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Hawkesbury-Nepean



DRAFT SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 20 —
HAWKESBURY-NEPEAN RIVER (AMENDMENT NO. 2)

New South Wales Government
Department of Planning

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Hawkesbury-Nepean

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HAWKESBURY-NEPEAN RIVER (AMENDMENT NO. 2)

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Cover:View of Cowan Creek.

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Foreword

Robert Webster

Minister for Planning

and Minister for Housing

The Hawkesbury–Nepean River system is extremely important to the people of Sydney for its scenic and recreational values and as a sustainable natural resource.

Since 1989, Sydney Regional Environmental Plan No. 20 Hawkesbury–Nepean River (REP 20) has provided a framework for planning in a large part of the catchment below Sydney's water supply dams. The REP aims to improve water quality and protect the river's economy, natural vegetation, wildlife habitats, heritage and scenic quality.

In late 1992, the Department of Planning started a comprehensive review of the plan. To guide the review I established an Advisory Committee under section 22 of the *Environmental Planning and Assessment Act 1979*. This committee has members from State and local government, as well as community and industry representatives.

This is the first proposed amendment to REP 20 as part of the review. It provides the recently established Hawkesbury Nepean Catchment Management Trust with a role in the planning for the catchment, and improves the identification and protection of significant wetlands.

I encourage you to make a submission about the proposed amendments to the plan. All submissions received will be considered by the department before the draft plan is finalised.



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The Draft Report

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INTRODUCTION

Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River (REP 20) was gazetted on 8 September 1989. The REP provides a framework for planning in the Hawkesbury-Nepean catchment below Sydney's water supply dams. It adopts the principle of total catchment management, or the co-ordination of the use and management of land, water, vegetation and other natural resources on a catchment basis.

REP 20 is under review. This draft plan is the first amendment to be prepared as part of the review. A major draft amendment will be prepared in 1995 for public comment.





This draft plan amends REP 20 to:

- require the consent of council and the concurrence of the Hawkesbury Nepean Catchment Management Trust for certain types of development
- require councils to consult with the Hawkesbury Nepean Catchment Management Trust for another group of development types before granting consent to a development application
- improve the identification and protection of wetlands which are regionally significant
- make the plan apply to additional land in the Sydney Region
- clarify the provisions which regulate the extraction of sand in the river.

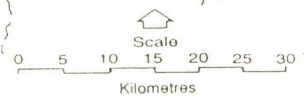
The draft plan has been prepared with the assistance of the Hawkesbury-Nepean River Advisory Committee and the Hawkesbury Nepean Catchment Management Trust. Representatives of State and local government, industry groups and environmental groups have been involved in the preparation of the draft plan through the Hawkesbury-Nepean River Advisory Committee.

This map is an interpretation of the map referred to in the Draft Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean (Amendment No. 2) and is for general information only

KEY

-  Boundary of Draft SREP No. 20 (Amendment No. 2)
-  Local Government Boundary
-  Land to be added to SREP No. 20 by Draft (Amendment No. 2)
-  Land excluded from S.R.E.P. No. 20

November, 1994



SCALE: As shown

DEPARTMENT OF PLANNING
 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
 DRAFT SYDNEY REGIONAL ENVIRONMENTAL PLAN No. 20
 HAWKESBURY - NEPEAN RIVER
 (Amendment No. 2)

L.G.A. Various		LOCALITY Sydney Metropolitan Region
PARISH OF Various		COUNTY OF Various
DRAWN BY Dean Claffin		NOTATIONS This plan amends Sydney Regional Environmental Plan No. 20 Hawkesbury - Nepean River This plan does not apply to land to which Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme (Draft Amendment No. 3) applies.
CHECKED BY	MANAGER CARTOGRAPHIC <i>Barber</i>	
	PLANNING OFFICER <i>Kim Leslie</i>	
DEPT. FILE NO. P94/0068/001		
GOVT. GAZ. OF	CATALOGUE NO.	



CHANGES TO THE BOUNDARY OF REP 20

Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River (REP 20) adopts the principles of total catchment management. To improve the planning for the catchment this draft plan extends the boundary of REP 20 to apply to nearly all land within the Sydney Region which is within the catchment of the Hawkesbury-Nepean River. The only land which is excluded is land in the catchment of Warragamba Dam, and land covered by Sydney Regional Environmental Plan (SREP) No. 11 — Penrith Lakes Scheme.

