

21 May 2019

Blue Mountains Conservation Society Inc
PO Box 29
WENTWORTH FALLS NSW 2782

By email: bmcs@bluemountains.org.au

Dear Mr Garland,

Subject: Site Clearing of Vegetation – Flora & Fauna Park
Premises: 10 Great Western Highway WENTWORTH Falls NSW 2782

Thank you for your letter dated 17 May 2019 regarding the alleged unlawful land clearing at the subject premises that has been recently brought to Council's attention.

Preliminary investigations have disclosed that a section of the property has been cleared following the issue of a Construction Certificate by a private certifier. The certificate calls upon Development Consent 8162 dated 23 November 1989 that was approved for the establishment of a Flora and Fauna Park on the site.

Council Development Monitoring are currently investigating the concerns that you have raised along with other members of the community as to:

- Legality of the clearing under the issue of a construction certificate for vegetation clearing only.
- Any breaches of conditions of Development Consent that may be identified will be investigated in accordance with Council's Enforcement Policy, having regard to the significance of the breach and the appropriate course of action to deal with such a breach as determined by Council.
- Options for Council to report the private certifier to the Building Professional Board (BPB) as the accreditation authority for the private certifier.

Council has sent correspondence to Blackett Maguire + Goldsmith (Private Certifier) and sought a response as to the circumstances that lead to the issue of the Construction Certificate for vegetation clearing only having regard to the conditions of development consent. At this time Council awaits their response. This is consistent with the advice provided by the BPB in such circumstances. Note members of the community may also report matters to the BPB.

Current observations on site by Council staff indicates that a layer of tritter mulch has been left over the surface of the cleared area with additional sediment fence controls installed at set locations to prevent discharge of sediment from the cleared area.

The location of the entry to the wildlife tunnel under the Great Western Highway installed in 2012 has been noted and Council is currently investigating any obligations to maintain the wildlife links to the site.

As you may appreciate this is a detailed and complex investigation that has been commenced to determine an appropriate course of regulatory action in accordance with Council's Enforcement Policy.

While Council intends to provide updates on key milestones as the investigation progresses, in order to preserve the integrity of the evidence gathered and relied upon in any legal action, limited information may be released as we progress the investigation.

If you require further information at this time please contact me on 4780 5000 weekdays.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Rodney Bles', with a stylized flourish at the end.

Rodney Bles
Acting Manager Health and Compliance Services
Development & Customer Services