



**Office of  
Environment  
& Heritage**

Hawkesbury Council  
**15 APR 2014**

Our reference: DOC14/40995  
Contact: Rachel Lonie, 99956837

The General Manager  
Hawkesbury City Council  
PO Box 146  
WINDSOR NSW 2756

Attention: Karu Wijayasinghe, Senior Strategic Land Use Planner

Dear General Manager

Reference is made to your correspondence dated 17 March 2014 inviting comment from the Office of Environment and Heritage (OEH) on a planning proposal to rezone Lot 1 DP 700263, Lot C DP 160847, Lot 2 DP 629053 and Lot 3 DP 700263, 120 - 188 Hawkesbury Valley Way, Clarendon to B7 Business Park.

Comments on biodiversity and flood risk management matters are provided in Attachment 1.

If you require further details or clarification on any matters raised in this response please contact Rachel Lonie, Senior Operations Officer on 9995 6837 or by email at [rachel.lonie@environment.nsw.gov.au](mailto:rachel.lonie@environment.nsw.gov.au).

Yours sincerely

*S. Harrison 11/04/14.*

**SUSAN HARRISON**  
**Senior Team Leader Planning**  
**Regional Operations, Metropolitan**  
**Office of Environment and Heritage**



**SCANNED**

## ATTACHMENT 1

Office of Environment and Heritage (OEH) comment on a Planning Proposal to rezone Lot 1 DP 700263, Lot C DP 160847, Lot 2 DP 629053 and Lot 3 DP 700263, 120 - 188 Hawkesbury Valley Way, Clarendon to B7 Business Park.

### 1. Biodiversity

#### 1.1 Ecological Constraints Assessment

The planning proposal involves amending the Hawkesbury Local Environmental Plan 2012 to rezone a substantial part of the subject site to B7 Business Park. The proposal retains the current zonings for the part of the site below the 1 in 20 year flood level (identified as an extreme flood risk area), these are primarily RU4 Primary Production Small Lots with a small area zoned E2 Environmental Conservation. The Ecological Constraints Assessment (ECA) by Travers bushfire and ecology dated September 2012 identifies some significant ecological constraints and values on the subject site.

The ECA states that *"the extensive open water habitats and associated shallows and floodplain fringes provide exceptional habitat for wading birds and waterfowl including migratory and threatened species. The recorded waterbird diversity during survey was particularly high and is expected to be utilised by other species on a seasonal basis"*.

A SREP 20 wetland is located across the southern part of the site along Rickabys Creek. The ECA identifies the large water body within the site as a feeding resource for wading birds as well as for microbat species such as the Large-footed Myotis. A White-bellied Sea-Eagle was recorded flying over the site and the ECA states this species is expected to forage over Rickabys Creek and also the large dams. The report states that the large dam within the study area was likely to have previously been a large wetland area associated with the open floodplain of Rickabys Creek and would have provided exceptional regional habitat for water birdlife.

Three threatened ecological communities (EECs) were identified within or in close proximity to the study area; these were the critically endangered Cumberland Plain Woodland (CPW), and the endangered River-flat Eucalypt Forest on Coastal Floodplains and Freshwater Wetland.

#### 1.2. E2 Zoning

OEH considers that the E2 Environmental Conservation zone should be extended to include a 100 metre buffer to the SREP 20 wetland as mapped in *Figure 1 - Flora and Fauna Survey Effort, Results and Identified Constraints in the ECA*. SREP 20 provides for the protection and remediation of environmentally sensitive areas, minimising of adverse water impacts on quality aquatic habitats, riverine vegetation and bank stability and protection of wetlands (including upland wetlands) from future development and from the impacts of land use within their catchments. The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses. It also identifies the importance of the riverine area in contributing to the significance of items and places of cultural heritage significance.

Zoning the SREP 20 wetland and 100 metre buffer area to E2 Environmental Conservation would also include the Freshwater Wetland EEC as mapped in Figure 1. The E2 zoning would enable the most important bird habitat areas as identified in the ECA to be better protected and managed. OEH also recommends that the area of CPW (mapped as Grey Box Woodland EEC) in the south west of the site also be protected with an E2 zone.

