

**Sutherland Shire Environment Centre's response to:
GLALC Heathcote Ridge – Site of State Significance
Submission to NSW Department of Planning & Infrastructure Dec 2011**

Sutherland Shire Environment Centre is strongly opposed to the proposal by Gandangara Local Aboriginal Land Council for development of lands at West Menai. We believe that this is a gross overdevelopment of an environmentally sensitive site, an extremely bad example of urban planning which will expose residents and workers to unnecessary risks.

1) Sustainability Criteria for New Land Release

- i) The Heathcote Ridge site is not located in one of Sydney's identified "growth centres" and therefore, according to the *Metropolitan Strategy*, E3.1.2, "the proposal **must substantially** meet strict sustainability criteria [our emphasis]. This is to ensure that inappropriate development proposals for rezoning land are filtered out early in the decision making process to minimise unrealistic expectations, and to protect the Government's infrastructure priorities in strategic locations."
- ii) These criteria include

(1) Infrastructure provision

- (a) *Development must be consistent with any relevant residential development strategy, subregional strategy, regional infrastructure plan and Metropolitan Strategy (Sydney Region).*

But *Draft South Subregional Strategy 2007* specifically highlights West Menai's restricted urban development potential "...much of [West Menai] has environmental significance and its development could impact significantly on adjoining land and be impacted itself from activity on adjoining land such as bushfire and emissions from the waste deposit. The area therefore has limited potential for urban development but could be considered for industrial activities, provided development reflects the environmental significance and any Native Title implications of the site and its surroundings, and the requirements of the Department of Defence."

- (b) The Heathcote Ridge Proposal fails to sufficiently cost the provision of infrastructure: roads, water, sewerage, electricity, telecommunications and gas.

(2) Access

- (a) There is no existing public transport and the Heathcote Ridge Proposal design will not be conducive to provision of good and frequent public transport. On the contrary it is highly likely that what will be created is a series of disconnected communities that are car dependent.
- (b) Use of existing public transport at Sutherland and Holsworthy rail stations will exacerbate the already high demand for bus capacity, commuter parking and seats on crowded trains.

(3) Housing diversity

- (a) No details have been provided about how the requirement for aged and disabled housing is to be met.

(4) Employment lands

- (a) Simply zoning land “employment zone” does not necessarily result in a successful business precinct being created. The unused land at Kurnell in Sutherland Shire is an example of this. Many factors are outside the control of the developer. With unutilised employment land already available within both Sutherland Shire and Liverpool local government areas, the creation of even more vacant land in this zoning would seem to be inappropriate.

(5) Avoidance of risk

- (a) Bushfire is a high risk for the Heathcote Ridge Proposal. The proposed evacuation route via a (very expensive) extension of the Bangor Bypass to Heathcote Road, including three bridges, will still require egress through bushland.
- (b) The proposed urban form of a series of small communities with a large proportion of lots facing bushland exacerbates the extent of bushfire protection needed. There is 40km of interface between bush and development. The proposed concept is contrary to Direction G20 – Planning for Bushfire Protection, ‘Planning Principles for Rezoning Land for Residential Purposes’ in bush fire prone areas, specifically states at point (e) “minimise the perimeter of the area of land interfacing the hazard which may be developed”.
- (c) There are further risks associated with the existing use by adjoining landowners such as Holsworthy Military Range and Lucas Heights Resource Recovery Centre.
- (d) Hazard reduction work cannot be maintained at the Military Range because of unexploded ordinance, and bushfires cannot be fought until they reach Heathcote Road.
- (e) The Military Range is also a source of noise and vibration which is unsuitable near residential development. Even if noise levels can be made acceptable *inside* future dwellings (by use of specific construction materials), nothing can be done to reduce noise *outside*.
- (f) Additional traffic on Heathcote Road and the proposed extension to the Bangor Bypass will expose future residents and workers to air pollutants.
- (g) The waste facility at Lucas Heights is a source of unacceptable odours.

(6) **Environmental protection**

- (a) The sustainability criteria state that “the land release **must maintain or improve** areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC and DPI). This includes regionally significant vegetation communities; critical habitat; threatened species; populations; ecological communities and their habitats” *[our emphasis]*. But GLALC’s own consultants state that “The proposed project has the potential to have a significant impact on the biodiversity values of the project area.” As well as a significant impact on a range of threatened flora and fauna, this impact includes a high probability that the entire 10 ha of the Coastal upland swamp, an endangered ecological community, will be lost.
- (b) Aboriginal Heritage. Sites acknowledged as having aboriginal heritage are located close to residential areas and will be at high risk of vandalism. The submission does not adequately detail how this risk will be addressed.

