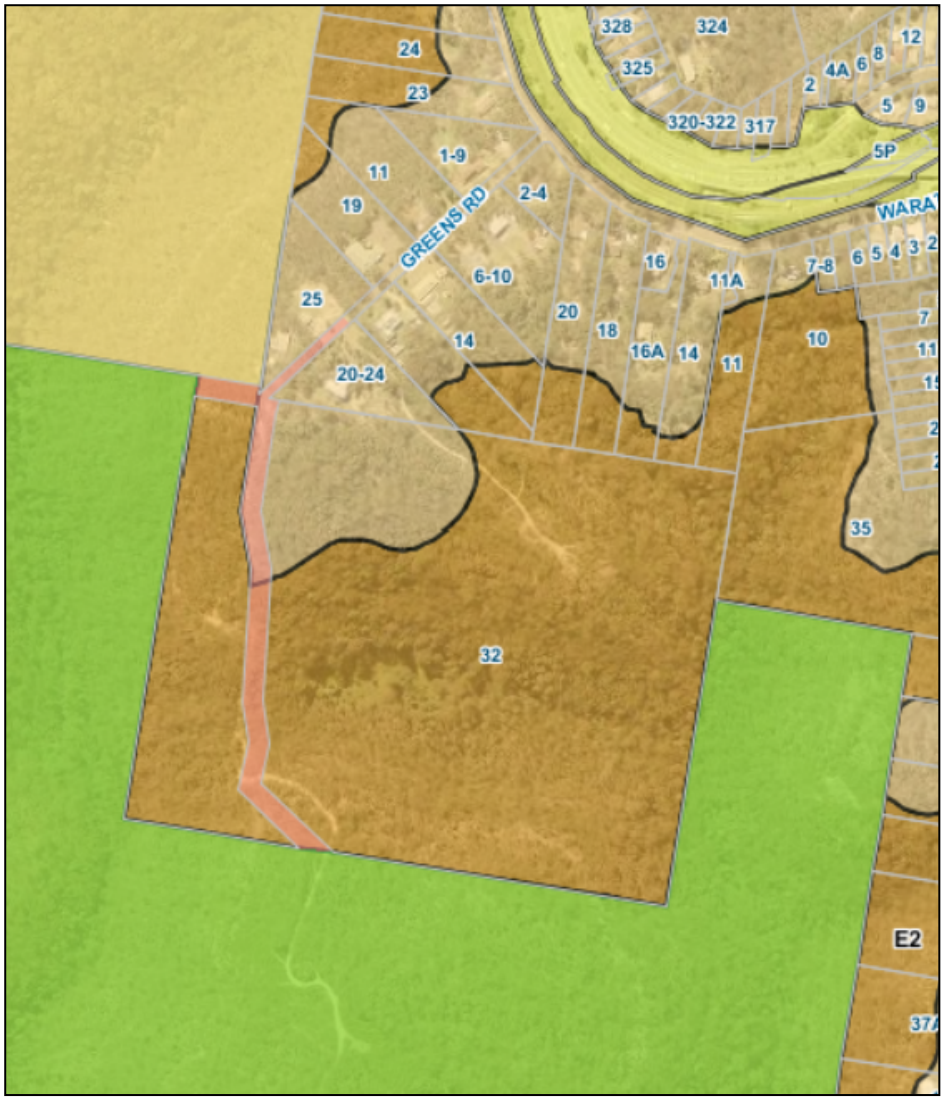
6. **Precedence:** the Blue Mountains Conservation Society is very concerned that should approval be given for the property owner to purchase the Crown Land Unformed Road Reserve, this will encourage others in a similar position to follow suit. Access to undeveloped bushland managed by the Blue Mountains City Council (some previously Crown Land) and to the Blue Mountains National Park, apart from popular and often crowded entry points, is becoming increasingly difficult largely because of the neglect of walking areas and the encroachment of development. Tranquil places with excellent biodiversity, scientific interest, great views and water features are much sought after for individual passive recreation, scientific study and conservation management but are becoming harder to access.

