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Nature Conservation Saves for Tomorrow

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26th July 2016

**Subject: Submission opposing Maharishi's Global Administration Through Natural Law Ltd
Development Application No: X/709/2015 (Construction of 4 bedroom dwelling)
Lot 41 DP 816211 28 Pulpit Hill Road Katoomba 2780**

The Blue Mountains Conservation Society is a community based volunteer organisation with over 850 members. The goal of the Society is to promote the conservation of the environment in the Greater Blue Mountains region. The Blue Mountains Conservation Society has had a long standing interest in Elphinstone (Radiata) Plateau as it is the last remaining parcel of undeveloped southern escarpment land in the Upper Blue Mountains. Spectacular views over the Megalong Valley and the plateau fringe of sheer rock faces have long attracted local residents, bushwalkers and rock climbers.

The biodiversity values of Elphinstone Plateau are considerable. These include a largely intact coverage of scheduled vegetation communities including Blue Mountains Heath and *Eucalyptus oreades* Open-forest, Threatened Species Conservation Act (1995) listed Blue Mountains Swamps, and a number of TSC Act Vulnerable and Endangered listed plants and animals including *Ptherosphaera fitzgeraldii* (Dwarf Mountain Pine) and *Dasyurus maculatus* (Spotted Tailed Quoll). With close proximity to the Greater Blue Mountains World Heritage Area, Elphinstone Plateau forms a vital flora and fauna corridor between the protected bushland areas of Blackheath, Medlow Bath and Katoomba.

The Society is concerned about any development proposal for 28 Pulpit Hill Road Katoomba, a privately owned property of six consolidated lots of 305 hectares, as it occupies most of the vacant land on the Plateau including the escarpments. The owner is the **Maharishi's Global Administration Through Natural Law Ltd** of Maleny Queensland. This is a commercial organisation operating Transcendental Meditation and Health Services Centres throughout Australia. In the 1990s development approval for a large meditation facility at 28 Pulpit Hill Road lapsed. In 2015 Maharishi's Global Administration submitted Development Applications X/611/2015 on Lot No 207 and X/612/2015 on Lot No 208, both for near identical "four bedroom dwellings".

The Conservation Society submitted objections to the 2015 Development Applications. It considered it unlikely that the “four bedroom dwellings” would be for standard residential use but rather could be two parts of a single development with a commercial purpose. While located on two separate lots the buildings were planned to be very close together and had the same access road. It was considered that the two buildings could be the first stage of a co-ordinated development that had the potential for growth into a larger facility. These concerns were reinforced by the fact that during the public exhibition process for the draft LEP, the owners objected to the proposed E2 zoning over the majority of the site and claimed that they were intending to shortly lodge 3 separate development proposals for the site, including a spa retreat, an eco-tourism lodge and boutique residential conference facility.

Development Application X/709/2015 on Lot 41 of 28 Pulpit Hill Road Katoomba (Construction of a 4 bedroom dwelling)

The Blue Mountains Conservation Society is now concerned to find that a **third application** (X/709/2015) for the construction of another “4 bedroom dwelling” was submitted in July 2015 for Lot 41 of 28 Pulpit Hill Road by the Maharishi’s Global Administration Through Natural Law Ltd. In the following discussion of our specific problems with DA X/709/2015 we are aware that there may be pressure on the Council to assess the application under the provisions and environmental constraints detailed in LEP 1991. The Society argues however **that the provisions of LEP 2015 are a key relevant consideration when assessing all three development applications** because:

- The Development Applications were lodged in June and July 2015, after LEP 2015 was exhibited, considered by Council and lodged for Gazettal, but before the new LEP commenced in February 2016. It is recognized that Clause 1.8A of LEP 2015 applies (ie the DA will be assessed principally under LEP 1991) as the DAs were not determined before commencement of LEP 2015.

However, Clause 79C(a) of the Environmental Planning and Assessment Act specifically provides for consent authorities to consider in determining a DA “any proposed planning instrument ... that has been subject to public exhibition”. LEP 2015 clearly meets this criterion – in fact LEP 2015 had been exhibited, considered by Council and lodged for Gazettal by July 2015. As LEP 2015 was very close to Gazettal the test applied by the courts of “certain and imminent” has been satisfied.

