



OUT16/34218

Housing Land Release
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

community@planning.nsw.gov.au

Dear Sir/Madam

Comment on the Greater Macarthur Priority Growth Area and proposed boundary

I refer to your email dated 5 August to the Department of Primary Industries (DPI) in respect to the above matter. DPI has reviewed the relevant documents and provides the following comments for your consideration, with further detail provided at Attachment A (DPI Water) and Attachment B (DPI Fisheries).

Please note that landuse.enquiries@dpi.nsw.gov.au is the preferred contact for referrals to any part of DPI in relation to consultation on planning instruments.

DPI's key comments are:

- DPI recommends that the documentation should be improved with respect to the protection of riparian corridors and water quality, particularly given the potential relevance and contribution to significant impact on the Hawkesbury Shelf Marine Bioregion.
- DPI notes that the description of possible development within first, second and third order streams as indicated in the Land Use And Infrastructure Analysis may provide unrealistic expectations to private developers as to what proposals may be permissible. DPI recommends revision of the documentation with consideration of the DPI Water *Guidelines for Controlled Activities in Riparian Corridors*, developed with oversight of the Housing Supply Taskforce in 2012, and DPI Fisheries' *Policy and guidelines for fish habitat conservation and management* (2013 Update).
- Further consideration should be given to the potential for land use conflict and ensuring appropriate controls and measures are utilised to minimise the potential for conflict.

Please see below and attached for further explanation and context. Relevant senior officers of DPI can be available to meet with the Department of Planning & Environment to discuss these matters at your convenience. It is recommended that early engagement may assist a streamlined approach to the assessment and management of riparian corridors to ensure adequate protection without any unnecessary delays to development.

Comment by DPI Agriculture

- DPI Agriculture supports the proposed approaches to ensuring that parcels of land suitable for agriculture are not prematurely taken out of production.
- It is strongly recommended that appropriate buffers are applied around existing intensive agriculture operations in the area (e.g. poultry - in relation to noise and odour), to avoid land use conflicts with future residential development. A land use conflict risk assessment (LUCRA) may assist in identifying locations with a high risk of land use conflict. For more

information, refer to the LUCRA Guide:

<http://www.dpi.nsw.gov.au/content/agriculture/resources/lup/development-assessment/lucra>.

- It is recommended that the Department of Planning & Environment (DP&E) liaise directly with existing agricultural enterprises and landowners to obtain land release timing agreements and ensure the smooth transition of developable land.
- Where housing is proposed close to extensive agriculture, setbacks and fencing should be designed to limit egress of grazing animals into urban areas or people and pets into the agricultural land.
- A master plan and/or development control plan should include information on the proposed management of the rural/urban interface.

Comment by DPI Water

- DPI Water reiterates advice previously provided (Attachment C) in its submission dated 30 May 2016 on the Greater Macarthur Preliminary Land Release Strategy and proposed changes to the Growth Centres SEPP, especially in relation to how watercourses and riparian corridors will be managed in the land release area.
- Any proposed removal /development of watercourses (including 1st, 2nd, 3rd order streams) should be assessed by DPI Water in accordance with the *Water Management Act 2000* to determine whether:
 - (1) the watercourse meets the definition of a 'river' under the *Water Management Act 2000*; and
 - (2) any necessary protection for waterways/riparian corridors.
- The Consultation Update Report notes several technical studies will be prepared or refined to inform future land use and infrastructure strategies (page 17). Technical investigations of the riparian corridors, corridor linkages and groundwater/GDEs should be included in the list of studies to inform these strategies.

Comment by DPI Fisheries

- In relation to information provided on the Greater Macarthur Priority Growth Area webpage 'Draft Glenfield to Macarthur Urban Renewal Corridor Strategy', DPI Fisheries notes that there is no high level or explicit aim/objective to protect water quality either in the region or downstream of the region (Hawkesbury Shelf Marine Bioregion). It is recommended that the final documentation include high level commitments to improve (not just maintain) water quality within the region and in downstream waterways.
- It is also recommended there be a commitment to the universal adoption of Water Sensitive Urban Design (WSUD) throughout all proposed growth areas (including the Macarthur) and a commitment to thorough modelling of water quality outcomes to demonstrate that proposed developments have been designed to achieve an improvement in water quality.
- In relation to the Greater Macarthur Land Release Investigation – Land Use and Infrastructure Analysis (page 12 – 'Streams'):
 - DPI Fisheries notes that while first and second order streams may not have high ecological value, they are critical to the achievement of water quality objectives in downstream waterways. First and second order streams should be retained where possible as open channels with natural vegetation (not piped or concrete lined) with dedicated riparian buffers so that they can continue to intercept and process sediment and nutrient laden water coming from the urban area.