(7) **Quality and equity of services**

- (a) The proposed site is isolated from other centres and will have strong potential to create a disadvantaged community, lacking good public transport, recreation and other community facilities. No details have been provided about who will fund such facilities, or how much they will cost.

2) Land Use and Planning Controls

a) *Mix, extent and location of proposed land uses*

Sutherland Shire Environment Centre believes that the West Menai site is inappropriate for the proposed mix and extent of land uses. While the zoning of the land may include the description “future urban”, it is misleading to assume that this implies suitability. In fact it was only after the Department of Housing thoroughly investigated and rejected a very similar development proposal itself (a proposal rejected because of environmental concerns and lack of infrastructure) that the land was granted to the Gandangara under the 1983 Aboriginal Land Rights Act.

The proposal has been approached from the wrong direction. Rather than looking at the best use of the land, the proposal is profit-driven, with the environment being catered for as an after-thought. The proposed urban form is a reflection of topography coupled with the maximisation of residential lots from the site.

- And so the proposal proposes residential dwellings that could be on lots as small as 125 m² in order to achieve the maximum possible number of dwellings.
- The length of the employment zone down Heathcote Road is a result of its being utilised as a buffer zone for bushfire protection, not a consequence of objective assessments of regional demand.

- The location of residential development on ridge tops is because the valleys are too steep for development. In fact, the ridge tops have high ecological value. Indeed, in 1990 the Government expressed its commitment to the establishment of a conservation area on Barden Trig (the area proposed by GLALC as Stage 1 of the Heathcote Ridge Proposal) in conjunction with the adjacent gully area.
- The ridge top design requires risk mitigation through asset protection zones and over 40km of interface between bush and development. This proposed layout not only increases risk but requires an unacceptable amount of destruction of vegetation, habitat and wildlife corridor.
- The proposed zoning for the “employment area” along Heathcote Road allows for pre-schools, education facilities and aged-care facilities. This is unacceptable in a bushfire “buffer”.
- Sutherland Shire Environment Centre is concerned that such a large employment zone is to be created without access to mass transit. As a result, what will be created is a car dependent precinct. This is contrary to the State’s *Metropolitan Plan* and foolish in an era of awareness of peak oil and climate change. New land releases should be looking to the future and ensuring that both residents and workers will have good, frequent and affordable transport options.
- The Heathcote Ridge Proposal is the opposite of what the Metropolitan Strategy sets as the goal for new housing. Rather than promoting a compact urban form with good access to public transport, it produces a series of car dependent communities on the city’s fringe, which cannot be efficiently serviced.
- The proposed small lots are very small by southern Sydney standards. The locality is isolated, without public transport and subject to risks and amenity impact associated with bushfire hazard, noise and vibration from Holsworthy Military Range as well as odour from the Waste Management Centre. Future housing is likely to appeal to entry level buyers: a scenario for creation of a community of disadvantaged households. This creation of social inequity is again inconsistent with the goals of the Metropolitan Strategy.

b) Sufficient demand for employment land

- i) There is already an oversupply of land in Sydney South and Southwest regions (ELDP 2010). The problem is not a lack of correctly zoned land, but a problem of demand. There is also already a glut of land identified as “Potential Future Employment Lands” in the South/Southwest. Unlike the Heathcote Ridge Proposal, this land is well located near freeways and rail corridors. Sutherland Shire Environment Centre believes that the proponent is overly optimistic about expected take up rates which will account for 62% of the total undeveloped land in the area. It is important to note that this land along Heathcote Road will be competing with better connected sites in surrounding LGAs.
- ii) The Submission’s “Economic Assessment of Appropriate Retail Floorspace” acknowledges that the period for realisation of full occupancy of the employment space will be extensive, perhaps 15-20 years. This is

of particular concern given that the on-going management of APZs and the conservation area depends on income generated from the success of the employment zone.

c) **Land use zones and controls using *Standard Instruments***

(1) *B6 Enterprise:*

- (a) The broad permissibility of uses in this zone means that the future character of the land along Heathcote Road cannot be assured. Any projections about traffic, bushfire exposure of vulnerable people (children, older persons), etc. are purely speculative.
- (b) The continuous nature of this zone will interrupt wildlife corridors.

