



Department of Environment and Conservation (NSW)

Fax to: Ross Blancato of: Australand
 Fax no: 9767 2917
 From: Ray Fowke of: Metro Branch
 Phone no: 9585 6921
 Date: 7/11/05
 cc:
 Number of pages (including this page): 3

Message

Ross - copy of letter to
 Council attached, maps not
 included but were two DEC
 maps + your map as talked
 at meeting.
 - Ray.

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Department of
Environment and Conservation (NSW)

Your reference : 145-112-27/23
Our reference : 02/04719
Contact : Ray Fowke

copy

Ian Reynolds
The General Manager
Blacktown City Council
PO Box 63
BLACKTOWN NSW 2148

Attention: Chris Shannon

Dear Mr Reynolds

SEPP 59 – revised draft Eastern Creek Precinct Plan (Stage 3)

I refer to your letters dated 14 October and 21 October 2005 regarding the above matter, and the meeting held on 28 October which was attended by representatives from Council, DEC, Department of Planning and Australand.

At that meeting broad agreement was reached regarding the biodiversity conservation outcomes that would be achieved through the precinct plan process, specifically with respect to the Hartford Lane Lands. In summary, these were:

- the DEC is prepared to support any of the three conservation footprint options discussed at the meeting (maps attached). The DEC acknowledges that the final choice will be made by the Council as part of the finalisation of the precinct plan, which will also take into account the range of other planning issues relevant to the site;
- all asset protection zones are to be located outside of the final conservation area;
- Council will consider options for the small area of land adjacent to Stage 2; and
- the developers will provide initial funding of approximately \$250,000 for restoration and revegetation works, together with a sinking fund of \$500,000 to be used for on-going maintenance. The sinking-fund is expected to fund maintenance of the conservation area for between 7-12 years depending on the level of annual draw-down.

The DEC accepts these outcomes as the basis for Council progressing completion of the precinct plan.

The DEC also provides the following general comments on the revised precinct plan.

Biodiversity

Given the above agreed outcomes, the DEC expects that Council will now amend the proposed controls in section 8.3.5 of the precinct plan. In this regard, the DEC does not wish to be identified as a referral, approval or consultative body with respect to future development applications at the site.

Consistent with the provisions of the *EP&A Act* it will be a matter for Council to consider the biodiversity impacts of DAs, including potential impacts on threatened species. The DEC would only have a statutory role in this regard if Council were to form the view that a development was likely to have a significant effect on threatened species. In that situation, a species impact statement would

have to be prepared according to requirements issued by the DEC and the DEC may have a final concurrence role.

The DEC considers that Council will be in a solid position to evaluate the impacts of any DA on threatened species given the extensive information that already exists on the site's conservation values. In addition, the conservation outcomes agreed above can also be factored into Council's decision-making.

As final ownership of the conservation area is yet to be determined, the DEC would suggest that Council consider amending the controls in the precinct plan to support resolution of this matter prior to the determination of future DAs. Similarly, the DEC would expect that mechanisms to ensure collection and expenditure of the restoration and maintenance funds would be included either in the precinct plan or a related document (eg. planning agreement).

Aboriginal heritage

The DEC also requests that Council amend the controls for Aboriginal heritage listed in section 9.2.5. Specifically:

- the DEC does not wish to be identified as a consultative body for future DAs in areas identified as having high archaeological significance. This provision should be amended to state that any proposal that impacts on objects of Aboriginal heritage significance will require approval from the DEC, either through the integrated development assessment (IDA) process or a separate approval under the *National Parks and Wildlife Act*, and
- the controls should place greater emphasis on the Aboriginal community consultation process, emphasising that this should occur during the design phase for a DA and as a key element of preparing the management strategy for the conservation area.

Other matters

The DEC notes that the revised precinct plan also provides detailed controls on a wide range of issues, including stormwater management, transport, environmental management (eg. air quality, energy efficiency, waste). The DEC is generally supportive of these provisions.

On a final point, the DEC notes that the additional maps provided in Council's letter of 21 October included one showing the local road pattern. That map shows an area in the north-west of the precinct, highlighted in a green box and labelled "To be determined by the RTA". The DEC understands this is the proposed location for new on and off-ramps from the M4.

As Council would be aware there is a large patch of high quality Cumberland Plain Woodland (CPW) located within the SEPP 59 site at this point. This patch is already crossed by a road that connects to an existing bridge over the M4. The DEC would recommend that the precinct plan make reference to the need for any new access to the M4 to take all practicable measures to avoid, minimise and mitigate impacts on this area of CPW.

If you have any queries regarding this matter please contact Ray Fowke, Conservation Planning Officer on 9585 6921.

Yours sincerely



Ross Carter

Director, Metropolitan Branch
Environment Protection and Regulation Division

2/11/05