   The privatisation of public places and assets in nature-dominated areas and special scenic places should not be permitted. We hope that Crown Lands and the property owners of 32 Greens Road can

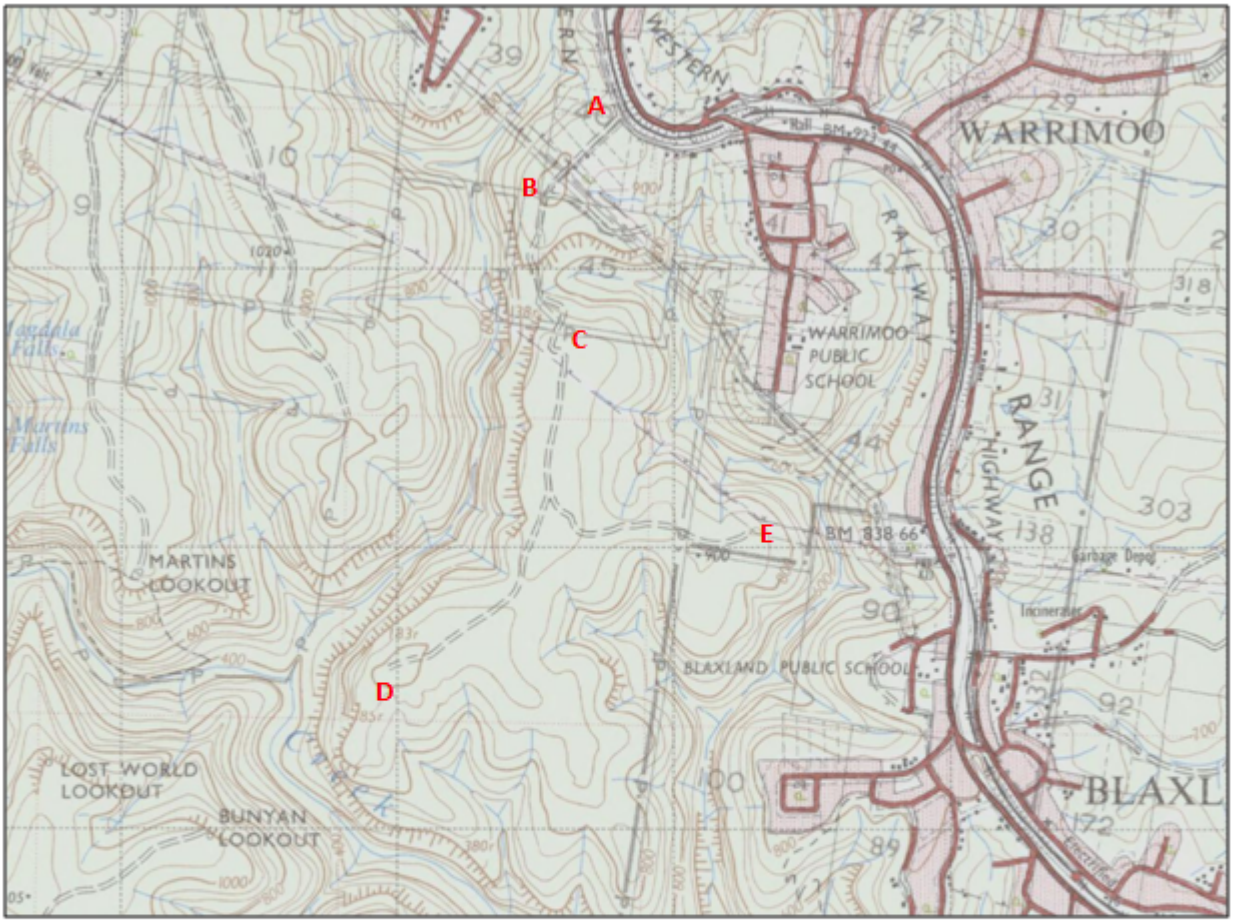
find a more satisfactory solution to any privacy concerns other than public asset alienation and so enable public use of the unformed road reserve to continue.