(2) *R1 General Residential:*

- (a) The objectives of this zone apply to a “standard suburb”, but this area is not “standard”, indeed it is well documented as being environmentally sensitive area and subject to a number of risk factors.
- (b) Even the “bush front environmental housing” is proposed to be zoned R1, and so could be used for child-care centres, food and drink premises, multi-dwelling housing, even seniors housing as this is not listed as prohibited. Nothing in the draft instrument ensures that “bush front environmental housing” will be kept to single dwellings.
- (c) The minimum lot sizes permitted in the R1 zone (125 m², 200 m²) and the permissibility of dense development is unacceptable at the bushfire interface.
- (d) In Sutherland Shire the normal minimum lot size in localities adjoining bushland is 850m² with an FSR of 0.45:1. This allows some of the natural landscape to be retained thereby creating a more integrated development in a bushland setting. This also allows for sufficient setbacks to assist in firefighting.

(3) *E2 Environmental Conservation*

- (a) This zoning is appropriate given the environmental significance of the land.

(4) *B2 Local Centre*

- (a) Insufficient detail is provided for Sutherland Shire Environment Centre to comment on the proposed zoning.

(5) *RE1 Public Recreation*

- (a) We note that the Housing and Human Services Study has recognised the need for a swimming pool and additional sporting fields in the area.

(b) We further note that the draft VPA allows for 2.5 ha of sporting fields and a 50m swimming pool. However, Sutherland Shire Council has yet to properly negotiate this VPA.

d) **Demonstrate that proposed zoning and planning controls will complement surrounding existing land uses and incorporate any required buffers** (e.g. odour, noise, vibration, bushfire, adjoining areas of high conservation value).

i) *Definition:* Complement: to make whole or entire; to make perfect.

ii) It is hard to contemplate how the juxtaposition of 2700 dwellings with a rubbish tip (odour), military firing range (noise, vibration), on a main road (air pollutants) and exposed to high fire risk, could ever be considered to be making this area “whole” or “perfect”. In fact, it is insult to future residents and workers that they should be expected to subject themselves to these sorts of risks in order to find “affordable” housing. Some relief may be found behind closed windows and doors, if houses are constructed of appropriate (but more expensive) materials, but there will be no escaping the effects outdoors. So children at school, indeed anyone seeking to enjoy their local neighbourhood will be exposed to these impacts.

e) **Other issues**

i) The dense nature of the proposed development is inappropriate in the bushland setting and inconsistent with other areas in Sutherland Shire.

(1) In line with other bushland areas of the Shire the minimum lot size should be 850 m² (allowing for retention of some native vegetation and landform on site, with Floor Space Ratio of 0.45:1 for single dwellings.

ii) Aboriginal Heritage. We are concerned that insufficient attention has been given to protection of sites of Aboriginal Heritage. No particular zoning is given to these sites and the plan for their protection from the onslaught of new residents lacks any detail.

3) Biodiversity

a) Biodiversity issues have been well covered by **National Parks Association (Southern Sydney Branch)**. Sutherland Shire Environment Centre fully supports the concerns raised in the NPA submission.

b) We also strongly commend the Biodiversity section of **Sutherland Shire Council**'s submission on this project for your consideration.

c) We are especially concerned about the NPA's recognition of deficiencies in the proponent's Ecological Assessment. For example, there are far more than the 21 individuals of the Commonwealth Threatened species *Acacia bynoena* (see Bangalay Report). This means there is likely to be a gross underestimation of the numbers to be transplanted. The proponent's consultants can give no guarantee that this plant, theoretically protected under the EPBC Act, will be successfully transplanted due to Gandangara's own admission of threats from fire, trampling, introduced species, etc.