- In addition, Clause 79C(a) of the EPAA Act also requires Councils to consider the “public interest” in determining DAs. The Society would argue that the application of relevant provisions of LEP 2015 would be in the public interest.

None of the documentation for the three Development Applications for 28 Pulpit Hill Road currently under consideration appears to address and take into regard provisions of LEP 2015, including the intention, and now the fact that the sites of the planned developments on Lot 207 and 208 are zoned E2 Environmental Conservation. The Conservation Society is of the opinion that the proponent has erred in not doing so. **In the discussion that follows, zonings and environmental constraints of Lot 41 are those indicated in LEP 2015.**

The Blue Mountains Conservation Society considers that the Blue Mountains City Council should reject Development Application X/709/2015 for reasons that include the following:

1. The **building design** submitted with DA X/709/2015 is **not for a conventional 4 bedroom house** despite the stated intention on the Land Use Application. From the publicly available documents on the BMCC website the Conservation Society has noted that:

- 1.1 This building does not have the appearance of a private-use 4 bedroom residential dwelling with kitchen and family living areas. As best as can be determined from the windows shown in the Elevation Plan the layout appears to be one of individual units with separate bathrooms under a common roof-line.
- 1.2 The building is identical in layout and external appearance to those proposed for Lots 207 and 208 which also seem not to be conventional dwellings (as best as can be determined from the redacted documents).

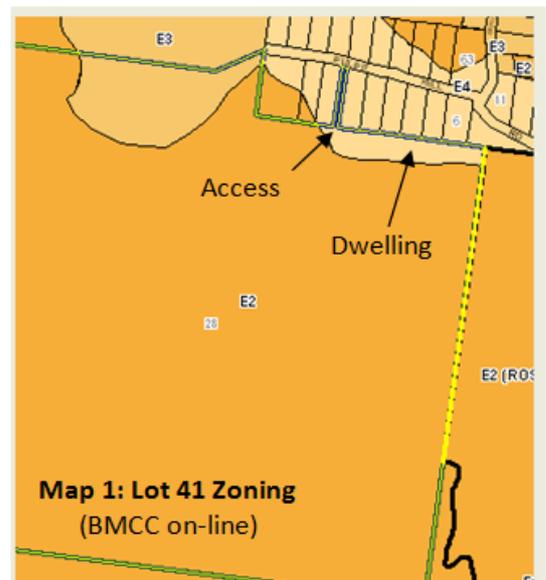
The Conservation Society considers that DA X/709/2015 reinforces the concern previously expressed in 2015 that the proponent intends to develop a large commercial facility on the property. It is important not to consider each DA submitted in 2015 as being for three separate residences. Each building is virtually identical and clearly not of a normal house design. Approval of the above mentioned “dwellings” for Lots 207 and 208, as well as for the current DA on Lot 41, would mean that the proponent has secured development rights on three of the six lots that make up 28 Pulpit Hill Road. Is it then conceivable that the formerly desired larger facility might eventually be constructed on land between the sites in Lots 207 and 208 and that of Lot 41.

2. Under LEP 2015 **93.35% of Lot 41 is zoned as E2 Environmental Conservation** (LEP Zoning table below from BMCC website) and the proposed 4 bedroom dwelling, effluent disposal system, access road, bushfire tanker access road and asset protection zones are supposed to be contained within the 1.8% of the lot that is zoned E4 Environmental Living.

LEP 2015 Zoning Info:

Info table	Code	Description	% of Lot	Approx Area m2
Zoning	E2	Environmental Conservation	93.35	829993.26
Zoning	E3	Environmental Management	4.85	43148.38
Zoning	E4	Environmental Living	1.8	16000.36

Map 1 (BMCC website) shows the narrow width of the sliver of E4 zoned land running across the southern boundaries of existing homes in Pulpit Hill Road. The site map accompanying the DA indicates that the proposed dwelling will be located south of house numbers 8 and 10 of Pulpit Hill Road with the access road (more a narrow laneway) between numbers 16 and 20 and along the boundary of 12 to 16. **The Conservation Society does not consider that there is sufficient land zoned E4 to allow for the “residence”** let alone required bushfire clearance and effluent disposal zones.