- It is recommended that development plans for services infrastructure (road, power, water, sewerage, communications) be required to avoid riparian buffers as much as possible.
- DPI Fisheries does not agree that urban development within riparian corridors of third order streams is appropriate. Riparian corridors of third and higher order streams should be retained, with third order streams being afforded a 10-50m buffer as outlined in DPI Fisheries' *Policy and guidelines for fish habitat conservation and management (Update 2013)*.

For further information please contact Vanessa Hornsby, Policy Officer, Planning Policy, Wollongong office on (02) 4224 9751 or via email: vanessa.hornsby@dpi.nsw.gov.au.

Yours sincerely



Mitchell Isaacs
Director, Planning Policy & Assessment Advice
15 September 2016

Detailed DPI Water comments on the Greater Macarthur Priority Growth Area and proposed boundary

- DPI previously provided advice (dated 30 May 2016) on the Greater Macarthur Preliminary Land Release Strategy and proposed changes to the Growth Centres SEPP. DPI Water reiterates this advice (Attachment C).
- The report indicates the Greater Macarthur Preliminary Land Release Investigations were informed by technical studies that considered the suitability of land for urban development based on environmental values and constraints including the location of important biodiversity and waterways (Section 4.1). Vegetated riparian corridors (including corridors along 1st and 2nd order streams) provide a range of environmental benefits including improving water quality/surface runoff, corridor linkages, and essential habitat for aquatic and terrestrial fauna and are important for in-stream health and biodiversity.

Any proposed removal /development of watercourses (including 1st, 2nd, 3rd order streams) must be assessed by DPI Water to determine whether:

- (1) the watercourse meets the definition of a 'river' under the *Water Management Act 2000* ; and
 - (2) if DPI Water considers that the waterways/riparian corridors need to be retained, protected and rehabilitated. All waterways/riparian corridors identified by DPI Water to be retained and rehabilitated should be excluded from urban development.
- The environmental values and constraints should also consider groundwater and groundwater dependent ecosystems.

End Attachment A

Detailed DPI Fisheries comments on the Greater Macarthur Priority Growth Area and proposed boundary

In relation to information provided on the 'Draft Glenfield to Macarthur Urban Renewal Corridor Strategy' on the Greater Macarthur Priority Growth Area webpage, DPI Fisheries notes that there is no high level or explicit aim/objective to protect water quality either in the region or downstream of the region (Hawkesbury Shelf Marine Bioregion).

The Independent Scientific Audit of Marine Parks in NSW undertaken in 2012, noted that water quality was one of the most significant issues for the Marine Estate.

The Hawkesbury Shelf Marine Bioregion Assessment – Suggested Management Initiatives Discussion Paper (Feb 2016) includes the following:

'Initiative 1 Improving Water Quality and reducing Marine Litter

1.2 Reducing Water Pollution from Catchment Runoff

- *ensuring water quality is addressed in State, Regional and Local Plans under the new Strategic Planning Framework.'*

It is recommended final documentation include high level commitments to improve (not just maintain) water quality within the region and in downstream waterways.

It is also recommended there be a commitment to the universal adoption of Water Sensitive Urban Design (WSUD) throughout all proposed growth areas (including the Macarthur) and a commitment to thorough modelling of water quality outcomes to demonstrate that proposed developments have been designed to achieve an improvement in water quality.

In relation to the Greater Macarthur Land Release Investigation – Land Use and Infrastructure Analysis (page 12 – 'Streams'):

- DPI Fisheries notes that while first and second order streams may not have high ecological value, they are critical to the achievement of water quality objectives in downstream waterways. First and second order streams should be retained where possible as open channels with natural vegetation (not piped or concrete lined) with dedicated riparian buffers so that they can continue to intercept and process sediment and nutrient laden water coming from the urban area. While it is acceptable to include some WSUD elements (e.g. sediment ponds) and social infrastructure (e.g. pedestrian/bike paths) with the riparian corridors for these streams, it is preferred that they not be piped or channelised.
- It is also recommended that development plans for services infrastructure (road, power, water, sewerage, communications) be required to avoid riparian buffers as much as possible.
- *'Urban development within the riparian corridors of third order streams may still be suitable for urban development with appropriate mitigation works'.*

This sentence opens up the urban design process to allow 3rd order stream buffers to be built over. Third order streams are considered to be Key Fish Habitat. Urban development within the riparian corridors of third and higher order streams is not appropriate, as these streams are sensitive to disturbance, support important environmental values and help achieve water quality objectives in downstream waterways. Riparian corridors of third and higher order streams should be retained as vegetated corridors.

The DPI Fisheries' *Policy and guidelines for fish habitat conservation and management (2013 Update)* categorises 3rd order streams as Type 3/Class 3 waterways where a 10 to 50m buffer should be provided.

End Attachment B