



# Blue Mountains Conservation Society Inc

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## Nature Conservation Saves for Tomorrow

16 April 2014

Mr Robert Greenwood  
General Manager  
Blue Mountains City Council  
Locked Bag 1005  
Katoomba NSW 2780

Dear Mr Greenwood

### **Subject: Horse-riding facility Fairmont Leura Ref: X/159/2014**

The Blue Mountains Conservation Society is a community based volunteer organisation with nearly 900 members whose goal is to promote the conservation of the environment in the Greater Blue Mountains World Heritage Area. I am writing to you in regards to the development application for the Horse-riding facility at the Fairmont Resort Leura Ref: X/159/2014.

#### *Background*

The Society has previously written to Council raising concerns about what appeared to be unauthorised works by the Fairmont Resort in early 2014 which pre-dated the recent lodgement of the development application for the Horse-riding Facility.

Concerned Society members observed, from nearby walking tracks open to the public, what they believed was potential unauthorised removal of significant (scheduled) vegetation including *Eucalyptus oreades* associated with Open Forest/Tall Open Forest. They also observed large earth moving machinery on-site and areas of bare soil, resulting in the potential for sediment run off into the nearby national park and Sydney Drinking Water Catchment.

It is the Society's understanding that the works described above were undertaken without development consent and Council subsequently took action to cease the works being undertaken as well as the keeping of horses on the site. Council also requested remediation works including sediment control. The Fairmont Resort has subsequently lodged a development application seeking retrospective consent for stables and a tack room (constructed), a portable staff building (constructed) a staff toilet (yet to be constructed), fencing (yet to be constructed) and a horse-riding loop track (constructed).

#### *Development Application for the proposed horse-riding facility Fairmont Leura*

The Society has a number of concerns with this proposed development;

- While Council took action to halt use of the area for horseriding and required remediation works to be undertaken, it is unclear whether any fine or penalty was imposed on the resort for undertaking development without consent and/or for the suspected clearing of native vegetation without authorisation. The Society believes that if there was removal of significant

vegetation without approval, that this is a serious offence and strong action needs to be taken, including potentially a significant penalty.

- The environmental assessment for the development (*Fairmont Resort Proposed Horse Riding Facility Environmental Assessment and Management Feb 2014*) appears to be based on an assessment of the impact of the proposed activities on the *current* state of the site. There is no reference to the impacts from the apparent clearing of native vegetation on the site during the construction of the horse riding track and facilities, as suspected by Society members and as reported to Council. It appears that the conclusion that the environmental impact is minimal is based on the fact that the site is already disturbed and largely cleared as the majority of the works have already been completed, rather than an assessment of the impacts before the works were undertaken. As a consequence the environmental assessment focuses on water quality impacts and sediment control only, and does not address impacts from what appears to be the clearing on the site of native scheduled vegetation. This approach appears to be fundamentally wrong and in no way takes into regard the negative environmental impacts that potentially have already taken place. If Council approves the development based on this reasoning, it would appear that Council is in fact rewarding a course of action by the Fairmont Resort that potentially was in breach of the *Blue Mountains Local Environmental Plan*, and the intent and purpose of the *Environmental Planning and Assessment Act*.

In conclusion we would strongly urge Council to consider the points raised above in considering this development application.

If you have any queries in regard to this submission please contact, Alan Page, President on ph 4784 1704 or email [president@bluemountains.org.au](mailto:president@bluemountains.org.au).

We look forward to an early response on this important issue.

Yours sincerely

A handwritten signature in black ink, appearing to be 'AP', written in a cursive style.

Alan Page  
President  
Blue Mountains Conservation Society

cc All Councillors