- d) Sutherland Shire Environment Centre supports the NPA in their insistence that the issues raised by the Bangalay Report be properly addressed. Until this is done the public is not in a position to legitimately comment on the environmental issues of this proposal. The Heathcote Ridge Proposal should be re-exhibited when the deficiencies in the studies have been corrected.
- e) GLALC's own consultants state that "The proposed project has the potential to have a significant impact on the biodiversity values of the project area".
- f) As well as a significant impact on a range of threatened flora and fauna, this impact includes a high probability that the entire 10 ha of the Coastal upland swamp, an endangered ecological community, will be lost.
- g) While there has been an assessment of riparian zones within the development area which has mapped waterways and recommended appropriate riparian buffers, there has been no assessment of the proposal against these recommendations and there is no conclusion that the development will not have an unacceptable impact on riparian systems.
- h) While it appears that some north-south wildlife corridors may be provided (east-west roads being raised by bridges), at least one gully is proposed to be completely blocked by an embankment to support the Bangor Bypass extension (East-West Arterial road link).
- i) East-west wildlife corridors are inadequate. Fauna surveys and road kill data indicate that wildlife generally cross Heathcote Road to the north of the site where the employment zone will create a 2.5km barrier thus isolating the site and leading to localised extinctions of several species, including some listed under the TSC Act.
- j) Ironically, the proposal essentially removes the rare, poorly conserved vegetation communities within the region (largely located on the ridgetops) and conserves the common well conserved communities (located in the gullies).
- k) Gandangara LALC and their management intend to manage the conservation area according to a biodiversity management plan. This plan is not available for public consideration nor is there any legislative framework to ensure the lands are managed primarily for conservation. Indeed, some of the consultant studies provided and the landowner have indicated that other uses will be made of the area, including 4WD and trail bikes. These uses are not compatible with conservation objectives.
- l) The 40km of development/bush interface will provide considerable opportunity for exotic weed/garden escapes and feral animal/pet invasion of the conservation area.

4) Heritage

- a) Sutherland Shire Environment Centre supports the statement from the **Sutherland Shire Aboriginal Advisory Committee** (SSAAC) contained in Sutherland Shire Council's submission.
- b) We are concerned to hear that not all sites have been documented. Also that non-tangible sites (dreaming tracks) are being ignored.

- c) Sutherland Shire Environment Centre does not believe that all Aboriginal stakeholders have been properly consulted. While the Gandangara may hold the title to the land, they are not the traditional owners. It may be that none of these traditional owners remain, but many indigenous people want to be able to hand down their cultural tradition to their children and grandchildren.
- d) We are concerned that there are no plans to properly manage those sites which have been identified, and draw attention, as has the SSAAC to the unprotected art site in Illawong close to Gandangara development.
- e) It is disappointing that land being developed by an aboriginal community does not appear to be setting new standards for protection of these cultural aspects.

5) Roads, traffic and transport

- a) In an era of awareness of peak oil and climate change, it is folly to create a new land release that will be dependent on motor vehicles. This is what will be created with the Heathcote Ridge Proposal.
- b) Experience in Sutherland Shire, and especially Menai, shows that without frequent, regular and reliable access to public transport, the motor vehicle will be the inevitable choice. Especially for small isolated communities, providers are unable to invest in the level of service required for behaviour change.
- c) Predictions for mode share are dependent on the success of the Employment area, which Sutherland Shire Environment Centre believe to be overly optimistic.
- d) It is unclear how the proposed public transport service is to be funded and maintained. It is unlikely that the frequency of the service will be sufficient to bring about substantial behavioural change.
- e) If new residents do choose to use public transport (either alone or in conjunction with motor vehicle use), then upgrades will be required at Sutherland and Holsworthy rail stations to accommodate an increased number of passengers and bus services. An increase in commuter parking will also be required.
- f) Proposed cycle ways and walkways are supported by Sutherland Shire Environment Centre, but care should be taken that they are designed with trip generators in mind, i.e. that the cycleway goes to the school, to the library, to the employment zone and not just to “nowhere”. Bicycle parking facilities should be provided at all possible trip generators.
- g) Heathcote Road in its current form is unsuitable for cycling. If any upgrade of Heathcote Road is carried out, then it is essential that a wide shoulder/cycleway is included in the design. Similarly on any extension of the Bangor Bypass to allow access for cyclists to Menai/Sutherland. Bicycle access should also be provided to Engadine and Heathcote, either as an on road shoulder, or preferably a dedicated cycleway.
- h) Off-road bicycle access should be provided to The Ridge Sporting Complex.

6) Bushfire

- a) Sutherland Shire Environment Centre supports the position of Sutherland Shire Council in regard to bushfire.
- b) Flora and fauna in the conservation area will be at increased risk from localised extinction in the event of bushfire. There will be more likelihood that a smaller area is completely destroyed and there will be more danger of opportunistic weed and feral animal invasion during the recovery phase.

7) Contamination and subsidence

- a) There is still uncertainty with regard to the level of contamination and associated risk and no proposed method for treatment resulting from illegal tipping residue and the former landfill site adjacent to the site. Further assessment is essential before public comment can be obtained.
- b) The probability of erosion of soils and sedimentation of watercourses following land clearing is high.
- c) The Remediation Action Plan does not cover the whole site and therefore public comment is not possible.