The following land is added to REP 20 under this amendment:

- land covered by Sydney Regional Environmental Plan No. 13 — Mulgoa Valley (in Penrith)
- land in Fairfield, Ku-ring-gai, Warringah, and Pittwater, and
- additional land in Gosford and the Blue Mountains.

The map opposite illustrates the new boundary of REP 20 and provides a key to the more detailed maps held by the department and local councils.

ROLE OF THE HAWKESBURY NEPEAN CATCHMENT MANAGEMENT TRUST

The Hawkesbury Nepean Catchment Management Trust was established in July 1993 under the *Catchment Management Act 1989*. The Trust was set up to coordinate the management of natural resources throughout the river catchment in order to achieve a healthy and productive river system.

Concurrence role

The draft plan identifies five types of development which cannot be approved by councils without the concurrence of the Trust. These are developments which could have a significant impact on the river.

The Trust will provide a regional perspective to the assessment of these proposals to ensure that a decision is made for the good of the total river catchment. The types of development are:

- sewerage systems or works
- waste management facilities or works
- large marinas
- maintenance dredging operations and
- development in wetlands.

The Department of Planning already has a concurrence role for maintenance dredging operations and development in wetlands. This draft plan transfers the department's concurrence role to the Trust.

The draft plan also lists the matters that the Trust has to consider when it makes a decision on whether to concur in approving these proposals.

Consultation role

The Trust will also have a consultation role where consent is required for other types of development which may impact on the river. Before granting consent for these developments councils must refer the proposal to the Trust for comment. The types of development include:

- intensive livestock keeping
- intensive horticulture establishments
- caravan parks or camping grounds
- manufactured home estates
- small marinas; recreation facilities
- water recreation facilities such as piers and wharves and
- all other developments which requires an environmental impact statement under Schedule 3 of the Environmental Planning and Assessment Regulation.

The draft plan allows the Trust 28 days to provide comments to the council on a proposal. If no comments are received within that time, the council may assume that the Trust has no objections.

WETLANDS

What the draft plan does

REP 20 currently protects wetlands of significance to the Sydney Region. The plan identifies the wetlands and contains provisions to control development within them.

The aim of the draft plan is to improve the identification and protection of wetlands in REP 20. Wetlands play an important role in the improvement of water quality. They filter out soil particles and absorb nutrients which otherwise end up in the river. They also help to prevent soil erosion, reduce flooding and provide habitats for wildlife. The protection of wetlands is also important in the conservation of plant species.

The draft plan identifies wetlands of regional significance in a series of maps at a scale of



HAWKESBURY-NEPEAN RIVER

1:25 000. These maps will replace the existing wetlands maps in REP 20. They show the boundary of each wetland and identify where the wetlands are not permanently flooded (these are called ephemeral wetlands).

To protect wetlands, the draft plan retains the requirement of REP 20 that the consent of council be obtained for any development in a mapped wetland which involves clearing, draining, filling or the construction of a levee. The draft plan introduces clear definitions of these terms, which are consistent with the terms defined in the guidelines to State Environmental Planning Policy No. 14 — Coastal Wetlands. Council cannot approve development in a mapped wetland without the concurrence of the Hawkesbury Nepean Catchment Management Trust (previously this required the concurrence of the Director of Planning).

REP 20 provides that where a development for any of these purposes is proposed in a permanent wetland, an environmental impact statement (EIS) must be prepared and submitted to council with a development application. Under this draft plan, development in an ephemeral wetland is not designated, but council may still require information to support the application. The rehabilitation of degraded wetlands does not require an environmental impact statement under the draft plan even where it is a permanent wetland. This will make it easier for people to restore wetlands.

REP 20 already lists issues which the council must consider when deciding whether to approve development in a wetland, and issues which councils and the Department of Planning must consider when preparing environmental planning instruments. The draft plan adds some extra issues to these lists.

The Wetlands Study

The wetlands maps in the original REP 20 were based on a survey carried out for the Department of Planning by the National Herbarium (Royal Botanic Gardens) in 1986, largely from aerial photos. This draft plan adopts maps prepared by P. and J. Smith Ecological Consultants in a study for the Department in 1993.

