



## Office of Water

5 May 2011

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**Attention: Haley Rich**

Our ref : ER21491  
Your ref: MP10\_0129 & MP10\_0130

Dear Chris

**MP10\_0129 and 10\_0130 – Concept Plan and Stage 1 development – Jacfin Horsley  
Park Industrial and Employment Park - Environmental Assessment – Penrith LGA**

I refer to your letter of 28 March 2011 seeking comments from the NSW Office of Water (NOW) on the Environmental Assessment (EA) for the above major project proposal.

Attachment A provides the NOW's detailed comments on the project proposal. The NOW's Recommended Conditions of Approval are provided at Appendix B.

**Contact Details:**

If you require further information please contact Janne Grose on (02) 4729 8262 at the Penrith office.

Yours sincerely

**Mark Mignanelli**  
**Manager Major Projects and Assessment**

## NSW Office of Water Comments

### Concept Plan and Stage 1 development – Jacfin Horsley Park Industrial and Employment Park – Environmental Assessment

#### Protection of watercourse and riparian land

Section 4.2 of the Appendix D notes State Environmental Planning Policy (Western Sydney Employment Area) 2009 applies to the subject land. It is noted in Section 3.3.2 of the Environmental Assessment (EA) that the proposal complies with this SEPP and Figure 2 and 4 in Appendix E show the riparian area on the site is to be zoned E2 – Environmental Conservation. The NOW supports the provision of the proposed riparian area. The extent of the riparian zone should be in accordance with the riparian width shown on Figure 29 of the EA.

The proposed zoning of the riparian area as E2 is also supported, however clarification is required on what flood mitigation works are proposed within the E2 zone as Appendix H notes that *“no development is proposed within the E2 zone with the exception of flood mitigation works...”* (page 3). Figure 34 in the EA shows it is proposed to locate basins outside the riparian area which the NOW supports (see comments below).

Section 6.8 of the EA indicates the site supports highly degraded riparian woodland which is located within the E2 zone (page 58) and refers the retention of the vegetation *“to allow natural regeneration”* (page 60). Section 6.9 also indicates the E2 zone will be naturally revegetated. It is not clear if the riparian area is proposed to be naturally regenerated? NOW recommends the existing introduced species are removed from the riparian land and the riparian area is actively rehabilitated, consisting of local native plant species that emulate the local community. The establishment and maintenance of riparian vegetation will require the preparation of a Vegetation Management Plan for the proposal.

Landscaping Control (1) in the Design Guidelines (Appendix L) indicates the landscaping directly adjacent to the E2 corridor should *“not include any species nominated for the E2 corridor and should clearly demarcate the boundary of the corridor”* and it recommends using low native grasses to allow clear identification of the E2 corridor. The Landscape Plan and Report also includes a similar planting principle (page 6). NOW recommends bollards are used to demarcate the riparian land and that the area immediately adjacent to the riparian corridor is planted with local native trees, shrubs and groundcovers to further improve habitat diversity rather than only planting low native grasses. The bollards would need to be located along the outside edge of the riparian land to ensure the riparian area is not managed as part of the APZ.

#### Stormwater management

Figure 34 in the EA (page 44) shows it is proposed to locate basins outside the riparian land. The NOW supports this approach as stormwater is an urban impact and should be dealt within the urban zone and should not be transferred to the riparian environmental footprint. Section 6.3.2 of the Stormwater Management Plan outlines the plantings within

the bioretention basins must be complementary to the adjacent local native plant communities of the riparian corridors (page 33). The NOW agrees with this approach so that the basins are planted to complement the native plant communities of the riparian corridors.

#### Bushfire Asset Protection Zones

The Concept Plan drawings in Appendix J (Existing Vegetation and Concept Plan) show the bushfire setback is to be located outside the riparian land. The NOW supports locating the APZ outside the riparian area as the future management of the riparian area would be compromised by the inclusion of the APZ in riparian land, as it would decrease the function of the riparian land and biological diversity.

#### Groundwater

Section 6.4 of the Geotechnical Assessment (page 15) indicates that groundwater will be encountered in excavations at depth of 1metre below ground level, particularly after periods of heavy rain and it may be necessary to consider a formal dewatering system such as the installation of dewatering wells where cuttings extend considerably below groundwater level. It is noted further investigation is recommended should earthworks be proposed at significant depths below the groundwater table.

If the proposal is likely to intercept groundwater or use groundwater, a licence may be required from the NOW under Part 5 of the *Water Act 1912* in relation to this development pending further information on the magnitude of groundwater inflows.

The applicant should be advised to contact Mr Wayne Conners at the NOW's Parramatta office on telephone number: 8838 7531 to discuss any water licensing issues in relation to the Stage 1 development.

**End Attachment A**  
**5 May 2011**

## NSW Office of Water Recommended Conditions of Approval

### Jacfin Horsley Park Industrial and Employment Park

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#### Riparian Land:

1. A riparian zone consisting of local native plant species that emulate the local community shall be established and maintained in and adjacent to the watercourse located on the site in accordance with the Concept Plan.
2. The extent of the riparian zone is to be measured horizontally landward from top of bank of the watercourse and is to be in accordance with the riparian corridor width shown on the Concept Plan.
3. All works and disturbance areas associated with the proposal (with the exception of any environmental protection work) must be located outside the riparian zone and must not compromise the riparian zones in any way
4. A vegetation management plan (VMP) for site rehabilitation is to be prepared, demonstrating protection of any remnant local native riparian vegetation at the site and the restoration of any riparian zone to a state that is reasonably representative of the natural ecotone of the protected waters system. This requirement is to ensure the establishment of a sound naturalised watercourse and long term riparian area stabilisation and management by the enhancement/emulation of the native vegetation communities of the subject area.
5. Seed and propagule sources are to be from local botanical provenance (regarded as from as close as possible and from the same general habitat (same soil type, distance from watercourse, exposure etc)
6. The riparian zone must be maintained for a period of at least 2 years after final planting.
7. The riparian zone must be monitored over a period of 2 years commencing after final planting and will include weed control monitoring and the establishment of locally indigenous riparian vegetation (comprising both natural regeneration and/or planting).
8. A permanent physical barrier, (such as bollards, logs, a fence, pathway, road etc), to prevent inadvertent damage to the riparian zone is to be placed at the landward extent of the riparian zone.
9. Any requirements for bushfire asset protection zones, including fire trails, are to be located outside the riparian zone and are not to compromise in any way the extent, form or function of the riparian zones. Fuel reduced areas are to be located outside of riparian zones.
10. Erosion and sediment control measures are to be implemented prior to any works commencing at the site and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the waterways. These control measures are to follow relevant management practices as outlined in the Landcom manual *"Managing Urban Stormwater: Soils and Construction – Volume 1"* (4<sup>th</sup> Ed., 2004) - the "Blue Book".

End Attachment B

5 May 2011