Should the development be approved it will clearly result in a considerable loss of privacy and amenity for existing residents. While the Site Plan accompanying the DA indicates that the dwelling will be located 17m from the **northern boundary with the neighbours**, in the Statement of Environmental Effects this distance is reduced to just **5m** (p. 4). Houses on all properties to the north of Lot 41 are set well back from Pulpit Hill Road; those of 6, 8 and 10 are virtually on the rear boundaries of the properties. They will be directly impacted on by noise of vehicles, loss of visual bushland amenity, privacy and all the other problems that result from close suburban living.

3. **Environmental Constraints:** Most of **Lot 41** is zoned as **E2 Environmental Conservation** in LEP 2015 because this is an **environmentally significant part of Elphinstone (Radiata Plateau)**. Lot 41 encompasses substantial areas of escarpments, temperate rainforest and a large Blue Mountains Swamp as well as stunning Tall Open-forests of Eucalypts. Every special characteristic of the Lot is located downslope, or downstream, from the building site and will therefore be impacted on by 'escaped' problems from both the construction and operational phases of the facility. Specifically:

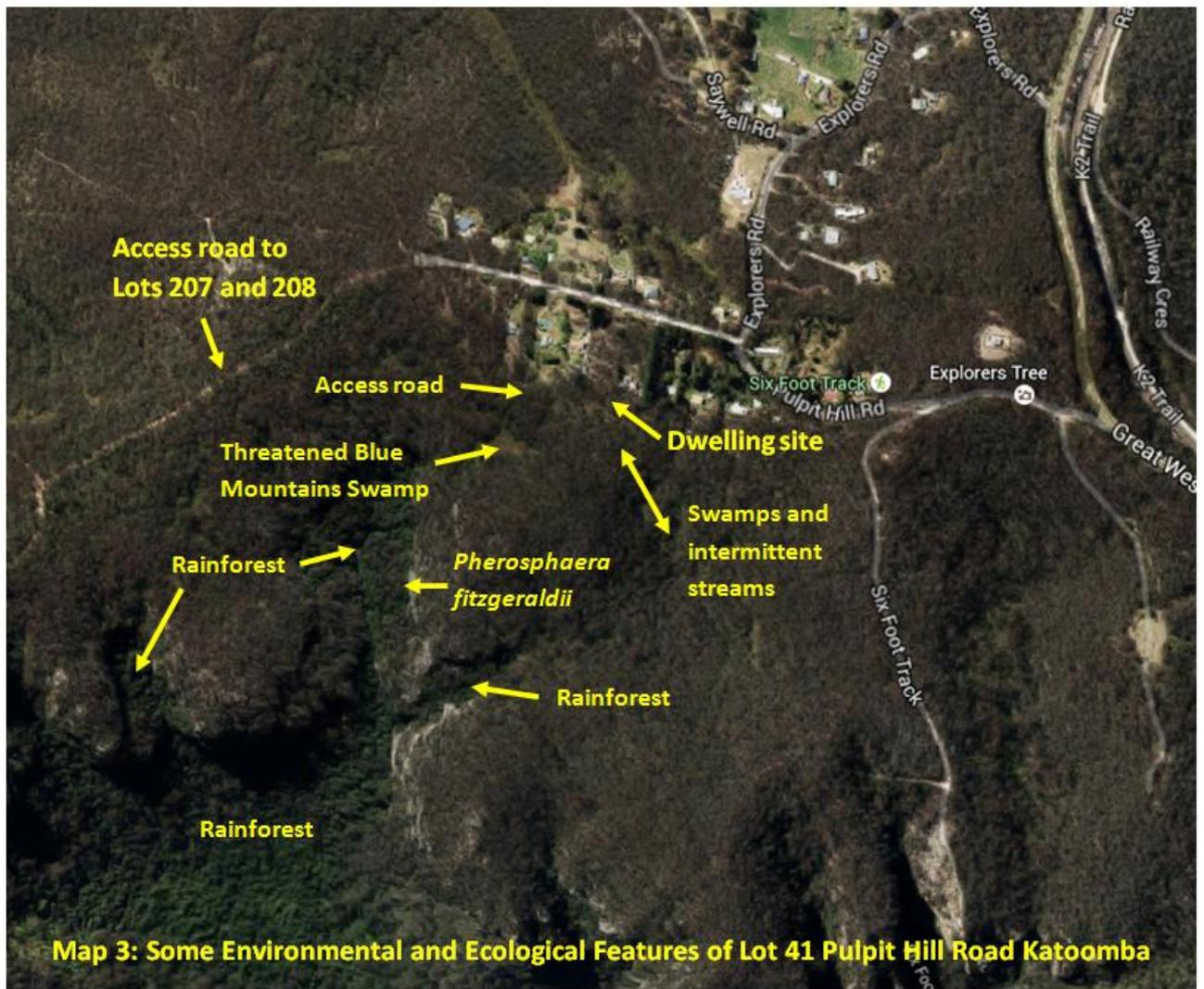
- 3.1 **Six Scheduled vegetation communities** that are restricted to specialised habitats in the Upper Mountains cover some 80% of Lot 41 as indicated on **Map 2** below (percentage covers are approximate as BMCC website did not at the time of writing provide percentage breakdowns of vegetation types for this lot). These are:

- 1A *Ceratopetalum apetalum* – Rainforest (20%)
- 2F *Eucalyptus cypellocarpa* – Tall Open-forest (30%)
- 2G *Eucalyptus oreades* – Open/Tall Open-forest (5%)
- 5A Blue Mountains Heath and Scrub (10%)
- 5B Blue Mountains Swamps (5%)
- 7 Blue Mountains Escarpment (10%)

- 3.2 **Blue Mountains Swamps** are of particular significance as they are listed as a **Vulnerable Ecological Community under the NSW Threatened Species Conservation Act** (TSC Act 1995), and as an Endangered Ecological Community (called *Temperate Highland Peat Swamps on Sandstone*) under the Commonwealth's Environmental Protection and Biodiversity Conservation Act (EPBC Act 1999). The Blue Mountains Swamp community is the habitat of a number of TSC Act listed endangered fauna species including the Giant Dragonfly (*Petalura gigantea*) and the Blue Mountains Water Skink (*Eulamprus leuraensis* – also listed under the EPBC Act 1999). It is possible that the newly discovered and classified sedge, **Carex klaphakei**, (TSC Act Endangered) might also be found in these swamps.

At least **7 areas of Blue Mountains Swamp are of sufficient extent in Lot 41** to be included on Map 2 (BMCC). **The proposed building in Lot 41 is upslope of all of them.** Figure 2 (combined Bushfire and Ecological Constraints Map) that accompanies the Development Application (and not able to be reproduced here) also shows the location of some of these swamps, though quite indistinctly and difficult to read. Nevertheless at least two swamp stands are **mapped at less than 100 metres from the proposed location of the onsite effluent treatment system on the south-eastern corner of the development area** (refer to Elevations Plan). In the *Statement of Environmental Effects* (2015 p.9) it is claimed however that the effluent treatment system

also has affinities with the swamps and carries out a role in the hydrology of the region. These features should be investigated on-site if possible before any development approval is considered.



3.4 In the Upper Blue Mountains **stream volume and water quality** are in large part controlled by storage and filtration functions of Blue Mountains Swamps. If there are negative impacts on the swamps from the proposed development then stream quality and quantity will also suffer. The *Statement of Environmental Effects* (2015 p.9) claims that the effluent treatment area is “located well clear of environmentally sensitive areas within the site, being located 300m from the closest ephemeral stream to the west”. **There is no recognition however that the actual impact will be on an ephemeral stream some 150 metres to the south-east** just below the swamps mentioned in 3.2 above.

It must also be noted that the Katoomba topographic map and Figure 2 of the DA fail to show the degree of landscape dissection created by ephemeral streams on the edge of that part of Elphinstone Plateau covered by Lot 41. This is better depicted by satellite imagery (Map 3) which shows more ephemeral stream courses closer to the development site than do the published maps. Treated effluent and other possibly contaminated surface waters could reach

the upper tributaries of Megalong Creek more easily than suggested in the *Statement of Environmental Effects*.