Appendices

Appendix 1: 32 Greens Road Warrimoo with Unformed Road Reserve marked in pink



Appendix 2: Springwood Topographic Map 1972

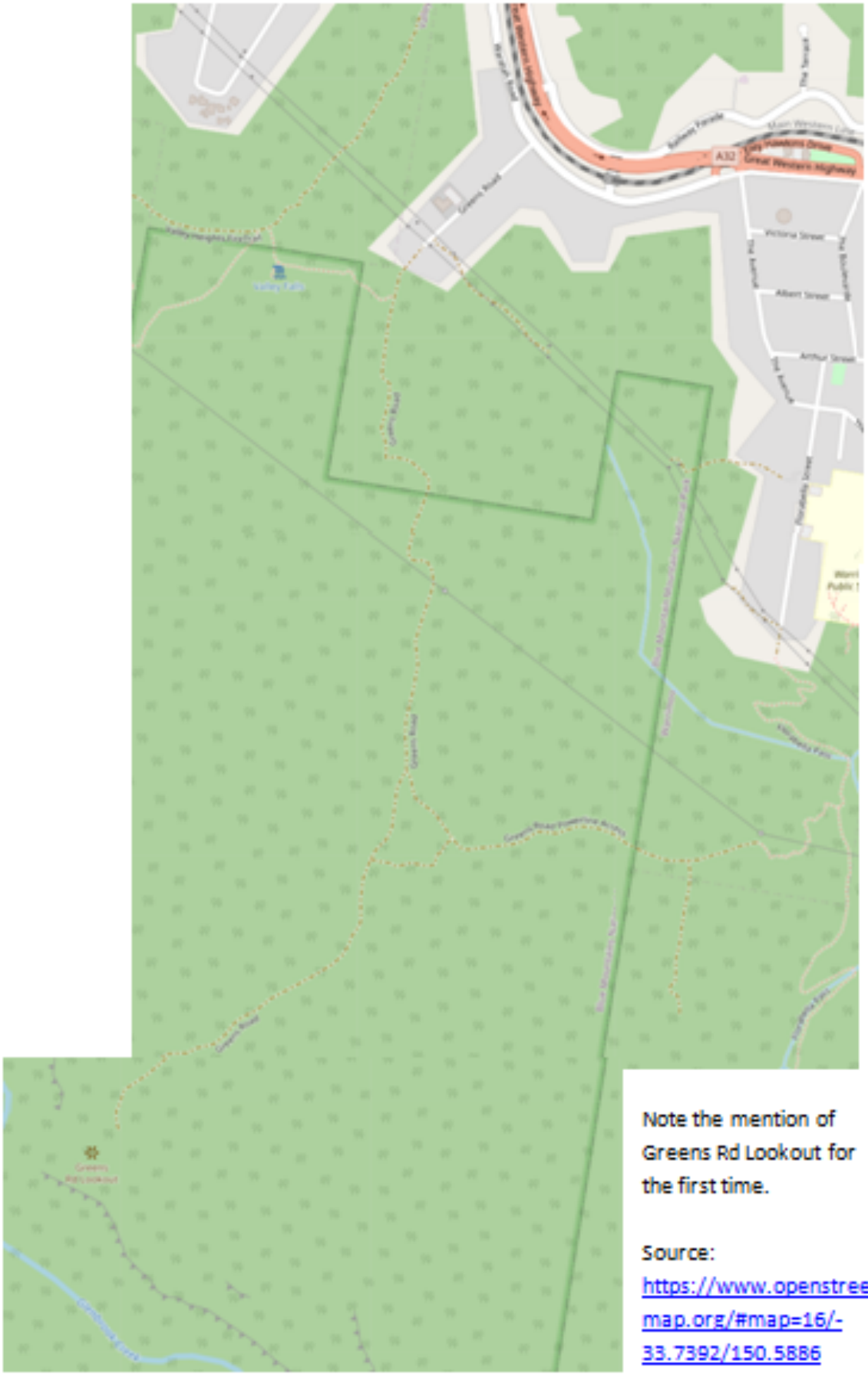


Extract from Springwood Topographic Map 1st Edition 1972 showing the full extent of the original Greens Road Warrimoo; note that aerial photography was done in 1966, field revision in 1969 and printing in 1972. According to the map key the whole road was classified as "track vehicular, unimproved earth". The letters indicate **A:** junction of Greens Rd with Waratah Rd; **B:** northern corner of 32 Greens Rd – then Lot 45; **C:** boundary with Blue Mountains National Park; **D:** approx. location of Greens Rd Lookout; **E:** Greens Rd Powerline Access

Appendix 3: Springwood Topographic Map 1981

Lot 45 (now 32 Greens Road) in the centre of the map still shows the actual route of the Crown Land Unformed Road and the upside down Y shape of the Greens Rd track as it is today. It is surrounded by undeveloped bushland.

Appendix 4: Greens Road unformed road reserve and beyond 2021 indicating the linkages with other infrastructure access lines and the Blue Mountains National Park