The 1993 study has:

- developed more specific criteria for the identification of regionally significant wetlands
- reassessed the significance of the wetlands in REP 20 and those identified in other studies
- mapped the wetlands using recent and historical aerial photography and verified by field inspections, and
- distinguished between permanent and non-permanent (or ephemeral) wetlands.

Significance of wetlands

The Wetlands Study defines wetlands by the occurrence of characteristic wetland plants and animals. The occurrence of these species is dependent upon the presence of shallow, still water or on waterlogging of the soil, either permanently, frequently or for occasional prolonged periods.

Wetlands are considered to be regionally significant if they:

- support areas of native wetland vegetation of greater than one hectare (or 1.5 hectares in the case of herb swamps), with few introduced species, or
- frequently support about 50 waterbirds or more.

Natural wetlands which have been substantially modified (for example by partial draining, construction of levees, or clearing of surrounding vegetation) are still considered to be regionally significant if they meet one or both of the criteria listed above.

Most, if not all, wetlands are important. Although the REP only maps wetlands of regional significance, it encourages the identification, protection, and restoration of wetlands of local significance. Wetlands which are created artificially and wetlands which are small in size or degraded are not considered to be regionally significant and are not identified for protection in the draft REP. However, they may have values which necessitate their protection in local planning instruments and councils are encouraged to consider this.

USEFUL REFERENCES

Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds in Danger of Extinction and their Environment (JAMBA).



HAWKESBURY-NEPEAN RIVER

Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds in Danger of Extinction and their Environment [CAMBA].

Benson, D. and McDougall, L. 1991 *Rare bushland plants of western Sydney*. Royal Botanic Gardens, Sydney.

Benson, D. and Howell, H. 1994 *A strategy for the rehabilitation of the riparian vegetation of the Hawkesbury-Nepean River*. Royal Botanic Gardens, Sydney.

Briggs, J.D. and Leigh, J.H. 1988 *Rare or threatened Australian plants*. Special Publication 14, Australian National Parks and Wildlife Service, Canberra.

Clean Waters Act (NSW) 1970

Department of Planning, 1988 *Rural Land Evaluation Manual*.

Fisheries and Oyster Farms Act 1935 (sections 16A and 34).

National Parks and Wildlife Act 1974 (schedule 12).

P. & J. Smith Ecological Consultants, 1993 *Significant wetlands of the Hawkesbury Nepean River*.

Rivers and Foreshores Improvement Act (NSW) 1946.

Royal Botanic Gardens 1986 *The conservation value of natural vegetation along the Hawkesbury-Nepean River*. Unpublished report to Department of Environment and Planning. Ecology Section, Royal Botanic Gardens, Sydney.

For additional references refer to P. & J. Smith Ecological Consultants 1993

Explanatory Notes

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EXPLANATORY NOTES ON THE DRAFT PLAN

1. Name of the Plan
2. Principal Plan – SREP 20 called the Principal Plan
3. Aims of the Plan
4. Where the Plan applies
5. Amendment of Principal Plan (ie SREP 20)
 - (a) Fairfield, Ku-ring-gai, Pittwater and Warringah added to list of local government areas that SREP 20 applies to.
 - (b) Deletes clause 4(1) of SREP 20 which said that the plan amended SREP 9 — Extractive Industry in relation to extraction in the river. The revised SREP 9 has now put this clause back into SREP 20.
 - (c, d) Deletes some definitions no longer used, and inserts new definitions
 - (e) The amendment divides Part 2 of SREP 20 into a number of Divisions. Clause 7 is now in Division 1 — General.
 - (f) Clause 8 of SREP 20 amended to change the word “shall” to “should”.
 - (g) Clause 9(3) and (4) of SREP 20 (as inserted by the revised SREP 9 — Extractive Industry) is amended to make the Trust the concurring authority instead of the Director. This clause relates to dredging operations in the river.
 - (h) A new clause is inserted in SREP 20 requiring council consent for the following designated development described in Schedule 3 to the Environmental Planning and Assessment Regulations: Sewerage systems or works, waste management facilities or works, and marinas. These are the developments which require the concurrence of the Hawkesbury–Nepean Catchment Management Trust under clause 19. This new clause does not apply to public



utilities which do not require consent under State Environmental Planning Policy No. 4 — Development Without Consent.

