
Sent: 13/02/2017 3:33:24 PM
Subject: ATTN: Land Release Team - OEH comments - Planning Proposal for 6 Jacksons Road, 10 and 12 Boonah Road, Warriewood
Attachments: OEH comments - Planning Proposal for 6 Jacksons Road, 10 and 12 Boonah Road, Warriewood.PDF; OEH comments - Planning Proposal for 6 Jacksons Road, 10 and 12 Boonah Road, Warriewood.PDF;

Attention: Land Release Team

Please find attached OEH comments on the above proposal.

Kind regards,
Dana

Dana Alderson
Planning Team
Regional Operations Group
Office of Environment and Heritage
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Please note my work days are Mon-Thurs



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Office of
Environment
& Heritage

DOC17/80124
PP0005/16

Land Release Team
Pittwater Council
PO Box 882
MONA VALE NSW 1660

Dear Sir/Madam

Draft Planning Proposal – 6 Jacksons Road, 10 and 12 Boonah Road, Warriewood

I refer to your letter received 24 January 2017 by the Office of Environment and Heritage (OEH) requesting preliminary comments with respect to the draft Planning Proposal for 6 Jacksons Road, 10 and 12 Boondah Road, Warriewood. OEH understands that Council is seeking the views of OEH before deciding whether to support the draft Planning Proposal.

OEH has reviewed the documentation provided and provides comments and recommended study requirements at Attachment 1.

Please note that in future Council should refer a digital version (on CD or USB) of Planning Proposals which may have biodiversity, Aboriginal cultural heritage or flooding considerations to:

Senior Team Leader Planning
Greater Sydney Region
Office of Environment and Heritage
PO Box 644
PARRAMATTA NSW 2124

If you have any further questions about this issue please contact the undersigned on 9995 6868 or marnie.stewart@environment.nsw.gov.au.

Yours sincerely

S. Harrison 13/02/17

SUSAN HARRISON
Senior Team Leader Planning
Regional Operations

ATTACHMENT 1 – Office of Environment and Heritage comments on Draft Planning Proposal – 6 Jacksons Road, 10 and 12 Boonah Road, Warriewood

1. Background

OEH understands that the Planning Proposal (PP) seeks to amend Pittwater Local Environmental Plan (LEP) 2014 to rezone the subject land from RU2 Rural Landscape to R3 Medium Density Residential, B2 Local Centre, RE1 Public Recreation and E3 Environmental Management. OEH further understands that it proposes to apply development standards to the R3 land relating to building height, as well as implementing building height and floor space ratio provisions for the B2 land.

OEH notes that the site was previously subject to a rezoning proposal which was initially refused by Council and subsequently also refused at pre-Gateway by the Department of Planning and Environment (DPE) on 13 April 2015.

2. Biodiversity

The subject site is partly vegetated; OEH's 2013 mapping identifies the vegetation as part exotic and part Swamp Oak Floodplain Forest which is listed as an Endangered Ecological Community (EEC) under the *Threatened Species Conservation Act 1995*. The site adjoins the Warriewood Wetlands which are zoned E2 Environmental Conservation and contain the EEC Freshwater wetlands on coastal floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions.

Accordingly, the PP should address impacts of the proposal on EECs on and off site, and the proposed zonings should be determined based on the findings of a Flora and Fauna Assessment (F&F assessment). OEH notes that the site is bushfire prone and thus the F&F assessment should also consider the impact of required Asset Protection Zones (APZs) on EECs or other significant vegetation. APZs should be provided outside areas of vegetation which are proposed for retention.

It is also recommended that the PP address biodiversity offsetting (if proposed), consistent with point 5 of the JRPP's advice to DPE (dated 17 February 2015) in relation to EECs on the site:

The Panel notes that there are Endangered Ecological Communities on the land. While the proponent suggests that these communities could be replanted/relocated elsewhere, there is no firm proposal, approved by the landowner of the land, for such compensatory relocation or replanting.