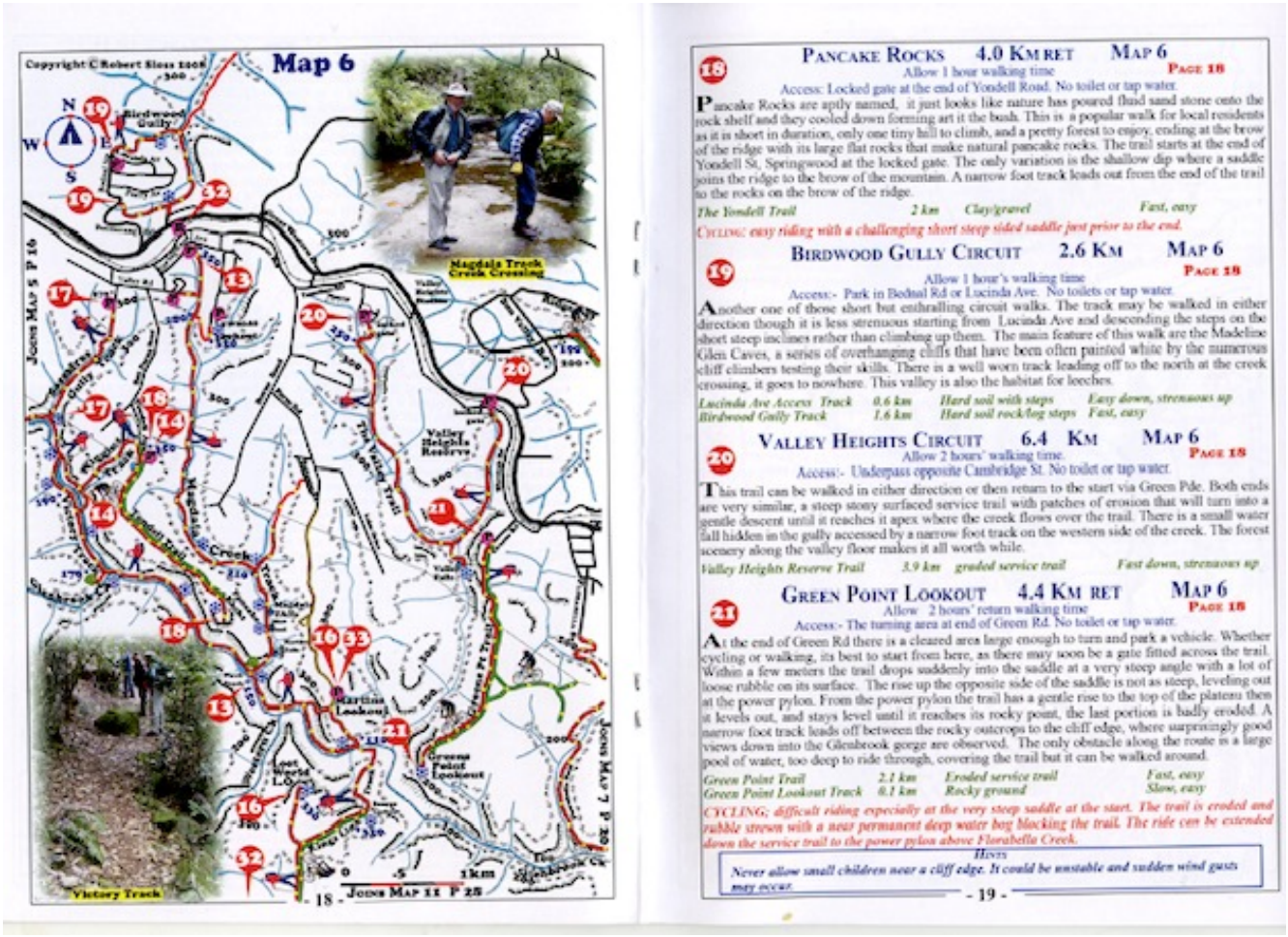


Note the mention of Greens Rd Lookout for the first time.

Source: https://www.openstreetmap.org/#map=16/-33.7392/150.5886

Appendix 5: Example of Current use of Greens Road for recreational purposes

From Robert Sloss: *Glenbrook to Lawson and the Blue Mtns National Park: a comprehensive guide to walking or jogging tracks and cycling trails in the Lower Blue Mountains*, 2008, pp.18-19 See walks 21 and 20.



18 **Pancake Rocks** 4.0 Km ret Map 6
Allow 1 hour walking time Page 18
Access: Locked gate at the end of Yondell Road. No toilet or tap water.

Pancake Rocks are aptly named, it just looks like nature has poured fluid sand stone onto the rock shelf and they cooled down forming art it the bush. This is a popular walk for local residents as it is short in duration, only one tiny hill to climb, and a pretty forest to enjoy, ending at the brow of the ridge with its large flat rocks that make natural pancake rocks. The trail starts at the end of Yondell St, Springwood at the locked gate. The only variation is the shallow dip where a saddle joins the ridge to the brow of the mountain. A narrow foot track leads out from the end of the trail to the rocks on the brow of the ridge.

The Yondell Trail 2 km *Clay/gravel* *Fast, easy*

Cycling: easy riding with a challenging short steep sided saddle just prior to the end.

19 **Birdwood Gully Circuit** 2.6 Km Map 6
Allow 1 hour's walking time Page 18
Access:- Park in Bednal Rd or Lucinda Ave. No toilets or tap water.