### **1.3 Protection and management of riverine and dam areas**

As noted above, the ECA found the large dam provided an open water foraging resource for a number of waterbirds as well as the recorded nationally significant White-bellied Sea Eagle and threatened Large-footed Myotis. Retention of the dam and enhancement with fringing vegetation was recommended. Planting of trees along the foreshore areas was also recommended as it would in time provide hunting perches, particularly for the White-bellied Sea-Eagle and screened buffers to the development.

OEH supports the recommendations made in the ECA for landscape management of the floodplain and dam areas including:

- Revegetation along the riparian fringes of Rickabys Creek
- Replanting around the existing water bodies (dams) to enhance fringing habitat areas
- Provision of nest boxes or relocated hollows within woodland portions to replace any loss of hollows.
- Future landscape planting to incorporate the use of locally occurring species that are naturally found within Cumberland Plain Woodland or River-flat Eucalypt Forest communities.

These matters could be addressed via a planning agreement that included measures for the development of a landscape management plan for the site as well as future development consent conditions for implementing the landscape management plan and selection of native plants in the landscaping plans for the site.

### **1.4 Matters for development consent stage consideration**

The Indicative Site Plan shows an access road (shown as two dotted red lines) running south through the flood prone land and part of a ring road (located between the smaller and larger dams below the 1 in 20 year flood extent) in the Stage 3 area. The indicative plan is not to scale and does not overlay aerial photography so it is not possible to determine precisely their location in relation to the existing dams.

It is noted that these issues will be considered at development consent stage however OEH considers that the road across the flood prone area between the small and larger dam areas could be expected to lead to reduced water quality and available habitat for birds and microbats in the upper dam. Should the E2 zone be applied as recommended it is noted that roads are a form of development that will require consent which will enable any environmental impacts on the values of this land to be considered.

Other matters to be considered at development consent stage would be the adequacy of water quality measures, the potential for adverse impacts on the dams and Rickaby Creek and the location of any stormwater/water quality ponds in proximity to environmentally sensitive areas.

The ECA notes that the large railway bridge that cuts through the study area may be suitable for roosting by the Large-footed Myotis and Eastern Bentwing-bat. A specific survey and impact assessment should be required for this at development consent stage.

## **2. Floodplain Risk Management**

As noted in the Planning Proposal report the site is flood prone. The following comments are provided in regards to floodplain risk management aspects.

The primary objective of the Government's Flood Prone Land Policy is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone land and reduce private and public losses resulting from floods. The most appropriate method to assess the development of flood prone land is through the floodplain risk management process which is detailed in the NSW Floodplain Development Manual (2005).

The NSW Floodplain Development Manual (2005) defines flood prone land as all land below the Probable Maximum Flood (PMF) level. Therefore, any potential development should be assessed with comprehensive understanding of the flood hazard and risk to people and properties for the full range of flood up to the PMF flood event for the ultimate development conditions.

Hawkesbury Council has recently adopted its Floodplain Risk Management Study and Plan for the Hawkesbury River. Proposed planning controls in the Plan were not adopted and are subject to further community consultation and outcomes from the Government's White Paper. Nevertheless Council is encouraged to consider the proposed DCP flood risk provisions, where possible, with respect to this planning proposal.

Council should ensure any future development is suitable in those conditions. Council should also ensure that this location does not act as a floodway under any flooding condition; otherwise the development is not permitted under the Ministerial Direction S117-4.3 Flood Prone Land. State Emergency Services (SES) should be consulted in regards to evacuation and emergency management.

In summary, Hawkesbury Council is advised to:

1. Consider the flood risk for the full range of floods up to the PMF for existing and post development conditions.
2. Ensure the proposal complies with Council's LEP 2012, Clause 6.3 (Flood Planning) and their "Development of Flood Liable Land Policy" of 31 July 2012.
3. Consider in consultation with the SES a flood emergency response plan to ensure safe refuge or evacuation of occupiers in times of flood is possible.
4. Consider the cumulative impacts from potential full development condition.
5. Consider the impact of any potential cut/fill operations on the site.