

Mr Geoff Brown
ADI Residents Action Group
47 Forest Glen Drive
CRANE BROOK NSW 2747

Dear Mr Brown,

RE: ADIRAG Questions Regarding Eastern Precinct and Macrofauna Management Plan

I refer to your address to Council's Ordinary Meeting held on 15 September 2003 in which you asked a number of questions regarding the Eastern Precinct Plan for the ADI St Marys site. The following letter has been prepared in order to provide some clarification on the issues raised by you.

Q. Is Council aware that the *St Marys Development Agreement* proposes that contributions from the Joint Venture-for Capital Improvements in the proposed Regional Park are to be paid incrementally over the life of the development, meaning that installments will be paid to fund the Capital Improvements on each anniversary of the commencement of construction of the Western and Central Precincts? (page 36 SMDA)

R. The St Marys Development Agreement (The Deed) is an arrangement between the State Government and the Joint Venture Partners and Council had little input to this document. Council is aware of the staged nature of payments on a precinct by precinct basis. We understand the installments (total \$6.9 million) to NPWS are staged to ensure that the development of facilities and infrastructure for the Regional Park occurs as the community need arises and as Development Precincts are commenced, NPWS has advised that it will be necessary to provide appropriate signage and safe access to the Regional Park which dictates that roads and Infrastructure must precede access to some Regional Park areas. Notwithstanding provisions of the Deed however, the actual timing of the provision of infrastructure and of access to the Regional Park is the responsibility of and will be determined by the NPWS after the completion of the Plan of Management (PoM) for the Regional Park.

Q. Doesn't this conflict with this report stating that Part "A" of the Regional Park would be transferred to NPWS as soon as possible after June 16 2003 and the belief that the proposed Regional Park would soon be accessible to the public?

R. The Council report states that the Deed requires that all of the Part A lands will be transferred to NPWS as soon as possible after that date. This transfer is linked to the first subdivision of lands in the Eastern Precinct envisaged for mid 2004. The Deed does not envisage that public access will occur at the same time as the land transfer. Access to the proposed Regional Park will be determined through the Plan of Management process, which will commence prior to the finalisation of the transfer of the land to NPWS. A draft PoM will be developed by an appropriate NPWS Advisory Group for this Regional Park. Community consultation is also required during the development of the draft PoM prior to public advertising. It is expected that some of the Part A lands

will be available for public access in the early stages of the development from the Eastern Precinct and Dunheved Employment Lands, but this is subject to confirmation by NPWS.

Q. When will Penrith City Council constituents be able to access the proposed Regional Park from the Penrith end of the ADI Site?

R. Specific points of entry / exit to the Regional Park have not been identified at this stage. Access to the proposed Regional Park will be determined through the Plan of Management process.

It is expected that some of the Part A lands will be available for public access in the early stages of the development of the Eastern Precinct and Dunheved Employment Lands but this is subject to confirmation by NPWS.

Q. Why is Council supporting a preference that passive recreational areas be

contained within the proposed Regional Park Won't this further impact on the conservation values of the proposed Regional Park? Shouldn't the developers provide this type of land use within the development areas?

R.

The Council report notes that there should be opportunities for recreational facilities to be located within both the Regional Park and the Regional Open Space areas consistent with conservation outcomes. The PoM process will determine which areas are suitable purely for biodiversity conservation and which areas may be suitable for the provision of recreational uses. The recreational needs of the community can potentially be met in a combination of Regional Park, Regional Open Space and urban areas opportunities. The precinct planning process and the PoM process will determine this outcome.

The framework for provision of passive recreational areas and facilities is set out in Sydney Regional Environmental Plan No. 30 (SREP30), the Environmental Planning Strategy (EPS) and the Deed. In the zoning provisions of SREP30, one of the objectives of the Regional Park zone (c1.37(1)(d)) is "to provide recreational facilities that are consistent with the natural and cultural values of the land". The EPS requires uses, facilities and recreational management within the Regional Park to be sympathetic to the park's natural values. The Deed requires the Regional Park to be managed to allow the provision of opportunities for recreation.

It is possible that recreational facilities may be provided within the Regional Park to help meet the needs of the regional and local community, however this will be subject to further assessment during the PoM process. Council considers that the PoM for the Regional Park should clearly identify all preferred recreational uses, facilities and activities and their location(s) with regard to the objectives of the EPS and SREP30, the needs of the regional and local community and the values of the site.