Another one of those short but enthralling circuit walks. The track may be walked in either direction though it is less strenuous starting from Lucinda Ave and descending the steps on the short steep inclines rather than climbing up them. The main feature of this walk are the Madeline Glen Caves, a series of overhanging cliffs that have been often painted white by the numerous cliff climbers testing their skills. There is a well worn track leading off to the north at the creek crossing, it goes to nowhere. This valley is also the habitat for leeches.

Lucinda Ave Access Track 0.6 km *Hard soil with steps* *Easy down, strenuous up*
Birdwood Gully Track 1.6 km *Hard soil rock/log steps* *Fast, easy*

20 **Valley Heights Circuit** 6.4 Km Map 6
Allow 2 hours' walking time. Page 18
Access:- Underpass opposite Cambridge St. No toilet or tap water.

This trail can be walked in either direction or then return to the start via Green Pde. Both ends are very similar, a steep stony surfaced service trail with patches of erosion that will turn into a gentle descent until it reaches it apex where the creek flows over the trail. There is a small water fall hidden in the gully accessed by a narrow foot track on the western side of the creek. The forest scenery along the valley floor makes it all worth while.

Valley Heights Reserve Trail 3.9 km *graded service trail* *Fast down, strenuous up*

21 **Green Point Lookout** 4.4 Km ret Map 6
Allow 2 hours' return walking time Page 18
Access:- The turning area at end of Green Rd. No toilet or tap water.

