



Our ref: DOC19/929358  
Senders ref: SSD 10343

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: Kellyville Station Precinct Concept Proposal (SSD 10343) (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 Kellyville Station Concept proposal (SSD10343) (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 Cultural Heritage Assessment Report prepared by Kelleher Nightingale Consulting Pty Ltd dated July 2019 be included as conditions of consent.

Biodiversity

EES have reviewed the Biodiversity Development Assessment Report (BDAR) prepared by Eco Logical dated August 2019.

It is noted that the proposal will lead to the loss of 2.05 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 18 of the BDAR states that the footprint has not been reduced.

EES considers that the BDAR has not provided a justification for why the footprint cannot be reduced to avoid clearing a CEEC.

Further, the following inconsistencies in the credit requirements within the BDAR report have been identified as follows:

- section 3 and table 39 say 25 ecosystem credits are required for PCT 835 but the credit summary report says 27 credits are required
- table 39 says 106 ecosystem credits are required, whereas the text above the table says 107 credits are required

- table 40 says 105 species credits are required for *Myotis macropus*, but section 3 and BAM credit summary report say 106 credits are required.

EES recommends that these inconsistencies are rectified so that the correct required number of credits will be retired.

It is recommended that the following conditions are included as a condition of consent.

#### *Ecosystem Credits*

- Prior to the commencement of works for development that will impact on biodiversity values, the number and classes of ecosystem credits must be retired to offset the residual biodiversity impacts of the development.
- The requirement to retire like-for-like ecosystem credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.
- Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the Secretary of the Department of Planning, Industry and Environment for approval prior to commencement of works that will impact on biodiversity values.

#### *Species Credits*

- Prior to the commencement of works for development that will impact on biodiversity values, the number and classes of species credits must be retired to offset the residual biodiversity impacts of the development.
- The requirement to retire like-for-like species credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of species credits, as calculated by the Biodiversity Offsets Payment Calculator.
- Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the Secretary of the Department of Planning, Industry and Environment for approval prior to commencement of works that will impact on biodiversity values.

#### Flooding

The Kellyville Station Precinct Concept Proposal 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:

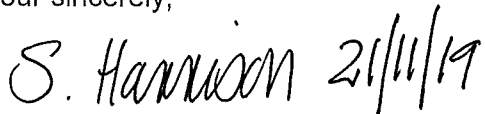
- outline existing flood information, for the full range of flood including the probable maximum flood, based on council's flood information or other relevant studies or historical information where available to address pre-development state
- identify the impacts of the proposed development on flooding 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 enough 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 dot 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](mailto:Bronwyn.smith@environment.nsw.gov.au)

Your sincerely,



**SUSAN HARRISON**  
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