3.5 The presence of specimens of *Pherosphaera fitzgeraldii* (aka Microstrobos) in Lot 41 is of major botanical significance. Its location was marked by Conacher Travers in 2007 on one, possibly two northern tributaries of Megalong Creek in Lot 41 – refer to Figure 1 *Vegetation Communities and Threatened Species Locations* as presented with the DA in 2015. The number of locations is not certain as Conacher Travers uses the same map symbol for both *Pherosphaera* and for *Leionema lachnaeoides* (also an Endangered species – refer to 5.2 below). The **Endangered** *Pherosphaera* (listed under the TSC Act 1995), that is only known from a small number of Upper Mountains waterfalls, reaches its north-western limit on Elphinstone Plateau where, for example, the sheltered escarpments and small waterfalls of the south-western part of Lot 41 provide ideal habitat. Chemical contaminants and weed propagules carried in surface runoff from the development could detrimentally impact on the Microstrobos just as they would the Blue Mountains Swamps and the extensive downstream rainforests.

4. The **Development Application was not accompanied by a comprehensive or accurate Flora and Fauna Report:**

4.1 The *Statement of Environmental Effects* for Lot 41 (prepared by Chris Lonergan 2015) rely in part on The Ecological Constraints Analysis prepared by Conacher Travers Environmental Consultants in 2007. That analysis is not only out-of-date but was also sourced largely from published material available pre-2007 rather than from recent field surveys. **A comprehensive and up-to-date flora and fauna list** does not accompany the DA (Conacher Travers 2007; Lonergan 2015).

4.2 The *Statement of Environmental Effects* contains brief lists of the main plant species of three vegetation communities that have already been presented in the DAs for Lots 207 and 208 and so are not specific to Lot 41. There is no evidence that the consultant understands the concept of Scheduled and Non-scheduled vegetation communities, let alone can identify them. Those “communities” listed have been called “Forest”, “Rainforest” and “Blue Mountains Swamp”. This is a poor consolidation of the plant community diversity of the site and the list of species for each “community” indicates that the **compiler has no understanding of the usual species mix of each community type**. The “Rainforest” list (Lonergan 2015, pp. 23-24) for example, **contains no dominant rainforest trees** such as the Coachwood, *Ceratopetalum apetalum*, but it does include three non-rainforest Eucalypts and Turpentine and so is more akin to a list for a *Eucalyptus*-dominated Open-forest/Tall Open-forest. The species listing for the “Forest” community is a generalised mix that does not allow for the separation out of the forests into the types indicated in Map 2 above; there is no sense of the special qualities of the Tall Open-forests of the *Eucalyptus cypellocarpa* and *E. oreades* communities. Furthermore some of the species listed such as *E. stricta* are heath plants not those of forests.

The species list for “Blue Mountains Swamp” (Lonergan 2015, pp. 24) **is particularly inadequate**; only one swamp plant is mentioned (*Gahnia sieberiana*) and the other eleven plants are from heath or open eucalypt forests. *Eucalyptus cypellocarpa* never grows in Blue Mountains Swamps. We have also noted that while **Blue Mountains Swamp** is listed in the key

to Figure 2 of Conacher Travers analysis, the actual symbol and therefore the swamp locations are difficult to discern especially on-line.

The Lot 41 dwelling, access road and associated Asset Protection Zone would require the clearing of part of the unscheduled vegetation community of ***Eucalyptus sieberi-Eucalyptus piperita* Open-forest**. No site specific species list has been presented for the area to be directly impacted on. This should occur whether or not the building site was (partly) cleared in the past.

4.3 The *Statement of Environmental Effects* (Lonergan 2015) includes **listings of common birds and other animals but these are far from comprehensive**. Not a single honeyeater, whether resident or migratory is listed for a location that abounds in such birds. Prominent cockatoos including the Yellow-tailed Black-cockatoo and the Vulnerable (TSC Act) Glossy Black-cockatoo are left out. The Torresian Crow is included but it is a northern Australian species and definitely does not occur in the Blue Mountains. There are no owls or bats (in a location where Threatened listed bats are likely) and the statement “various species of gliders” which may well include the TSC Act Vulnerable Yellow-bellied Glider, serves to reinforce the inadequate way in which the fauna of this large and important area of bushland appears to have been investigated. **Seriously incomplete fauna lists reflect the lack of importance placed on the ecological significance of this place by the developer and consultants**. Like the flora species compilations, fauna lists need to be resubmitted following independent surveys.