At the end of Green Rd there is a cleared area large enough to turn and park a vehicle. Whether cycling or walking, its best to start from here, as there may soon be a gate fitted across the trail. Within a few meters the trail drops suddenly into the saddle at a very steep angle with a lot of loose rubble on its surface. The rise up the opposite side of the saddle is not as steep, leveling out at the power pylon. From the power pylon the trail has a gentle rise to the top of the plateau then it levels out, and stays level until it reaches its rocky point, the last portion is badly eroded. A narrow foot track leads off between the rocky outcrops to the cliff edge, where surprisingly good views down into the Glenbrook gorge are observed. The only obstacle along the route is a large pool of water, too deep to ride through, covering the trail but it can be walked around.

Green Point Trail 2.1 km *Eroded service trail* *Fast, easy*
Green Point Lookout Track 0.1 km *Rocky ground* *Slow, easy*

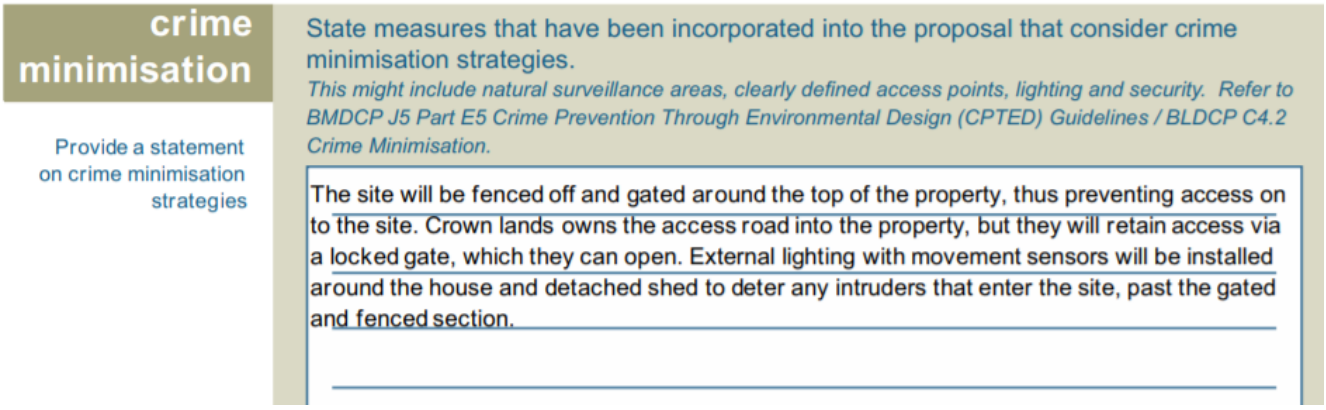
CYCLING; difficult riding especially at the very steep saddle at the start. The trail is eroded and rubble strewn with a near permanent deep water bog blocking the trail. The ride can be extended down the service trail to the power pylon above Florabella Creek.

Hints
Never allow small children near a cliff edge. It could be unstable and sudden wind gusts may occur.

- 19 -

Appendix 6: Statements made in the Development Application for 32 Greens Rd Warrimoo that include comments on the Crown Land Unformed Road Reserve and about Biodiversity

