



Our ref: DOC19/929355
Senders ref: SSD 10344

Paula Bizimis
Senior Planning Officer
Key Sites Assessments
NSW Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Bizimis,

Subject: New Request for Advice – Bella Vista Station Precinct Concept Proposal (SSD 10344) (The Hills Shire)

Thank you for your e-mail dated 25 October 2019, inviting Environment, Energy and Science Group (EES) in the Department of Planning, Industry and Environment to comment on the Request for Advice – Bella Vista Station Precinct Concept Proposal (SSD 10344) (The Hills Shire).

EES has reviewed the relevant documents and provide the following comments.

Aboriginal Cultural Heritage

If the application is granted approval, EES recommends that any conditions recommended by the Aboriginal Heritage Impact Statement prepared by Kelleher Nightingale Consulting Pty Ltd dated July 2019 be included as conditions of consent.

Biodiversity

The proposal will lead to the loss of 1.57 ha of the critically endangered ecological community (CEEC), Cumberland Plain Woodland. In accordance with the *Biodiversity Conservation Act 2016*, all attempts must first be made to avoid impacts.

Section 8.1.2 of the Biodiversity Assessment Method (BAM) requires the assessor to describe how the proposal has been designed to avoid and minimise impacts. This includes describing how the clearing of native vegetation has been avoided by reducing the clearing footprint of the project. In response to this requirement, Table 8.1 of the BDAR states that the impacts have been avoided 'where practical'.

EES considers that all attempts should be made to avoid impacts, and where this is not possible, the BDAR should provide justification for why the footprint cannot be further reduced to avoid clearing a CEEC. It is considered that appropriate justification has not been provided.

In addition, the BDAR does not include a number of maps or information which are required by the Biodiversity Assessment Method (BAM), and they should be included in future BDARs:

- quantitative evidence to substantiate identification of a PCT (as per section 5.2.1.12 of the BAM)
- assessment of direct impacts including type, frequency, intensity, duration and consequence of impact (as per section 9.3.1.2 and 9.3.2.4)

- identification of measures to mitigate or manage impacts, including techniques, timing, frequency and responsibility; identify measures for which there is risk of failure; evaluate the risk and consequence of any residual impacts (as per section 9.3)
- map showing location of serious and irreversible impacts (as per Table 26)
- map of impacts requiring offset (as per Table 26)
- map and identification of impacts not requiring offset (or discussion of this where it's N/A) (as per section 10.3.2.2)
- map and identification of areas not requiring assessment (as per Table 26)
- future vegetation integrity score for each vegetation zone (as per section 9.1.3).

Flooding

The Stormwater Management Plan prepared by Stantec dated September 2019 does not include a flood impact assessment, though it refers to Sydney Water's Trunk Drainage Concept Design Report as a flood assessment.

The Sydney Water Elizabeth Macarthur Creek (EMC) Trunk Drainage Concept Design Report is not considered a flood impact assessment report, as its purpose is to design and document the preferred trunk drainage concept design for EMC.

The purpose of a flood impact assessment is to address floodplain risk management aspects including:

- outline existing flood information, for the full range of flood including the probable maximum flood, based on council's flood information or other relevant studies or historical information where available to address pre-development state
- identify the impacts of the proposed development on flooding and the flood emergency response of the community
- assess the impacts of flooding on the proposed development and identify management options to manage these impacts
- provide a review of the proposed development against the flood related requirements of the consent authority and, where available, existing council strategic studies
- make any recommendations for changes to the proposed development to address any adverse impacts or development requirements and conditions
- provide sufficient information for consideration of the proposed development by the consent authority and referral agencies
- assess the compatibility of proposed development with the flood risk.

Accordingly, a flood impact assessment should be undertaken to adequately address the above points.

Should you have any queries regarding this matter, please contact Bronwyn Smith, Senior Conservation Planning Officer on 9873 8604 or Bronwyn.smith@environment.nsw.gov.au

Your sincerely

S. Harrison 14/11/19

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