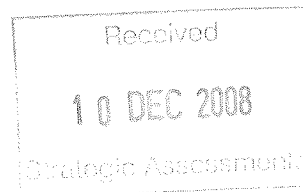


Your reference :
Our reference : DOC08/57039
Contact : Marnie Stewart ph. 9995 6861



Michael File
Director, Strategic Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Mr File

Re: Re: Potts Hill Concept Plan (MP07_0099) and State Significant Site Listing.

I refer to the Potts Hill Concept Plan (MP 07_0099) and the proposed amendment to *State Environmental Planning Policy (Major Projects) 2005* (the Major Project SEPP) to list the Potts Hill Reservoir as a State significant site (SSS).

The Department of Environment and Climate Change (DECC) has previously provided advice on the redevelopment of the Potts Hill site including s34A comments on 5 May 2008, and during the exhibition of the Potts Hill Concept Plan (MP07_0099) and State Significant Site Listing and Study on 2 September 2008. In its advice DECC has consistently raised concerns over the ability of the conservation mechanisms that have been proposed to provide long term security to the areas identified in the biodiversity package. This is because the proposed conservation area will remain within an operational facility to be used for ongoing water management activities rather than be managed for conservation purposes.

Since its last advice, DECC has twice met with Landcom and Sydney Water to discuss ways to protect the conservation values identified on the site. At the most recent meeting on 11 November 2008, Sydney Water presented a plan 'Sydney Water Future Site Use Vegetation Communities Conservation Agreement EMP/VMP' (Attachment 1) which depicts two areas (outlined in an aqua colour) within the retained Sydney Water lands. These were proposed for protection under a Conservation Agreement under the *National Parks and Wildlife Act 1974* (NPW Act). DECC gave provisional verbal support for this proposal at the meeting, as it was understood that the entire outlined area would be subject to this conservation mechanism.

On 1 December 2008, DECC received written correspondence from Landcom which depicted three separate areas proposed for protection under a Conservation Agreement (Attachment 2). The areas differ from those that DECC understood would be protected and agreed to at the meeting of November 11. These smaller separate areas are not suitable for protection under a Conservation Agreement due to their fragmented nature and uneven boundaries, which make their long term viability as soundly managed areas difficult. DECC is therefore unable to agree to a Conservation Agreement as the mechanism to secure the offsets for the redevelopment of the site over the areas shown in Attachment 2.

However, the proposal as presented to DECC at the meeting on the 11 November 2008 and shown in Attachment 1, provides buffers and rational boundaries to enable sound management of

The Department of Environment and Conservation NSW is now known as
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Department of **Environment and Climate Change** NSW



the existing high conservation vegetation. DECC therefore endorses a Conservation Agreement as an appropriate mechanism over this area, as indicated at the November 11 meeting. In addition, the proposal shown in Attachment 1 is outside of Sydney Water's predicted long term requirements within the retained lands and is therefore a suitable option.

DECC advises that if the proponent is unable to provide an adequate and secure offset area within the Sydney Water retained lands under a Conservation Agreement agreed to by DECC, (such as that shown in Attachment 1), alternative conservation outcomes for the Concept Plan need to be considered as follows:

- Amendments to the Concept Plan and SSS listing proposal to retain areas of high ecological value within the site and provide adequate long term protection through an E2 Environmental Conservation zoning. It should be noted that an open space zone, as proposed in the Concept Plan, is not considered to provide adequate protection and long term security for threatened species or Endangered Ecological Communities; or
- Preparation and implementation of a biodiversity offset strategy that provides for offsets elsewhere. In this regard, the DECC would expect that any proposed offset ratios would be in the range of 3.3 - 5.5:1 for the EECs and 3.1:1 for *Acacia pubescens*.

The DECC strongly recommends that this issue be resolved prior to the determination of the concept plan application and SSS listing.

If you have any queries on any of the above please do not hesitate to contact Marnie Stewart, Conservation Planning Officer, on ph 9995 6861, or myself on 9995 6802.

Yours sincerely

K.L. Brown

8/12/08

Karl Brown
A/Manager Planning & Aboriginal Heritage
Metropolitan Branch
Environment Protection and Regulation Group

cc: Nicole Woodrow, Landcom



Sydney Water Future Site Use
Vegetation Communities
Conservation Agreement
EMP / VMP

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Attachment 1

100 50 0 100 Metres

Legend:

- Future SWC Operational Infrastructure
- Future SWC Operational Infrastructure (Former Res. No 1)
- Undeveloped Buffer
- Land Subject to Conservation Agreement with EMP / VMP
- Land Subject to EMP / VMP Only

Sydney Water Related Land

- Study Area
- Cooks River/Castlereagh floodbank Forms
- Creek (Upstream)
- Camdenland Plain Woodland
- Sydney Turpentine/Heath Forest