Any proposal to offset losses of biodiversity as part of the PP should be consistent with OEH's Principles for the use of biodiversity offsets in NSW, available at:

<http://www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm>.

F&F assessment requirements

The F&F assessment should be based on survey work by a suitably qualified ecologist, with knowledge and expertise of the species and ecological communities in the area. OEH recommends the F&F assessment includes, but is not restricted to:

- details of the methods, timing and extent of survey work undertaken;
- site specific surveys for threatened fauna and flora species and ecological communities and their habitat;
- identification, including site specific surveys of any F&F species and ecological communities and their habitat which are of local, regional or state conservation significance; and
- maps detailing the remnant vegetation on and adjacent to the site, the classification of these assemblages and possible habitat corridors and vegetation linkages (all maps should be of the same scale and composite maps showing all relevant data should be included in the report).

To identify ecological communities and their condition, reference should be made to any existing ecological or vegetation assessments that have been undertaken in the area. Any regional scale mapping should be ground-truthed and checked.

The F&F assessment should be used as the basis for determining the biodiversity values by assessing the:

- conservation significance of the remnant vegetation communities on site. The criteria for establishing significance should be documented;
- recovery potential and ecological role of cleared land and areas supporting modified vegetation. This should enable further consideration of linkages that could be made as part of the development and assessments of priorities for improving the condition of remnant vegetation on site. In undertaking this assessment it is recommended that relevant areas be compartmentalised into land units classified into categories of high, moderate and low recovery potential; and
- significance of habitat for threatened species and regionally and locally significant fauna and flora species.

These assessments should be compiled into a single map indicating areas of high, moderate or low biodiversity value.

Further OEH guidance on threatened species survey and assessment can be found at www.environment.nsw.gov.au/threatenedspecies/surveyassessmentgdlms.htm.

3. Floodplain risk management

OEH notes that the site is flood prone and that the JRPP (17 February 2015) found that the previous rezoning proposal was “inconsistent with s117 Direction 4.3 [Flood Prone Land] in that it may have impact on other properties”. Discussions with Council’s floodplain management officer indicate that the draft PP has taken into account the issues raised previously and the proposal includes measures to:

- Increase flood storage capacity on-site, thereby eliminating impacts on adjoining lands. This is proposed to be achieved by basement flood storage under the bulky goods retail development.
OEH comment: This is a technically feasible option but requires further detailed design, including measures/design detail to ensure safety.
- Upgrade flood evacuation routes from the area to reduce flood risk to life, including upgrades to Boondah Road.
OEH comment: The assessment will need to consider all flood events up to the probable maximum flood (PMF).

Therefore, in terms of flood risk only, OEH have no objection to the proposal being further considered but require that the issues mentioned above be addressed as part of the PP process. Accordingly, OEH recommends the preparation of a flood study and emergency evacuation plan for the proposal. The flood study should ensure appropriate flood planning levels for all aspects of the development using the latest available modelling, having regard to future climate change impacts. The flood emergency response plan should be prepared in consultation with the State Emergency Service to ensure safe evacuation of residents and users of the future development in the time of flood.

4. Aboriginal cultural heritage

OEH recommends that an Aboriginal cultural heritage assessment be prepared to investigate the archaeological and cultural heritage values associated with the subject land. This level of assessment is recommended in order to inform the appropriateness or otherwise of the current PP prior to rezoning occurring.

Aboriginal cultural heritage assessment requirements

OEH recommends the completion of two basic types of assessment to inform the PP:

- an archaeological assessment – involving the identification and assessment of Aboriginal objects (often referred to as 'sites') and their management based on archaeological criteria; and
- a cultural heritage assessment – involving consultation with Aboriginal stakeholders (groups and individuals) and can include historical and oral history assessment and broader values assessment (e.g. landscape and spiritual values).

The outcomes of the archaeological and cultural heritage components of the Aboriginal heritage assessment should be compiled into a single map showing areas of high, moderate or low Aboriginal cultural values. Options for conserving areas of Aboriginal heritage significance should be fully explored in discussion with the Aboriginal community.

(END OF SUBMISSION)



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