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15 February 2004

The General Manager
Blacktown City Council
62 Flushcombe Road
Blacktown NSW 2148

By facsimile: 9831 1961

Dear Sir

St Marys ADI Site - Draft Precinct Plan for the Eastern Precinct RZ-90-12/T

We act for the ADI Resident's Action Group.

We refer to the resolution of Council made on 4 February 2004 to adopt the Draft Precinct Plan for the Eastern Precinct of the ADI St Mary's site (as amended) ("**the Precinct Plan**").

We note that the Precinct Plan is purported to be made pursuant to the provisions of *Sydney Regional Environmental Plan 30 - St Mary's* ("**SREP 30**"). Clause 10(2)(h) of SREP 30 requires that a draft precinct plan include proposals for, and information about:

"management of the potential impacts of development on the existing physical and environmental characteristics of the land, including significant native flora and fauna habitat and soil characteristics. The information is to include specific details of those characteristics and to explain how development should be planned and configured to minimise adverse impacts on areas of significance for biodiversity".

During the process of assessment of the Precinct Plan, our clients made a number of written and oral submissions outlining their concerns that the *St Marys Eastern Precinct Plan - Biodiversity Assessment* dated July 2003 and prepared by ERM, was deficient. In particular, our clients were concerned that the Biodiversity Audit failed to properly consider potential impacts on the following flora and fauna species and ecological communities listed under the *NSW Threatened Species Conservation Act 1995 (TSC Act)* and known to exist within the study area for the site. The following threatened species are known to exist on the site:



In the instance of *Pimelea spicata*, while we note that Council requested a further search for the species be carried out, our clients are of the opinion that ERM's inability to locate the species on the site is not conclusive. We note that the Department of Environment and Conservation (DEC) identified this species in its own submissions as an area of concern. We are further instructed by our clients that officers from that Department have now been made aware of the presence of the species on the site and are preparing to conduct independent on-site surveys following Council's decision, indicating in-principle support for our client's concerns.

Our clients are of the opinion that, in the absence of accurate and detailed information about these significant species in the Precinct Plan, Council has failed to adequately address a critical requirement of SREP 30 and therefore, the Precinct Plan was not validly made. Our clients are of the opinion that the resolution to adopt the Precinct Plan should be rescinded and the Biodiversity Audit amended to address the potential impacts of the Precinct Plan upon the threatened species listed above.

Would you please advise, as a matter of urgency, whether Council will require the Proponent to prepare an addendum to the Biodiversity Audit that adequately addresses the impact of the Plan on all important flora and fauna and their habitat within the Eastern Precinct.

Please do not hesitate to contact the writer if you have any questions.

Yours sincerely

Environmental Defender's Office Ltd



Elisa Nichols
Solicitor



