



**Office of
Environment & Heritage**
NSW National Parks & Wildlife Service



DOC15/336539-2
Your Ref DA15/0299

General Manager
Penrith City Council
PO BOX 60
PENRITH



Attention: Gavin Cherry

Dear Mr Cherry

RE: Response to Development Application 15/0299

I refer to your letter dated 6 April 2105 regarding the proposed development for Stage 1 Subdivision, Central Precinct, St Marys ADI Site.

In assessing this DA, Council will need to consider the potential impacts on the adjacent future Wianamatta Regional Park which will eventually come under the care and control of OEH. Council should refer to the 2010 *Guidelines for developments adjoining land and water managed by the Department of Environment and Climate Change* to ensure the Applicant has taken appropriate measures to avoid and minimise any direct or indirect adverse impact on the future park's conservation values.

As this DA relates to development of the St Marys ADI site, Council must also be satisfied that the DA is consistent with provisions under the *St Marys Development Agreement* and the *2001 Sydney Regional Environmental Plan 30*.

OEH has reviewed the information supporting the DA, noting the following specific requirements and associated issues:

- For all interface areas identified as Bush Fire Prone Land, OEH requires the preparation of an assessment in accordance with Section 100B of the *Rural Fires Act 1997*, Clause 44 of the *Rural Fires Regulation 2008*, and 'Planning for Bush Fire Protection 2006' (RFS 2006). During previous discussions with the Developer, we have advised that all BPAs must consider that the current vegetation is still in the early stages of regeneration and has therefore not reached its full height and structure. We note that a Bushfire Protection Assessment has been prepared but are unsure whether the recommended APZs have taken this future increase in vegetation height into account. It is also unclear whether recommended APZs are based on the current landform, slope and gradient or have been calculated on the proposed height of future development including any filling or other action to raise the landform within the

development area. This is critical as any future variation in landform could alter setback requirements. We ask that Council investigate both of these matters prior to determination.

- As agreed by the Developer, where possible interface setbacks will be provided by way of road or open space to assist in the management of fire and prevent other park management issues often associated with having adjoining fencing, backyards or housing. This would include issues such as dumping of weeds, unauthorised access, stormwater runoff and unauthorised structures. In the case of the abovementioned DA, we are really pleased to see that the Developer has provided roadways and open space areas to help alleviate these issues along the interface boundary.
- All structures and works associated with development along the interface such as roads, batters, drains etc. must be constructed outside the future Park. In the case of construction fences OEHL has agreed to these being installed on the Park boundary, and some of these will eventually form part of the macrofauna fencing. Council has indicated in discussions with OEHL that road batters forming part of the roadway may have been designed to fall within the Regional Park. If this is correct, OEHL doesn't consider this to be suitable development. It is not consistent with the *National Parks and Wildlife Act* and the Plan of Management and therefore cannot be approved. I would appreciate if Council would clarify whether this is the case and seek to have an amendment made to the development plans prior to determination to ensure all works and development along the interface occurs within the Development Area as agreed.
- While there is a mechanism within the St Marys Development Agreement for stormwater infrastructure to be established in the future Regional Park, all proposed works are subject to appropriate environmental assessment and easement requirements prior to approval. I note there are no such structures proposed as part of this DA.

Providing the outstanding issues can be resolved, I have no objection to the abovementioned DA being determined by Council. Please feel free to contact either myself or Katie Littlejohn on 45723100 if you have any further questions.

Yours sincerely



**JONATHAN SANDERS
AREA MANAGER
CUMBERLAND**