- (i) Clause 10 of SREP 20 (Heritage items) is placed in Division 2 of Part 2 of SREP 20.
- (j) Clause 11 of SREP 20 (Wetlands) is replaced with new wetlands clauses in Division 3 of Part 2 of SREP 20; and a new Division 4 — Functions of the Trust is added. The clauses are listed below.

Division 3 — Protection of Wetlands

11. Aims and objectives for the protection of wetlands

12. Application of Division — the wetlands clauses don't apply to land dedicated under the National Parks and Wildlife Act 1974

13. When is consent required for development in mapped wetlands?

Consent is required for clearing a wetland marked on the REP maps, constructing a levee in a mapped wetland, or draining or filling a mapped wetland. The definition of clearing does not include removal of noxious plants.

14. Is any such development designated development?

All development in wetlands is designated, unless it is on land marked on the map as an ephemeral (non-permanent) wetland, or where the development is for the purpose of restoring or rehabilitating the wetland.

15. Certain applications to be referred to Director-General of National Parks and Wildlife Service

All applications for development within wetlands must be referred to NPWS for comment.

16. Considerations for consent authority

This clause lists matters for councils to consider when assessing DAs (in addition to considering those currently listed in Schedule 3 of SREP 20).

17. Plans of management

This clause enables councils to require the preparation of a plan of management when development is proposed within a wetland.

18. Preparation of future plans for land in the vicinity of a mapped wetland

This clause lists matters which should be considered by councils when

preparing local environmental plans or development control plans.

Division 4 — Functions of the Trust

19. When does the Trust have a concurrence function?

The concurrence of the Hawkesbury–Nepean Catchment Management Trust is required for sewerage systems or works, waste management facilities or works, and marinas as defined in Schedule 3 of the EP&A Regulations.

These are all designated development, and an environmental impact statement must be submitted to the council and the Trust. The concurrence of the Trust is also required for maintenance dredging in the river and certain extractive operations under clause 9; and for development in wetlands under Division 3. The concurrence of the Trust is not required where the Minister for Planning grants consent.

20. Matters for consideration

This clause lists matters to be considered when the Trust makes a decision on any development application.

21. When must the Trust be consulted?

This clause lists the types of development which must be referred to the Trust for comment. Council must refer applications to the Trust within 7 days and the Trust has 28 days to make comments.

- (k) Two new schedules are inserted into SREP 20. Schedule 6 lists the matters to be considered by the Trust when deciding whether or not to concur to a development application under this plan. Schedule 7 defines the terms used to describe development proposals which are referred to the Trust under clause 21. (Note that the revised REP 9 has inserted a new schedule 5 to SREP 20.)

- 6. **Saving.** The concurrence role of the Trust only applies to development applications lodged after the commencement of this plan.

The Draft Plan

ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979
SYDNEY REGIONAL ENVIRONMENTAL PLAN
NO. 20 — HAWKESBURY-NEPEAN RIVER
(AMENDMENT NO. 2)

I, the Minister for Planning, pursuant to section 51 of the Environmental Planning and Assessment Act 1979 make the regional environmental plan set out hereunder.
(P94/00189/001)

Minister for Planning
Sydney, 1995.

Name of plan

1. The name of this plan is Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River (Amendment No. 2).

Principal Plan

2. For the purposes of this plan, Sydney Regional Environmental Plan No. 20 — Hawkesbury-Nepean River is referred to as the Principal Plan.

Aim of plan

3. The aim of this plan is to amend the Principal Plan so as:

- (a) to alter controls on the use of wetlands and their application; and
- (b) to require both the consent of the council and the concurrence of the Hawkesbury-Nepean Catchment Management Trust for certain types of development; and
- (c) to provide for councils to consult with the Hawkesbury-Nepean Catchment Management Trust about certain types of development; and



HAWKESBURY-NEPEAN RIVER

- (d) to extend the application of the Principal Plan to additional land in the Sydney Region; and
 - (e) to clarify the provisions of the Principal Plan which regulate the extraction of sand in the river; and
 - (f) to make minor alterations for the purpose of law revision, such as dividing Part 2 of the Principal Plan into Divisions.
- (b) by omitting clause 4 (1);
 - (c) by omitting from clause 5 (1) the definitions of "National Conservation Strategy for Australia", "Planning Report" and "the map";
 - (d) by inserting in clause 5 (1) in alphabetical order the following definitions:

Where this plan applies

4. (1) This plan applies to land the boundaries of which are approximately those shown edged heavy black on map 1 of the series of 42 maps marked "Sydney Regional Environmental Plan No. 20 — Hawkesbury-Nepean River (Amendment No. 2)" and are shown in detail on maps 2-42 of that series. The maps are deposited in the Parramatta office of the Department of Planning, and copies of them are held:

- (a) in the Department's offices at Sydney, Newcastle and Wollongong; and
- (b) in the office of each council that is a consent authority for the purposes of the Principal Plan.

(2) This plan does not apply to land to which Sydney Regional Environmental Plan No. 11 — Penrith Lakes Scheme applies.

Amendment of the Principal Plan

5. The Principal Plan is amended:

- (a) by omitting clause 3 and by inserting instead the following clause:

Where this plan applies

3. (1) This plan applies to land the boundaries of which are approximately those shown edged heavy black on map 1 of the series of 42 maps marked "Sydney Regional Environmental Plan No. 20 — Hawkesbury-Nepean River (Amendment No. 2)" and are shown in detail on maps 2-42 of that series. The land is situated within the following local government areas:

Baulkham Hills;	Hornsby;
Blacktown;	Ku-ring-gai;
Blue Mountains;	Liverpool;
Camden;	Penrith;
Campbelltown;	Pittwater;
Fairfield;	Warringah;
Gosford;	Wollondilly.

Hawkesbury;

(2) This plan does not apply to land to which Sydney Regional Environmental Plan No. 11 — Penrith Lakes Scheme applies.

"mapped wetland" means any land identified as such on the map, whether or not it is also identified as non-permanent or ephemeral wetland on the map;

"Planning Report" means the reports entitled "Planning Report for Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River" and "Planning Report for Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River (Amendment No. 2)" prepared by the Department of Planning;

"the map" means maps 1-42 of the series of maps marked "Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (Amendment No. 2)" deposited in the Parramatta office of the Department of Planning, copies of which are held in the Department's offices at Sydney, Newcastle and Wollongong, and in the office of each consent authority;

"the Trust" means the Hawkesbury-Nepean Catchment Management Trust established under the Catchment Management Act 1989;

- (e) by inserting before clause 7 the following heading:

Division 1 — General

- (f) by omitting from clause 8 the word "shall" and by inserting instead the word "should";
- (g) by omitting clause 9 (3) and (4) (as inserted by Sydney Regional Environmental Plan No 9 — Extractive Industry (No. 2)) and by inserting instead the following subclause:

(3) This clause does not prevent the following from being carried out with the consent of the consent authority and the concurrence of the Trust:



- (a) maintenance dredging operations to ensure that the river is navigable from Broken Bay to Windsor Bridge, if those operations do not create a channel that did not previously exist; or
- (b) extractive operations carried out in the river downstream of the Wallacia Bridge as a consequence of, and ancillary to, works for flood mitigation, bank stabilisation, the construction of bridges or other instream structures (such as marinas) or the licensed withdrawal of water, where extraction is necessary to carry out the works.
- (h) by inserting after clause 9 the following clause:
- Consent required for certain designated development**
- 9A. (1) A person must not, except with the consent of the consent authority granted with the concurrence of the Trust, carry out development for the purpose of:
- (a) marinas or other related land and water shoreline facilities; or
- (b) sewerage systems or works; or
- (c) waste management facilities or works,
- which is designated development described in Schedule 3 to the Environmental Planning and Assessment Regulation 1994.
- (2) This clause does not require consent for development for the purpose of a public utility undertaking as defined in the Environmental Planning and Assessment Model Provisions 1980.
- (i) by inserting before clause 10 the following heading:
- Division 2 — Heritage items**
- (j) by omitting clauses 11 and 12 and by inserting instead the following Divisions:
- Division 3 — Protection of wetlands**
- Aims and objectives of Division**
11. (1) The aims of this Division are:
- (a) to identify wetlands which have significance for the Sydney Region; and
- (b) to protect those wetlands by ensuring that development and activities within their catchments are consistent with the objectives of this Division.
- (2) The objectives of this Division are:
- (a) to maintain the ability of wetlands to improve the quality of water entering the river through the filtering of sediments and the absorption of nutrients; and
- (b) to maintain the ability of wetlands to stabilise soils and reduce bank erosion; and
- (c) to maintain the ability of wetlands to reduce the impact of flooding downstream through the retention of floodwaters; and
- (d) to maintain a variety of wetland plant and animal species in the region and nationally; and
- (e) to protect wetland vegetation, especially endangered, vulnerable and rare species; and
- (f) to protect faunal habitats, especially those of rare and endangered species and migratory birds listed in international migratory bird agreements; and
- (g) to encourage the appropriate management of wetlands; and
- (h) to provide opportunities for recreation, scientific research, and education, where they are compatible with other objectives listed above.
- Application of Division**
12. This Division does not apply to land dedicated or reserved under the National Parks and Wildlife Act 1974 as an Aboriginal area, historic site, national park, nature reserve, state game reserve or state recreation area.
- When is consent required for development in mapped wetlands?**
13. (1) This clause applies to all mapped wetlands.
- (2) A person must not, except with the consent of the consent authority granted with the concurrence of the Trust, carry out development for the purpose of:
- (a) clearing a mapped wetland; or
- (b) constructing a levee in a mapped wetland or carrying out, building, enlarging or extending an earthwork,



bund wall or similar structure so as to change or impede surface drainage or tidal action in a mapped wetland; or

- (c) draining, constructing, deepening, extending, opening, installing or laying any canal, drain or pipe in or on a mapped wetland; or
- (d) filling a mapped wetland by raising the ground level of the wetland through disposal of spoil from any landfill method (such as mining, dredging or refuse dumping), whether or not to enable the construction of a road or the erection of buildings or pylons or any other structure.

(3) In this clause, “clearing” means destroying or removing plants native to New South Wales by any means. Such native plants include trees, shrubs, ferns, vines, herbs, and grasses. However, it does not include:

- (a) destroying or removing plants declared to be noxious weeds by an order under section 7 of the Noxious Weeds Act 1993 by means not likely to be significantly detrimental to the native ecosystem; or
- (b) unavoidably and consequentially destroying or removing native plants lying adjacent to any such noxious weeds or plants during the process of destroying or removing those noxious weeds or plants.

Is any such development designated development?

14. (1) Pursuant to section 29 of the Act, development for which consent is required by clause 13 and which is proposed to be carried out in a mapped wetland is declared to be designated development for the purposes of the Act.

(2) However, such development is not designated:

- (a) if it is proposed to be carried out on any mapped wetland that is identified as non-permanent or ephemeral wetland on the map; or
- (b) if it is proposed to be carried out (in pursuance of the objectives of this Division) for the purpose of restoring

or rehabilitating a mapped wetland that is not identified as non-permanent or ephemeral wetland on the map.

Certain applications to be referred to Director-General of National Parks and Wildlife

15. The consent authority must, within 7 days after it is received, refer a copy of any application for consent to development in a mapped wetland to the Director-General of the National Parks and Wildlife Service for comment.

Considerations for consent authority

16. The consent authority must not grant consent to any development in a mapped wetland unless, in addition to complying with clause 7:

- (a) it is of the opinion that the carrying out of the development is consistent with the aims and objectives of this Division; and
- (b) it has considered whether the development is likely to contaminate the soil resulting in a likely adverse impact on water quality when the wetland floods.

Plans of management

17. (1) The consent authority may decline to grant consent to development in a mapped wetland until it has considered a plan of management for the mapped wetland.

(2) Any plan of management should:

- (a) be consistent with the aims and objectives of this Plan and of this Division; and
- (b) identify the mapped wetland to which it applies; and
- (c) describe and analyse the mapped wetland, taking into consideration the objectives of this Division; and
- (d) specify measures to be taken to implement the objectives of this Division; and
- (e) specify measures for ongoing management, including monitoring, and weed control; and
- (f) address any other matters considered necessary by the consent authority.