1. Under Crime Minimisation (Statement of Environmental Effects)



crime minimisation

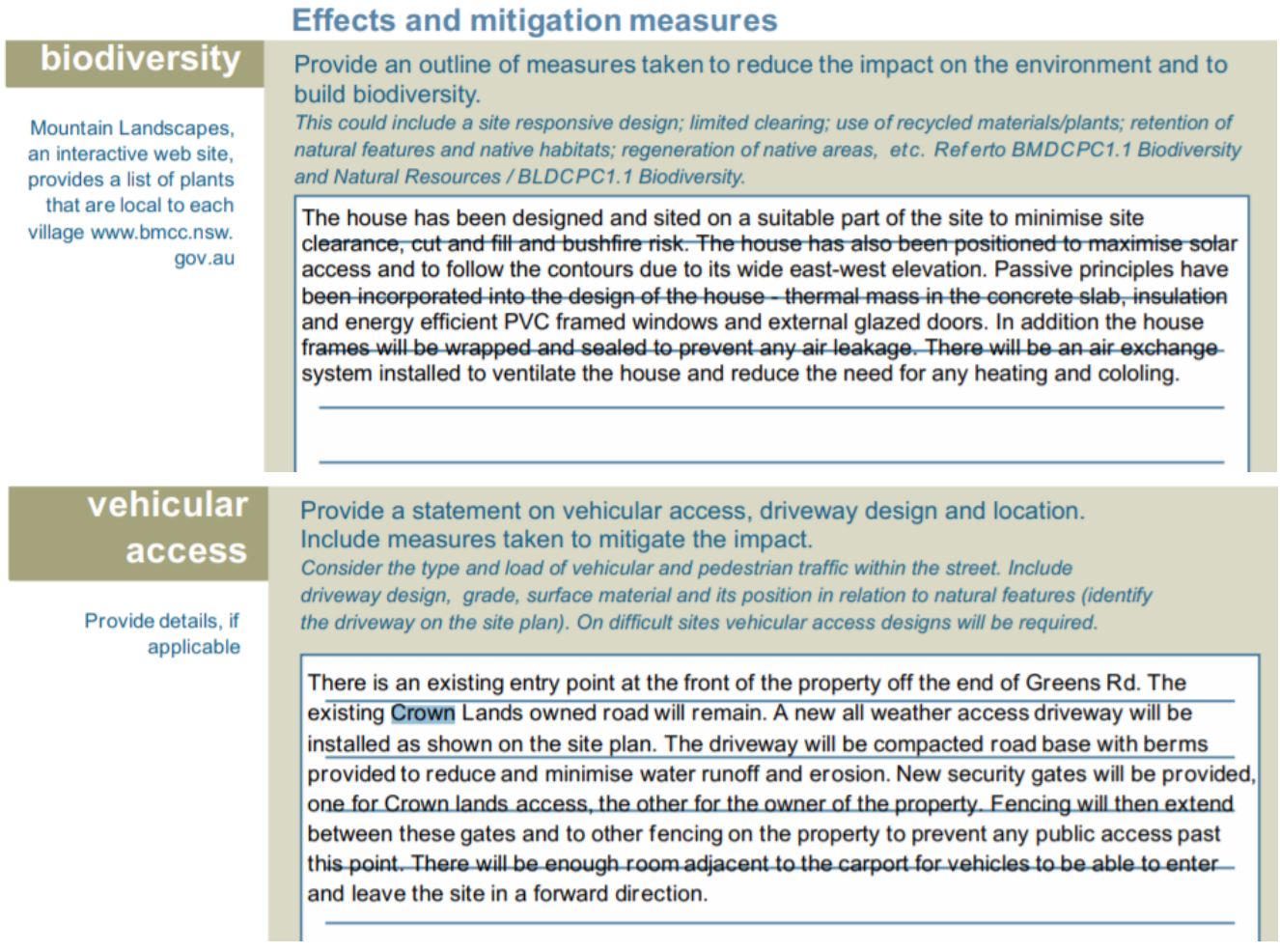
Provide a statement on crime minimisation strategies

State measures that have been incorporated into the proposal that consider crime minimisation strategies.

This might include natural surveillance areas, clearly defined access points, lighting and security. Refer to BMDCP J5 Part E5 Crime Prevention Through Environmental Design (CPTED) Guidelines / BLDCP C4.2 Crime Minimisation.

The site will be fenced off and gated around the top of the property, thus preventing access on to the site. Crown lands owns the access road into the property, but they will retain access via a locked gate, which they can open. External lighting with movement sensors will be installed around the house and detached shed to deter any intruders that enter the site, past the gated and fenced section.