8) Water quality

- a) Residential development will introduce urban stormwater to the Mill Creek catchment with significant risks of water pollution and degradation. The reports provided lack detail and further studies are required if the potential long-term impacts of the development are to be addressed.
- b) As mentioned earlier in this submission riparian buffers have been recommended by the consultant but not addressed by the proponent.
- c) While first order streams have been considered, second and third order streams have not and these have considerable potential to be impacted by the proposed infrastructure.
- d) No maps have been provided which overlay recommended riparian corridors with the development footprint.
- e) A number of urban design initiatives have been catalogued for possible use on the site. This is a good thing. However, care needs to be taken that each of these initiatives is suitable for the particular West Menai area with consideration given to its specific site conditions.
- f) There is no indication of how initiatives such as Green Roofs will be required or adopted. Similarly, who would be responsible for operation and maintenance of a reuse wastewater system?
- g) Many of the suggestions regarding stormwater fail to acknowledge the constraints of the site, i.e. shallow soils and low infiltration capacity. Further assessment in regard to stormwater treatment is required.

9) Infrastructure provision

- a) Because of the fragmented nature of the Heathcote Ridge Proposal and the topography of the site, the provision of infrastructure will be considerably more expensive than might otherwise be expected.
- b) It is proposed that sewerage will be treated at Cronulla Waste Water Treatment Plant. However, no details are provided on the capacity of existing pipelines outside the development area to cater for this increased flow.
- c) No recycled water system is planned for extension to the West Menai area.
- d) No details have been provided about provision of telecommunications, electrical, recycled water, sewerage, potable water or gas infrastructure.

Appendix 1. Assessment of the impact of the proposal on threatened flora and fauna species and endangered ecological communities listed under the Environment Protection and Biodiversity Conservation Act 1999 and the Threatened Species Conservation Act 1995.

Sutherland Shire Environment Centre considers that the proposal will have an unacceptable impact on a range of threatened flora and fauna, and ecological communities protected under state and federal legislation. These impacts arise from direct removal of species and habitats and indirect impacts, such as fragmentation, isolation, edge effects, increased exposure to weeds, garden escapes, pets and feral animals, reduced ability to recover after bushfire.

Specifically we consider the following to be at significant risk of localised extinction as a result of the proposal.

- 1) Coastal Upland Swamp – through direct removal of approximately half of this community as a result of development and the unacceptable impact to the remaining half through edge impacts (due to its proximity to development) and changed hydrological regimes. This has implications for the broader sub-region given its inadequate conservation in formal reserves in the SMCMA (3%).
- 2) Shale Sandstone Transition Forest – through direct removal of over a quarter of this community on the site, in particular in the region of Bardens Trig, and edge impacts to the majority of the remaining community. This has implications for the broader sub-region given its inadequate conservation in formal reserves in the SMCMA (8ha or 0%).
- 3) *Melaleuca deanii* – given the direct removal of nearly 80% of the entire population from the site, and the removal of more than 80% of the suitable habitat for this species on the site. This has implications for the broader sub-region given its inadequate conservation in formal reserves in the SMCMA (only 12 other records in formal conservation reserves).
- 4) *Acacia byoneana* – through the direct removal of the 21 individuals from the two locations on site, representing a 100% loss rate for this species. While translocation is proposed there is no certainty of the success of this measure and inadequate habitat for translocation sites given the greater than 80% loss of suitable habitat on the site. This has implications for the broader sub-region given its inadequate conservation in formal reserves in the SMCMA (no records).
- 5) *Hibbertia* spp. Menai – through the direct removal of approximately a quarter of all individuals on the site and the removal of the majority of habitat available for recolonisation. Regional conservation status is not well known.
- 6) *Allocasuarina diminuta* ssp. *mimica* – (not currently listed under TSC Act, but likely future listing) – through direct removal of the majority of the population (numbering in the several hundreds to thousands) and the removal of more than 80% of the habitat for this species. This has implications for the broader sub-region given its inadequate conservation in formal reserves in the SMCMA (only 2 other records).
- 7) *Hibbertia puberula* and *Prostanthera saxicola* – through removal of significant areas of habitat (885) for these species, which are not represented in regional conservation reserves.