Preparation of future plans for land in the vicinity of a mapped wetland

18. In preparing a draft local environmental plan, development control plan or management plan applying to land in the vicinity of a mapped wetland, the council concerned should give consideration to the following matters:

- (a) any relevant matter for consideration in Schedule 4; and
- (b) any Planning Report; and
- (c) any representations made by a public authority; and
- (d) the need to protect and improve the quality and quantity of surface water and ground water entering the mapped wetlands by controlling development within the catchment of the mapped wetlands; and
- (e) the desirability of protecting any other wetlands of local significance which are not identified as mapped wetlands by this plan; and
- (f) the desirability of protecting artificially constructed wetlands if they have significant conservation values or make a significant contribution to improvements in water quality.

Division 4 — Functions of the Trust

When does the Trust have a concurrence function?

19. (1) The concurrence of the Trust is required before the consent authority grants consent to the carrying out of:

- (a) development for the purpose of maintenance dredging operations or extractive operations permissible with the consent of the consent authority under clause 9; or
- (b) development in mapped wetlands permissible with the consent of the consent authority under Division 3.

(2) The concurrence of the Trust is also required before the consent authority grants consent to the carrying out of development for the purpose of:

- (a) marinas or other related land and water shoreline facilities; or

- (b) sewerage systems or works; or
- (c) waste management facilities or works,

which is designated development described in Schedule 3 to the Environmental Planning and Assessment Regulation 1994 and for which development consent is required by clause 9A.

(3) Nothing in this plan requires the concurrence of the Trust to any development consent granted by the Minister.

Matters for consideration

20. The matters for consideration by the Trust in deciding whether concurrence should be granted to consent to any development application referred to the Trust because of this plan are:

- (a) whether any feasible alternatives exist on the site to the carrying out of the proposed development; and
- (b) any representations made by a public authority to the Trust within the period referred to in section 80 of the Act; and
- (c) the matters set out in Schedule 6 relating to the development proposed.

When must the Trust be consulted?

21. (1) This clause applies to the following development:

- (a) designated development (other than for which the concurrence of the Trust is required by this plan);
- (b) development for the purpose of:
 - a caravan park or camping ground; or
 - an intensive horticulture establishment; or
 - intensive livestock keeping; or
 - a manufactured home estate; or
 - a recreation facility; or
 - a small marina; or
 - a water recreation facility,

within the meaning of Schedule 7.

(2) A council that receives an application for consent to any development to which this clause applies must, within 7 days after receipt of the application, forward a copy of the application to the Trust for comment.



(3) The council must not determine the development application until:

- (a) it has received and considered written comments on the application from the Trust or the Trust has replied that it does not wish to make any such comments; or
- (b) 28 days have elapsed after the council has sent the copy of the application to the Trust,

whichever occurs first.

- (k) by inserting after Schedule 5 (as inserted by Sydney Regional Environmental Plan No 9 — Extractive Industry (No. 2)) the following Schedules:

SCHEDULE 6

(CL. 20)

1. Considerations for maintenance dredging operations or extractive operations:

- (a) whether the proposed development is appropriate to mitigate the problem necessitating the development without creating a similar problem elsewhere in the river;
- (b) whether it is necessary to permanently remove materials from the river rather than relocating them within the river, especially for the purpose of rehabilitating areas of former extractive operations; and
- (c) whether it has been demonstrated that, in the circumstances, sufficient understanding exists of the likely impact of the works on the river.

2. Considerations for development in a mapped wetland:

- (a) the environmental effects of the proposed development, including the effect on:
 - the growth of native plant communities; and
 - survival of native wildlife populations; and
 - the provision and quality of habitats for indigenous and migratory species of wildlife; and

- the surface and groundwater characteristics (including salinity and water quality) of the mapped wetland site on which the development is proposed to be carried out, and of the surrounding land; and

- (b) whether adequate safeguards and rehabilitation measures have been, or will be, made or taken to protect the environment; and
- (c) whether the development is generally consistent with any relevant general or specific aim of this Plan; and
- (d) whether the development is likely to disturb acid sulphate soils and the consequences of the disturbance; and
- (e) whether any other wetlands are in the vicinity of the mapped wetland site to which the development application relates and the appropriateness of imposing conditions requiring the carrying out of works to preserve or enhance the value of those other wetlands; and
- (f) any representation made by the Director-General of National Parks and Wildlife to the council pursuant to the consultation required by this plan.