5. The *Statements of Environmental Effects* (Lonergan 2015) for Lot 41 contain the **Assessment of Significance (Seven-part Test) for Threatened Species** as required by section 5A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Lonergan (2015) basically concluded that location and distance safeguards built into the development proposals would ensure that no species or community listed under the Threatened Species Conservation Act 1995 would be negatively impacted on by the development.

The Society is particularly concerned however that serious **inadequacies in the flora and fauna surveys** and in the poor identification and mapping of an ecological community listed as threatened under both the Threatened Species Conservation Act (1995), and the Environment Protection and Biodiversity Conservation Act (1999), have resulted in a questionable Assessment of Significance. We submit the following community and species as examples of possible flaws in the analysis:

5.1 **Blue Mountains Swamps** – as previously noted in this document Swamps are listed as a Vulnerable Ecological Community under the NSW TSC Act (1995), and as an Endangered Ecological Community (called *Temperate Highland Peat Swamps on Sandstone*) under the Commonwealth’s EPBC Act (EPBC Act 1999). No consideration is given in the DA to the special role that these swamps have in stream hydrology, and an inaccurate and depauperate plant species list is presented despite the presence of quite a **large swamp close to the south-west corner of the access road to the development site**. While in the *Statement of Environmental Effects* (2015) Lonergan claims that the development site is 150 metres from any swamp, this distance is herein disputed and needs to be verified. No consideration at all has been given to the need to protect the largest swamp from the access road reconstruction, its subsequent use

and associated drainage. The possible deleterious effect of contaminated sub-surface water flow on the swamps should also be more thoroughly assessed.

- 5.2 **Individually listed Threatened Flora and fauna species** – the Conacher Travers analysis (2007) lists some species which “might” be on the site but Lonergan (2015) argues away possible impacts thereon because of apparent distance from the development site, or ignores them completely. The Endangered *Pherosphaera fitzgeraldii* was noted in **Lot 41** by Conacher (and listed under its former botanical name of *Microstrobos fitzgeraldii*) but that has not translated into **an adequate analysis of the impact of development on this species** in the Assessment of Significance in the *Statement of Environmental Effects* (2015, p. 24). This is despite the knowledge that this species can be negatively impacted on by poor water quality and weed growth even at a substantial distance from the sources of these problems.

Of some concern is the lack of consideration of the Endangered shrub *Leionema lachnaeoides* (TSC Act, EPBC Act) that grows in exposed sandstone heath at only 10 sites in the upper Blue Mountains. Conacher Travers (2007) indicated that this species had been previously identified (by someone else) in **Lots 207 and 41**. It is not possible to work out with any certainty from the Conacher Travers map (figure 1 of the DA) the location of this species in Lot 41 partly because the same map symbol has been used for both this plant and for *Pherosphaera*. It is herein assumed that the more westerly point marked in figure 1 of the DA is the relevant one. Lonergan (2015) stated that the closest plants were 300 metres from the Lot 41 development site. Given that this record is more than 10 years old and that *Leionema lachnaeoides* is quite rare it would seem to be appropriate to require a thorough re-analysis of its presence in Lot 41.

While Lonergan (2015) lists the **Gang-gang Cockatoo, Brown Treecreeper and Scarlet Robin** for the site, he **fails to note their conservation significance**. They are all listed as **Vulnerable** under the NSW Threatened Species Conservation Act (1995). The likely impacts of the proposed development on these species must be properly assessed. **Threatened species not listed** by Lonergan (2015) but which are likely to occur within the development area include the **Flame Robin** (Vulnerable), **Glossy Black-cockatoo** (Vulnerable), **Blue Mountains Water Skink** (Endangered), **Giant Dragonfly** (Endangered), **Broad-headed Snake** (Endangered) and the **Yellow-bellied Glider** (Vulnerable).

