



Blue Mountains Conservation Society Inc

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Nature Conservation Saves for Tomorrow

24 July 2016

To: The General Manager
Blue Mountains City Council
Locked Bag 1005
Katoomba NSW 2780
By Email to: council@bmcc.nsw.gov.au

Cc: Mayor Mark Greenhill,
Councillors Begg, McGregor and Shrubbs,
Alan Henderson, Regional Manager, Blue Mountains National Park
Trish Doyle, Member for the Blue Mountains

URGENT: Unauthorised development works, Fairmont Resort, Leura

Dear Sir,

The Blue Mountains Conservation Society 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.

The Society has been contacted by local residents concerned about the legality and environmental impacts of development works that are currently occurring at the Fairmont Resort in Leura (Lot number DP 718860), owned by the Schwartz Family Company.

The development in question is happening in the south-west corner of the lot in an area zoned E2 - Environmental Conservation and which is adjacent to the Blue Mountains National Park. The development appears to consist of construction works for some sort of recreational or accommodation facility.

The development is occurring in an environmentally sensitive area which forms the headwaters of Gladstone Creek. Even a small development in this area is likely to have damaging impacts on the sensitive swamps and riparian systems further downstream. The land is zoned E2 in recognition of its environmental values. The E2 zone prohibits nearly all types of development, including recreation and accommodation facilities.

The works are also located near the access point for the historic Gladstone Pass walking track. The current construction works potentially obstructs access to the walking track, and the implications for access to this walking track are of significant concern if the development is given future approval. Gladstone Pass was originally constructed in the 1880's, and descends to the valley to link up with other historic passes in the Jamison Valley, such as the Lindeman Pass. NPWS have identified that these tracks 'have important historical and recreational values and pass through an escarpment environment with significant natural values'.

The Society understands that concerned local residents have already contacted Council about the construction works and were informed by staff member Peter Monnick from the Development Monitoring Team that the Fairmont have not received development approval for the works. He also confirmed that the development is not 'exempt development' and therefore requires development approval. We understand that Council has subsequently issued a stop work notice to prevent further construction work occurring. We also understand that the Fairmont is now intending to lodge a development application for the development.

Please find attached some photos showing the construction works, as well as a map showing the location.

The Society is shocked and deeply concerned that the Fairmont has undertaken significant construction works in an environmentally sensitive area without seeking development approval or undertaking any environmental assessment. This is not the first time this has happened – the Fairmont commenced building horse riding facilities, including removing native vegetation, without any development approval or environmental assessment in 2014 (refer to the letter from the Society to Council dated 16 April 2014). Again, Council had to step in and issue stop work and remediation orders. The Fairmont then lodged a retrospective development application for the horse riding facilities (X/159/2014), which was then approved by Council with conditions.

This pattern of unauthorised and unapproved development by the Fairmont is unacceptable. The Schwartz Family Company is a significant commercial business entity and must follow planning and environmental legislation just like everyone else. The Fairmont is located in an environmentally important area adjacent to the Blue Mountains National Park, and gets a significant commercial advantage from its location. It has both a legal and ethical responsibility to conserve and maintain the environmental values of the area. The Society is keen to see Council take regulatory action and impose a penalty on the Fairmont, especially given that this is not the first time unauthorised and unapproved development work has been undertaken.

In light of the above, the Society requests that:

- Council confirm that the Fairmont have not received development approval for the work, that the development is not 'exempt development' and that development approval is required;
- Council confirm that a stop work order has been issued and that Council will ensure no further construction works will occur until the Fairmont is granted development approval;
- Council advise the Society when the public exhibition commences once Fairmont lodge its development application for the current construction works;
- Council confirm that the development application will be considered at a full Council meeting; and
- Council formally advise the Society as to whether they are considering taking regulatory action against the Fairmont.

If you have any queries in relation to our submission, please contact me via email or on the number below.

Yours sincerely



Tara Cameron
Senior Vice President
Blue Mountains Conservation Society
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