The Eastern Precinct Plan (section 2.6) sets out the open space provision proposed for the precinct and the incorporation of passive recreational areas within an open space hierarchy:

District Open Spaces - facilities serving district recreational needs; p Level 1 Parks – major open space facility providing active and passive recreation; Level 2 Parks – passive recreation serving a neighbourhood catchment; p Level 3 Parks – passive recreation serving an immediate catchment; and p Green corridor open space

This demonstrates that passive recreational areas can and will be provided within areas zoned urban as well as areas zoned regional open space and if possible areas zoned regional park.

Q. Does Council believe that the draft Eastern Precinct Plan meets the principles of Ecological Sustainable Development? If so, how?

R.

The draft Eastern Precinct has been submitted to Blacktown City Council for its consideration **as** the consent authority for this land When a Precinct Plan is submitted to Penrith City Council for its consideration at a later stage in the precinct planning process such documentation will be assessed by this Council.

Q. Does Council believe that the Eastern Precinct Plan is a model development as outlined in the Aims of the EPS 2000 (Page 2, point 1.2.5)

R.

As explained **above** is Question 5, the draft Eastern Precinct Plan is the responsibility of Blacktown City Council **and** accordingly your question should be addressed to that Council.

Q. Does Council believe that the draft Eastern Precinct Plan protects the conservation values of the ADI Site? If yes, which development control strategies or part of the plan ensures this?

R.

The draft Eastern Precinct Plan is being assessed by Blacktown City Council rather than Penrith City Council It is suggested that your enquiry should be addressed to that Council.

Q. Does Council concur with the proponents that the creation of the proposed Regional Park is the foremost mitigation strategy to offset the impacts of the urban development If so, why

R.

The decision to preserve certain areas of land on the ADI site as a Regional Park has been made by the Commonwealth Government and those areas have been nominated as Regional Park within the Deed. Later in the planning process when a precinct plan is submitted to Penrith City Council for its consideration, such documentation will be assessed by this Council within the existing legal framework provided by SREP 30, the EPS and the Deed.

Q. Is council aware that NPWS mapping identifies that 10% of core habitat on the site, including areas within the Penrith LGA, are within development areas. g age 38, Biodiversity Assessment Does Council believe that all areas of core habitat should be protected?

R,

Council is aware that there is remnant bushland within the areas zoned Urban and Employment.

Penrith City Council will assess biodiversity issues within any precinct plans and subsequent development applications submitted to it after consultation with NPWS and within the existing statutory planning framework.

Q. Does Council support the removal of 40 hectares of Endangered Ecological Communities as proposed by the draft Eastern Precinct Plan? (Page 55, Biodiversity Assessment).

R. The development boundaries are in accordance with the planning and development framework laid down by the Deed, SREP30 and the declaration of release areas by the Minister for Western Sydney. Biodiversity questions relating to the draft Eastern Precinct Plan should be addressed to Blacktown City Council.

Q. Does Council support the findings and methodology of the Biodiversity Assessment that concludes that the endangered Green and Golden Bell Frog, the Cumberland Land Snail and the Pink Rice Flower r (Pimelea Spicata) do not exist on the Eastern Precinct Study area (attachments F6 and FS, Biodiversity Assessment) despite the NPWS's, NSW Wildlife Atlas for endangered species, listing their existence.

R. These questions should again be put to Blacktown City Council and NPWS. Council considers the NPWS to be the relevant authority to determine whether or not the findings and methodology of the 'Biodiversity Assessment' put forward in the draft Eastern Precinct Plan are appropriate and looks forward to receiving a copy of the NPWS submission.

Q. Does Council support the ineffectual mitigation strategies proposed in the Feral and Domestic Animal Management Strategy and the Weed Management Plan? If so, why?

R. These questions should be put to Blacktown City Council being the consent authority for this land.

Questions – Draft Macro fauna Management Plan

The report to Council's Ordinary Meeting held on 15 September 2003 noted some of the factual information relating to macro fauna populations on the ADI site and listed some of the key components of the Plan; It further summarised the recommendations of the Plan. The report then recommends that Council should support the principles outlined in the draft Macro fauna Plan, subject to Council being given the opportunity for further comment on the findings and recommendations of the final Macrofauna Plan and draft PoM for the Regional Park."

Council continues to sit on a re-convened Working Group for the Macrofauna Management Plan as does ADIRAG. After consideration of the Macrofauna Management Plan by the Minister for the Environment and the NPWS, a full range of potential measures for the management of macrofauna on the ADI site is currently being re-examined by the consultants for the proponent. At this stage

it would not be appropriate for Council to comment on matters relating to kangaroo management measures or outcomes until such time as a final revised report with conclusions and recommendations is completed for Council to consider.

I trust this advice **will be** of assistance to you. Should you wish to discuss the content of this letter with me I may **be** contacted on 4732-7723.

Yours faithfully

Tony Crichton Senior Environmental Planner