Lonergan (2015) lists the **Great Barred Frog** *Mixophyes fasciolatus* as the **only amphibian** in Lot 41. Its presence in Katoomba would be most unusual and if that report is correct then it would be regionally significant (J. Smith pers. comm.). The paucity of amphibians in the *Statement of Environmental Effects* is further indicative of the shortcomings of that report.

The Conservation Society considers that the **Assessment of Significance should be re-submitted** after comprehensive Flora and Fauna Reports are undertaken. Should further site investigation as part of a **revised Assessment of Significance** indicate that there will in fact be negative impacts on Threatened Species Conservation Act (1995) species and/or communities then **Species Impact Statements** as required under Section 110 of the Threatened Species Conservation Act 1995 will need to be completed. Furthermore should it become evident that there will be significant impacts on communities and/or species listed under the **Commonwealth’s Environment Protection and Biodiversity Conservation Act** (1999) then the

proposal must be submitted according to the required procedure of the **Australian Government's Minister for Environment and Heritage** (or as under his/her new title).

6. The developer does not consider that the **development footprint** for one building on Lot 41 will be significant, but is that because a full survey has not been conducted or because the site has previously been cleared in anticipation of the submission of this (or a previous) Development Application? In the *Statement of Environmental Effects* Lonergan (2015, p. 26) states that:

*The proposed development of the site relates to the **construction of a Dwelling in a prepared NE cleared area**, and minimises site works within this sloping and cleared section of the allotment by virtue of the design and the placement of the building within these existing cleared areas, thus avoiding the removal of native trees.*

Regardless of this statement, there are trees in this disturbed area and it is hard to imagine that none will be intentionally or accidentally removed or damaged. The requirements of bushfire mitigation on a lot that is classified as **Category 1 Bushfire Prone Land**, the access road, driveways, landscaping, and on-site sewer system will impact on individual trees, the plant communities and associated ecosystem.

7. **Fire Exposure:** Lot 41 is classified by the BMCC as **Category 1 Bushfire Prone Land**. There appears to be no reticulated water to the property with full fire fighting provisions being a meagre 20,000 litre tank that will empty quickly. The one narrow road in and out from the dwelling site represents a further danger for fire fighters. Despite an assurance in the *Statement of Environmental Effects* (2007, p. 4) that the development will occur on a site previously hazard-reduced (when?), there is no large scale clearance evident in the aerial photographs available for the property. Should construction be permitted there will be considerable clearance pressure placed on surrounding bushland for more adequate property protection.
8. The *Statement of Environmental Effects* does not contain any information about the **impact on Lot 41 of a 650 metre long all-weather access road to the other proposed development sites on Lots 207 and 208**. It is understood from the DAs for these sites that the road will apparently follow an old pine plantation access trail/fire trail that has already been disturbed but there are no details about the impacts on either adjoining native trees or shrub layer of any required upgrading or of clearance for fire protection.

It is assumed that the access road to Lots 207 and 208 will follow the introduced vegetation area (old Pine plantation) marked 13 on Map 2 and the track indicated on Map 3 above. Despite the fact that the scheduled vegetation community *Eucalyptus cypellocarpa* Tall Open-forest lies immediately to the south of this zone and that several TSC Act listed Blue Mountains Swamps are close by the Conservation Society can find no environmental assessment of this proposed road in any of the Development Applications under consideration and certainly not that for Lot 41.

9. **Aboriginal Cultural Values:** no reference at all can be found to Aboriginal cultural values of Lot 41 in any of the available documents. There is furthermore no indication that any archaeological investigation or cultural survey of any kind has been carried out. It is hard to imagine that this part of the plateau and its escarpments, swamps and forests were not part of the Aboriginal landscape

of the Upper Blue Mountains. An assessment of the potential impacts on the Aboriginal cultural values of the site must be carried out before any final decision can be made.

10. The Conservation Society can find no assessment of the impact of this “dwelling” on the social and recreational **amenity of local residents** of Elphinstone (Radiata) Plateau:

10.1 There is no discussion in the Land Use Application about the impact of the development stage of the proposal in terms of construction traffic, and dust and noise generation. Similarly once there are occupants in the new “4 bedroom residence” there is no estimate of the number of additional daily vehicular movements that will arise from “residents” and service vehicles. Some issues associated with proximity of the dwelling in Lot 41 to existing houses have been mentioned in point 2 above. The DA says nothing about these potential problems.

