

Appendix 7

Department of Environment and Climate Change - Response to Agency



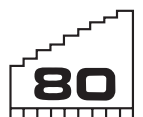
Warner Industrial Park Preferred Project Report Concept Plan and Project Application

Precinct 14 WEZ

Sparks Rd and Hue Hue Rd

Warnervale

May 2009



TERRACE
TOWER
GROUP

Warner Business Park Pty Ltd
Part of the Terrace Tower Group

Warner Industrial Park – WEZ

NSW Department of Environment & Climate Change

19 February 2009

The following provides the issues raised by the DECC and the Proponent's response to those issues.

ISSUE	AGENCY RESPONSE	PROPONENT'S RESPONSE
Premature to WEZ biodiversity certification	The proposed Warner Industrial Park forms part of the much larger Wyong Employment Zone (WEZ). DECC has undertaken a preliminary review of the information provided and is concerned that the proponent is now seeking submissions on the Environmental Assessment for the Warner Industrial Park prior to the finalisation of DECC's biodiversity certification on the WEZ.	The proposal for Warner Industrial Park is generally in accordance with the DECC's exhibited Draft Biodiversity Strategy for the WEZ. The Minister is requested to make a determination that no further environmental assessment is required for the project for any particular stage of the project, including the subsequent construction of buildings by others upon land zoned IN1, pursuant to the provisions of Section 75(1)(c) of the Act. The WEZ has now been zoned and the proposed zones and land areas in Warner Industrial Park do not differ from the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21).
Infrastructure located in conservation offsets	The proponent has proposed infrastructure within the proposed biodiversity offset lands. DECC has already written to the Department of Planning regarding potential impacts on threatened species and encroachment and impact (construction of artificial waterbodies and other infrastructure) on areas already agreed with Wyong Shire Council and the Department of Planning to be set aside as 7(a) or (E2) and managed and rehabilitated for conservation. These aspects of the current proposal, if approved, may compromise the capacity of the Minister for Climate Change and the Environment to confer biodiversity certification on the WEZ.	<p>The Biocertification Report (Section 6.2) prepared by Wyong Shire Council outlines the importance of the integrated water cycle management strategy, which incorporates the water treatment ponds and storage. A major reason relates to the sensitivity of the downstream swamp forests and wetlands.</p> <p>Section 7.0 Conclusion and Final Justification of the Biocertification Report states that placement and construction of drainage, constructed wetlands and other IWCM infrastructure is to be sensitively located and designed and landscaped to enhance habitat values for threatened amphibians and mitigate identified Key Threatening Processes (e.g. Gambusia and frog chytrid).</p> <p>The corridor adjoining the F3 Freeway has been widened from the proposed 50m corridor to provide additional land for the location of the stormwater storage and wetland areas. The location of the stormwater storage and wetland areas within the Buttonderry Creek Corridor have been relocated to meet the Riparian requirements for the Department of Water and Energy (Refer Concept Plan and Water Sensitive Urban Design Plan – Appendices 1 and 17 of the Preferred Project Report).</p> <p>State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21) permits environmental facilities, environmental protection works, flood mitigation works and artificial waterbodies in the Zone E2 Environmental Conservation.</p> <p>Wyong Council has confirmed that the exhibited documentation for the WEZ and the exhibited Biocertification Report envisaged infrastructure as proposed for Precinct 14 and other parts of the WEZ. To change the Strategy now would be a significant setback to the whole WEZ.</p>
Alternatives to biodiversity certification	If biodiversity certification is not feasible for the WEZ, the proponent will be required to provide an alternative means of offsetting biodiversity loss, to the satisfaction of DECC prior to commencement of any works or development.	See response above. This will significantly delay the WEZ and the subject application.
Flooding	The Flood Modelling undertaken by DHI Water & Environment Pty Ltd contained in	Pre development flooding is shown on Figure 4.5 (page 60) of the State Significant Site

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	Appendices 17 and 17 has been reviewed by DECC and it is considered that the assessed flood behaviour and flood impacts of the proposed development generally satisfy the Director General's Requirements. However, the presentation of the information does not clearly identify the extent of flooding and the high hazard areas.	Study. Refer to response below.
	The Floodplain Development Strategy undertaken by Buzz Engineering & Environmental Solutions in Appendix 16 aims to support the proposed industrial park development, however to demonstrate consistency with the Floodplain Development Manual the report needs to clearly identify:	Additional flooding investigations and mapping have been carried out by DHI and Trehy Ingold & Neate (Appendix 16 of the Preferred Project Report). Refer below for specific responses.
	<ul style="list-style-type: none"> The areas of high and low hazard due to the 1% AEP flood event 	<p>Flood hazard assessment is undertaken as part of a Floodplain Risk Management Plan particularly where existing development is flood-prone. The proposed development (Precinct 14) will restrict flood-prone areas (for the 1% AEP) to drainage reserves by filling except for the overland flow along B2 and Buttonderry Creek Corridor.</p> <p>The DHI November 2006 Flooding Assessment demonstrates that the width of flooding is proposed to be reduced (refer to Figures 5 and 6) and the width of the flood hazard areas (for the 1% AEP) would also be reduced. The 1% AEP will be contained in the designated drainage/conservation zones.</p> <p>Additional investigations and mapping by DHI and Trehy Ingold & Neate has been provided to demonstrate the impacts of various climate change induced increases in the frequency of storms and floods. Refer Appendix 16 of the Preferred Project Report. The results of these investigations indicate that access to high ground is readily available to the most affected lots under the worst case scenario and that those velocities are still within acceptable limits.</p> <p>A plan has been prepared by Trehy Ingold & Neate showing the 1% flood level impacts on Hue Hue Road. Refer Appendix 18 of the Preferred Project Report.</p>
	<ul style="list-style-type: none"> The changes to the areas of hazard resulting from the proposed development 	The areas of hazard have been reduced to be contained within the designated drainage corridors and conservation corridors.
	<ul style="list-style-type: none"> The effects of proposed flood mitigation measures to address the areas of hazard 	<p>The flood mitigation measures include controlled filling, compensatory excavation, an engineered channel (F2), a piped flowpath (B2) and an overland flowpath (B2).</p> <p>The effect of these mitigation measures has been to largely contain flood-prone areas (up to and including the 1% AEP) within drainage reserves and to minimise any increases in flood levels.</p> <p>The DDCP has minimum floor levels with increased freeboards beyond those required under Council's current flood policies. This includes additional freeboard over and above that required by the Mine Subsidence Board as identified in its letter to the</p>

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		Department of Planning dated 6 February 2008.
	<ul style="list-style-type: none">The residual flood impacts of the development and any compensatory works	<p>The residual flood impacts include the localised increase of flood levels upstream of the proposed piped B2 flowpath; overland flowpath associated with piping B2; and the increase of flood levels along the Freeway embankment.</p> <p>The compensatory works will include an appropriately designed inlet for B2 flowpath and an appropriately designed overland flowpath associated with piping B2. Further consultation with the NSW RTA will be undertaken as part of the Construction Certificate documentation in relation to possible impacts on the F3 Freeway.</p>