3. Considerations for marinas or other related land and water shoreline facilities:

- (a) whether the proposed development will have an adverse effect on drainage patterns or cause shoreline erosion; and
- (b) whether the proposed development will have an adverse effect on any natural wetlands or flora and faunal habitats; and
- (c) whether there are satisfactory arrangements for the collection, storage, treatment and subsequent disposal of sewage, liquid wastes and bilge water; and
- (d) whether the proposed development incorporates measures to prevent the escape into the waterway of



- fuels, oils, grease and other chemicals; and
- (e) whether the water depth adjacent to any proposed marina or other related land and water shoreline facility is adequate, and if not, the adequacy of the proposed means by which water depth will be maintained.

4. Considerations for sewerage systems or works:

- (a) whether the proposed development will be capable of connection to a Water Board or council sewerage system either now or in the future; and
- (b) the suitability of the site for on-site disposal of effluent and the ability of the sewerage systems or works to operate over the long term without causing significant adverse effects on adjoining property; and
- (c) the likely effect of any on-site disposal area on:
- any water bodies in the vicinity (including dams, streams and rivers); and
 - any mapped wetlands; and
 - any groundwater; and
 - the floodplain; and
- (d) the scope for recycling and reusing effluent on the site; and
- (e) the adequacy of the wet weather storage capacity of the proposed sewerage systems or works.

5. Considerations for waste management facilities or works:

- (a) any potential for groundwater contamination; and
- (b) the adequacy of the proposed leachate management system and surface water controls; and
- (c) the long term stability of the final landform; and
- (d) the adequacy of the site management plan; and
- (e) if extraction of material is involved in the creation or development of the waste management site, whether the extractive operation will have an adverse impact on the river system.

SCHEDULE 7

(CL. 21)

“caravan park or camping ground” means the use of land for caravans or other moveable dwellings requiring an approval under Part 1 of Chapter 7 of the Local Government Act 1993;

“intensive horticulture establishment” means a place at which any plants, including mushrooms and turf, are grown on a commercial basis, whether under cover or in the open, where the application of water and fertiliser is significantly above that naturally occurring, and where the activity occupies an area of 1 hectare or more. It does not include a place at which only fruit, vegetables or flowers are grown in the open;

“intensive livestock keeping” means a building or place in which, or on which, livestock are held for the purpose of nurturing by a feeding method other than natural grazing and, without limiting the generality of the foregoing, includes feedlots, poultry farms, dairy farms and piggeries.

It does not include an animal boarding or training establishment or a building or place used for the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the building or place;

“manufactured home estate” means use of land for manufactured homes requiring an approval under Part 1 of Chapter 7 of the Local Government Act 1993, except where the land is zoned for residential purposes;

“recreation facility” means a building, work or place that is used for sporting activities, recreation or leisure activities, that may or may not be operated for the purpose of commercial gain and that is situated on or consists of an area of more than 2 hectares of land:

- (a) that adjoins the river or a tributary of the river; or
- (b) that is flood liable land;

“small marina” means a pontoon, jetty, pier or other structure or apparatus used



HAWKESBURY-NEPEAN RIVER

or intended to be used to provide berths for boats, and extends to any support facilities on the adjoining area of land. It does not include a marina or other related land and water shoreline facility which is defined as designated development in Schedule 3 to the Environmental Planning and Assessment Regulation 1994, and for which the concurrence of the Trust must be sought under this plan;

“water recreation facility” means the construction and use of piers, wharves, boat sheds or other structures:

- (a) which have a direct structural connection between the bank or bed of the river or a tributary of the river; and
- (b) which are primarily used for public recreational purposes,

whether or not they are operated for the purpose of commercial gain.

Saving

6. (1) This clause applies to development for the purpose of:

- (a) marinas or other related land and water shoreline facilities; or
 - (b) sewerage systems or works; or
 - (c) waste management facilities or works,
- which is designated development described in Schedule 3 to the Environmental Planning and Assessment Regulation 1994.

(2) The Principal Plan, as amended by this plan, does not require the concurrence of the Hawkesbury-Nepean Catchment Management Trust to consent for development to which this clause applies if the development application for the consent was lodged with the consent authority, but had not been finally determined, before the commencement of this plan.



New South Wales Government

Department of Planning