



Blue Mountains Conservation Society Inc

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Nature Conservation Saves for Tomorrow

16th March 2012

Catherine Gorrie and Deborah Friedewald
Blue Mountains City Council
Locked Bag 1005
Katoomba NSW 2780

Dear Ms Gorrie and Ms Friedewald,

Development Proposal Reference X/93/2012
121 Twynam Street, Katoomba – new dwelling and detached studio

The Blue Mountains Conservation Society wishes to express concern regarding potential detrimental effects of the proposed development on scheduled vegetation communities on 121 and 119 Twynam Street and on the hydrology of the locality.

1) Adverse impact on Threatened and Endangered Blue Mountains Swamp

Ian Baird (BLandMgt, MA AppSC Giant Dragonfly expert PhD Candidate University of Western Sydney) has found there is a small area of coral-fern *Gleichenia dicarpa*-dominated Blue Mountains Sedge Swamp on this property within this asset protection zone, north of and adjoining the neighbouring property of Frances Scarano on the south side.

Blue Mountain Swamps are classified as a significant vegetation community in Schedule 5B of the LEP 91 under which this development is being assessed and are also protected under state and federal government legislation.

2) Adverse Impact on Scheduled Vegetation Community (2G) – *Eucalyptus oreades* Open-forest/Tall Open-forest

Subsequent to the original DA consent (x69/2010) our member Mrs Scarano received written advice that Blue Mountains City Council officers including an Environmental Scientist inspected the site and identified vegetation consistent with *Eucalyptus oreades* Open-forest/Tall Open-forest. It is schedule 3 vegetation according to the LEP 91. This community is recognised in the LEP as being relatively rare outside of the National Park having apparently suffered significant loss due to the impacts of urbanisation including weed invasion, altered fire regimes, and stormwater run-off.

The 40 m asset protection zone requires effective destruction of a patch of currently undisturbed *Eucalyptus oreades* forest. Opening up the tree canopy of the *E. oreades* in the asset protection zone is likely to increase the risk of blow down in storm events with wet soil.

Under the LEP 91 [10.5 (i)] development consent must be contingent upon measures being in place to ensure that environmentally significant vegetation is not subjected to significant adverse environmental impact. Neither the original nor the current Statement of Environmental Effects offer any such assurances, failing completely to recognise this schedule 3 community as being on site.

3) Potential adverse Impact on Scheduled Vegetation Community (2M) – Eucalyptus radiata subsp. radiata-E. piperita Open-forest

The LEP 91 comments that this community is only known from a small number of easterly-facing slopes in Katoomba and Leura. We are advised that it is present on site and it has not been addressed in the Statement of Environmental Effects.

4) Adverse impact on the Hydrology of the Locality

The LEP 91 clause 10.5 da (iii) dictates that consent cannot be granted unless council is satisfied that the development will have no significant adverse environmental impact on the hydrological aspect of the locality.

The proposed driveway will cross small a watercourse not mentioned in the Statement of Environmental Effects. The proposed studio is intended to be built steeply above and closely beside this watercourse.

The watercourse begins on 119 Twynam Street where a Blue Mountains Sedge Swamp meets the yard. It is fed by water seeping from the fragile swamp vegetation and joins in the street drain with water that a short distance down the road becomes Katoomba creek. We are informed that the watercourse on 119 Twynam Street is not stormwater dependent but runs continuously most of the year. We observed it to be running in dry weather. Clearing necessitated by and increased runoff resulting from the development will adversely impact this headwater flow. The LEP 91 requires Council to ensure that any new development avoids significant adverse environmental impact on any perennial or non perennial water course. These impacts have not been considered.

The Conservation Society is concerned that hydrology was not addressed at all in the Statement of Environmental Effects. The omission is especially significant given that schedule 5 vegetation is likely to be impacted upon by altered hydrology resulting from the proposed development.

5) Other concerns regarding note by the Conservation Society include

- the steep slope of building parcel,
- probable, significant erosion at the boundary with No 119 Twynam Street,
- excess cut required to develop the block,
- drainage issues for neighbours that are sure to result and
- impact on the visual amenity of the street.

CONCLUSION

Having examined the development application, the Blue Mountains Conservation Society is opposed to the development application which will negatively impact on schedule 3 and critically endangered schedule 5 vegetation and upon a headwater flow into Katoomba Creek. It is likely to negatively impact on local hydrology and neighbouring properties. Blue Mountains City Council failed to correctly identify the vegetation impacted by the development or to obtain an adequate Statement of Environment Effects and protections.

With respect to the Precautionary Principal this development should be rejected and the original development consent for a dwelling rescinded.

The Blue Mountains Conservation Society registers its objection to the application for a dwelling and detached studio at 121 Twynam Street, Katoomba - Development Proposal reference **X/93/2012**

Additional Recommendations Should the Development Proceed

- The proposed 40 m asset protection zone (requires removing all shrubs etc and all trees with >2m canopy clearance) upslope of and behind the proposed buildings should not be created with heavy equipment or vehicles of any kind to avoid disturbance of this wet sloping site.
- No vegetation clearing in the swamp patch should be permitted and no vehicles should be allowed in there. An appropriate buffer should be in place to ensure that it is marked off and protected during all on-site works. No exposure of the soil surface should be permitted upslope of any portion of this swamp.
- The scale of the asset protection zone impacting the *Eucalyptus oreades* forest could be greatly reduced by Council refusing to allow construction of a proposed studio building at the rear of the proposed house. Should a dwelling still be built this would at least bring the asset protection zone a number of metres further down the slope and leave a much greater area undisturbed.

Yours sincerely,

Lisa Scott-Smith
For the Management Committee