10.2 There is certainly no evidence in the DA of consideration of the cumulative impacts of the three proposed developments for 28 Pulpit Hill Road on the residential amenity of existing households either during construction or occupation.

10.3 Due to the relatively undisturbed nature of the property and its iconic location on the escarpment it has considerable social value and has been used for many decades by locals and Blue Mountains visitors alike for activities that include bushwalking and bird watching. The social value of access to bushland and escarpment resources throughout this property has not been assessed.

To conclude: The Blue Mountains Conservation Society considers that the Blue Mountains City Council should reject the proposal for a “residential dwelling” on Lot 41 28 Pulpit Hill Road Katoomba. We base our objections to the current Land Use Application on:

1. The nature of the development proposed that appears more likely to be part of a facility related to the **commercial activities** of Maharishi’s Global Administration Through Natural Law Ltd, than to that of a household residence. The Society firmly believes that if this development and the identical dwellings on Lots 207 and 208 are approved then there will be future pressure for more development on these lots that will be readily accessible by the common all-weather road already planned.
2. The *Statement of Environmental Effects* does not indicate that the property owner understands the very special environmental characteristics of Lot 41. This is a spectacular and ecologically significant site. There are dramatic escarpments, incised streams, dripping rock ledges with specialised plants, a whole amphitheatre of rainforest, substantial areas of the TSC Act listed Blue Mountains Swamps, and many hectares of majestic tall Eucalypt Forests as well as a range of Endangered and Vulnerable plants and animals as detailed in point 3 below.
3. The inadequate and often inaccurate documentation of the flora and fauna of the site. This Development Application does not contain **detailed Flora and Fauna Reports for Lot 41**, and in fact shares the very poor species lists presented with the DAs for Lots 207 and 208 even though the dwelling currently under consideration is on a different part of the plateau.

The Society has furthermore raised objections about the conclusions of the **Assessment of Significance (Seven-part Test)**. This is particularly because of the acknowledged presence on this site of scheduled plant communities, Commonwealth Environment Protection and Biodiversity Conservation Act and/or NSW Threatened Species Conservation Act listed Blue Mountains Swamps, plant species including *Leionema lachnaeoides* and *Ptherosphaera fitzgeraldii*, and fauna species including Gang-gang Cockatoo, Brown Treecreeper and Scarlet Robin, and the likely occurrence of other threatened fauna species such as the Blue Mountains Water Skink, Flame Robin and Glossy Black-cockatoo, none of which have been adequately assessed, if even mentioned. Re-assessment may indicate that **Species Impact Statements** are required and that the proposal may have to be submitted to the Commonwealth Minister for Environment and Heritage (or 2016 equivalent) for approval.

4. The size and impact of the actual **development footprint** that has been under-estimated particularly with regard to bushfire protection clearance requirements. The up-grading and fire protection of the access road to Lots 207 and 208 across Lot 41 barely rates a mention despite its proximity to Scheduled vegetation communities and Blue Mountains Swamps.
5. The risk of placing a dwelling without reticulated water on Category 1 Bushfire Prone Land that has a narrow one-way-in/one-way out access road.
6. The absence of an archaeological report and complete disregard of Aboriginal cultural values in a place of undoubted previous occupation
7. A total lack of consideration for the living amenity of existing residents at both the construction stage and later during occupancy, and of recreational amenity for residents and visitors.

The Blue Mountains Conservation Society calls on the Blue Mountains City Council to reject the Land Use Application for the construction of a residential dwelling at Lot 41 28 Pulpit Hill Road Katoomba, as it has for those on Lots 207 and 208. The considerable environmental and ecological importance of the entire plateau and its escarpments must not be underestimated. The Society remains committed to the belief that all of Elphinstone (Radiata) Plateau that is without current residential occupancy should be acquired by either the State or Commonwealth Governments as an addition to the Blue Mountains National Park/Greater Blue Mountains World Heritage Area.

Thank you for considering our submission,

Yours sincerely



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