- 8) Red-crowned Toadlet – through the direct loss a significant areas of habitat on the ridge edges, and changes to the hydrology of the remaining areas of habitat due to urban development immediately above the habitat areas. This has implications for the broader sub-region given that this area is considered a hot spot for the conservation of this species.
- 9) Varied Sittella – through the fragmentation of the site and isolation from habitats to the west in Holsworthy Military Area.
- 10) Rosenberg’s Goanna – through direct loss of 80% of its preferred habitat, increased threat from road kill, and isolation from suitable habitats to the west in the Holsworthy Military Area. This has implications for the broader sub-region given that this area is considered a hot spot for the conservation of this species.
- 11) Koala – through the isolation of populations to the north of the site in the Georges River national Park from those populations to the south west, due to the loss of links across Heathcote Road.

Appendix 2. Community consultation inadequate

- a) All Sutherland Shire residents will be affected by the Heathcote Ridge Proposal but no genuine attempt has been made to communicate the size and impacts of the proposal to them. Consultation has focussed on Menai residents and those community groups who volunteered themselves as “stakeholders”. Information sessions were only held in Menai and Sutherland, with residents in southern and eastern suburbs ignored. The wider population of the Shire is not aware of:
 - i) Financial burdens the development will impose on Council resources, especially in regard to road and stormwater infrastructure maintenance.
 - ii) Traffic implications (acknowledged by the developer but not fully addressed) for the Linden Street area and Princes Highway, especially at Oak Road, near Kirrawee Brick Pit site, already a daily bottleneck,
 - iii) Additional demand for space both for parking at Sutherland Railway Station and seats on trains to the city,
 - iv) Increased demand for Sutherland Shire community facilities (e.g. libraries, swimming pools, playing fields, beach parking, boat ramp access), facilities already over-used.
 - v) The detrimental effect on employment opportunities in the existing employment zones in the unlikely event that the Heathcote Ridge employment zone is a success. *(The Heathcote Ridge proposal increases the area of employment zones in the southern Sydney region by more than the projected increase in demand and so the only way the Gandangara proposal can succeed is if it manages to attract businesses away from established zones, thereby creating loss of jobs in the established areas.)*
 - vi) Loss of bushland and risks to native wildlife. In recent studies Shire residents have indicated that protection of the surrounding natural environment is of high importance to them. The lack of public outcry about the loss of this bushland is only because the public are unaware that it is being proposed. Photographs in the local paper have been misleading (pictures of piles of tyres which in fact are waiting for removal by Gandangara themselves), attempting to portray the area as degraded. The inaccessible nature of the site means that it is an area that is largely unknown by the general Shire population. This does not mean that they would not place any importance on its protection if given the opportunity.
 - vii) Sutherland Shire Environment Centre worked with local Menai community members to organise two community meetings. The first in August 2011 attracted over 100 concerned residents, the second in February 2012 over 200, as well as Sutherland Shire Council Councillors and Local MP Melanie Gibbons. GLALC was invited to attend or send a representative but did not respond to the invitation.

Appendix 3. Non-compliance with legislation

Sutherland Shire Environment Centre does not believe the State Significant Site process is applicable as the assessment vehicle for this development. On the contrary we believe that the proposal should be considered by Sutherland Shire Council as part of the LEP review process.

We have written to Minister Hazard regarding this and **attach a copy of our letter** providing detailed reasons why the Government's legislation does not support a State Significant Site assessment of this proposal.

We also feel that such an assessment, which the community find very confusing, in contrary to the stated aims of the Government in repealing Part 3A of the Environmental Planning and Assessment Act, which was accompanied by claims of improving transparency.

We believe that this "spot rezoning" of land in West Menai is typical of the developments for which the previous Government was strongly (and quite rightly) criticised. It is precisely developments such as the Heathcote Ridge proposal which were causing community angst and which led to the repeal of Part 3A.

The community certainly did not expect that having repealed Part 3A the government would then be in a position to do whatever it liked!

It appears to us that the legislation that has been passed over the past 12 months or so does not transparently support the assessment of this proposal using the State Significant Site process. For the Government to continue to pursue this manner of assessment, makes a mockery of the legislation.

Approval from NSW Aboriginal Land Council

Sutherland Shire Environment Centre understands that it is necessary for a Local Aboriginal Land Council to obtain permission from the NSW Aboriginal Land Council before proceeding with any land dealing (e.g. rezoning application). However, in *Sydney Morning Herald* (24.1.12) Geoff Scott, the chief executive of the NSW Aboriginal Land Council, is quoted as having said that the NSW Aboriginal Land Council was yet to receive the required application from the Gandangara land council seeking its approval for the Menai development.

Again this would seem to indicate that **this proposal is invalid** under existing legislation.