2. Under Vehicular Access (Statement of Environmental Effects)



Effects and mitigation measures

biodiversity

Mountain Landscapes, an interactive web site, provides a list of plants that are local to each village www.bmcc.nsw.gov.au

Provide an outline of measures taken to reduce the impact on the environment and to build biodiversity.

This could include a site responsive design; limited clearing; use of recycled materials/plants; retention of natural features and native habitats; regeneration of native areas, etc. Refer to BMDCPC1.1 Biodiversity and Natural Resources / BLDCPC1.1 Biodiversity.

The house has been designed and sited on a suitable part of the site to minimise site clearance, cut and fill and bushfire risk. The house has also been positioned to maximise solar access and to follow the contours due to its wide east-west elevation. Passive principles have been incorporated into the design of the house - thermal mass in the concrete slab, insulation and energy efficient PVC framed windows and external glazed doors. In addition the house frames will be wrapped and sealed to prevent any air leakage. There will be an air exchange system installed to ventilate the house and reduce the need for any heating and cololing.

vehicular access

Provide details, if applicable

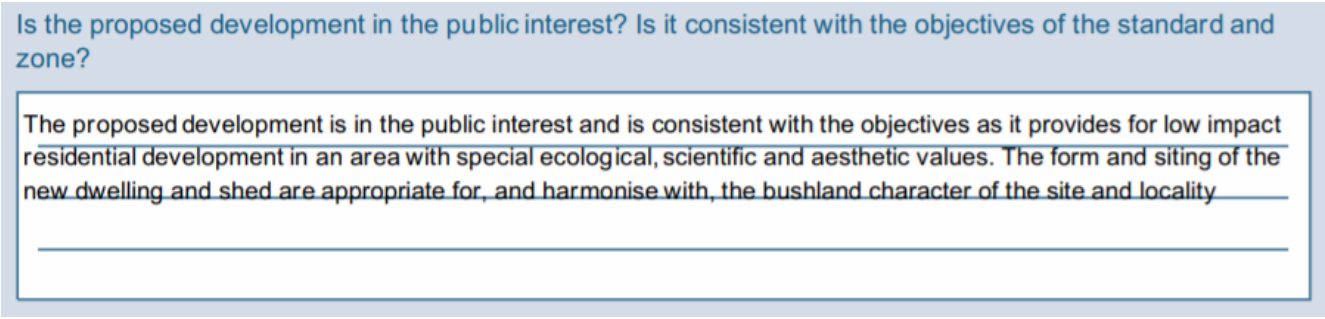
Provide a statement on vehicular access, driveway design and location. Include measures taken to mitigate the impact.

Consider the type and load of vehicular and pedestrian traffic within the street. Include driveway design, grade, surface material and its position in relation to natural features (identify the driveway on the site plan). On difficult sites vehicular access designs will be required.

There is an existing entry point at the front of the property off the end of Greens Rd. The existing Crown Lands owned road will remain. A new all weather access driveway will be installed as shown on the site plan. The driveway will be compacted road base with berms provided to reduce and minimise water runoff and erosion. New security gates will be provided, one for Crown lands access, the other for the owner of the property. Fencing will then extend between these gates and to other fencing on the property to prevent any public access past this point. There will be enough room adjacent to the carport for vehicles to be able to enter and leave the site in a forward direction.

3. Biodiversity (Statement of Environmental Effects) – is this avoidance of the issue or does the applicant not understand the concept of biodiversity

4. **In the Application to Vary a Development Standard Proforma**, the applicant has written:


Is the proposed development in the public interest? Is it consistent with the objectives of the standard and zone?

The proposed development is in the public interest and is consistent with the objectives as it provides for low impact residential development in an area with special ecological, scientific and aesthetic values. The form and siting of the new dwelling and shed are appropriate for, and harmonise with, the bushland character of the site and locality

There is no harmony with the bushland character of the land containing the development has largely been cleared. This does not bode well for the fate of the Unformed Road Reserve.