[redacted]
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7 October 2020

Department of Planning, Industry and Environment
Green and Resilient Places Division
Locked Bag 5022
Parramatta NSW 2124

To whom it may concern,

SUBMISSION ON DRAFT CUMBERLAND PLAIN CONSERVATION PLAN

This letter has been prepared on behalf of GPT Group in response to the public exhibition of the draft Cumberland Plain Conservation Plan 2020-56 (**the draft CPCP**).

This submission is made in respect toGPT landholdings as the owner of **Lot [redacted] Kemps Creek** (**the site**).

We understand that the draft CPCP seeks to offset the biodiversity impacts of future urban development within the Cumberland subregion by identifying strategically important biodiversity areas to ensure a vibrant and liveable city going into the future. The draft CPCP will inform the zoning for certified – urban capable land and non-certified land, land that is either avoided land for biodiversity or other environmental purposes.

1. THE SITE

The site located at Lot [redacted] Kemps Creek forms an important landholding within the Mamre Road Precinct of the Western Sydney Employment Area. Envisaged for future employment uses, GPT Group is in the process of submitting a State Significant Development Application (SSDA) to the Department of Planning Industry and Environment (DPIE) for the staged development of an industrial warehouse estate.

The site has an area of approximately 33.35 hectares and fronts Mamre Road. The majority of the site is cleared with scattered vegetation and three farm dams. **Figure 1** below shows the site outlined in red.

Figure 1 Site Aerial

2. DRAFT CUMBERLAND PLAIN CONSERVATION PLAN MAPPING

The draft CPCP Spatial Viewer has identified majority of the site as 'Certified – Urban Capable' land, with the exception of an riparian corridor which has been 'avoided for other purposes' (refer **Figure 2**). The non-certified corridor that transverses the site is currently zoned for E2 Environmental Conservation under the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP).

Under the draft CPCP, non-certified land that is avoided for other purposes is described as '*land that cannot be feasibly developed due to the topography (slope) of the land or having an environmental feature such as a riparian corridor*'. To ground truth to the condition of the identified riparian corridor, GPT Group engaged Cumberland Ecology to undertake detailed investigations of the ground conditions of the E2 Environmental Conservation zone. The findings of the investigation are provided in **Section 3** of this letter.

Figure 2 Draft CPCP Mapping

3. EXISTING ECOLOGICAL CONDITION

The investigation found that the area identified for environmental conservation did not present high ecological values and riparian characteristics. Additionally, it found that the existing scattered remnant trees do not form a strong linear pattern within the mapped E2 Environmental Conservation zone and the analysis has revealed there is virtually no existing native vegetation within the identified corridor.

Consultation has been undertaken with the Natural Resources Access Regulator (NRAR) which has also confirmed that the stream is not classified as waterfront land. The need to connect the overland flow from the midpoint of Mamre Road Precinct to the South Creek Corridor is recognised.

Therefore, it is the intent to construct a new, realigned, corridor connecting the ground-truthed 25 metre wide ecological corridor which will connect with the wider E2 Environmental zone corridor. The proposed alternative riparian corridor has been identified and mapped in the Cumberland Ecology Analysis and shown below.

Figure 3 Proposed realigned corridor

Source: GPT

The proposed realignment of the E2 Environmental Conservation zone suitably aligns with the connections of the E2 Environmental Conservation zone within the Precinct. It achieves riparian connectivity whilst at the same time unlocks the IN1 Industrial Land with building footprints which are appropriate and economically viable.

Ultimately, the final realigned corridor will be a naturalised environment which will provide a breathing space for the Estate. It will be an area of high amenity with buildings oriented to take advantage of the outlook and space for employees to enjoy the space.

4. RECOMMENDATION ON THE DRAFT CPCP

Based off the findings of the detailed site analysis prepared by Cumberland Ecology and the weak environmental condition of the identified riparian corridor, it is recommended that the draft CPCP be amended to allow for the realignment of the E2 Environmental Conservation zone with a width of 25m consistent with the masterplan currently being developed for the site.

The proposed concept masterplan has been presented to Council and relevant state agencies for comment and is annexed to this letter.

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The re-alignment of the certified and non-certified land within the CPCP will match the proposed re-alignment of the riparian corridor. Matching the certification with the re-aligned riparian corridor is a logical response which will provide greater certainty for the site and reduce the need for partial assessments under State and Commonwealth legislation for a redundant corridor which was the location of a poorly mapped and inaccurate corridor which has been acknowledged by NRAR as not be being defined as Waterfront Land.

We respectfully request that the certified and non-certified land within the draft CPCP be relocated to reflect the relocated riparian corridor. This will reflect the environmental reality of the site and will provide greater certainty in the development process.

Yours sincerely,

[redacted]

APPENDIX A CUMBERLAND ECOLOGY SUBMISSION ON DRAFT CPCP

8 October 2020

[redacted]
Sydney NSW 2000

[redacted]

Realignment and modification of the E2 Zone within the Mamre Road Precinct, Kemps Creek

Dear Stephanie,

The purpose of this letter is to provide an assessment of the impacts associated with the proposed realignment and modification of the E2 Environmental Conservation zone within Lot [redacted] located within the Mamre Road Precinct, Kemps Creek. The proposed realignment and modification requires moving the mapped E2 zone to the north whilst also reducing the width of the E2 zone. This assessment has been undertaken with consideration of both the NSW *Biodiversity Conservation Act 2016* (BC Act) and the NSW *Water Management Act 2000* (WM Act).

If you have any questions or wish to discuss the contents of this letter further, please do not hesitate to contact me or [redacted]

Yours sincerely,

[redacted]

[redacted]

APPENDIX A :

Realignment and Modification of the E2 Zone – Ecological Assessment

A.1. Introduction

Cumberland Ecology was commissioned by GPT Group Pty Ltd to undertake an assessment of the E2 Environmental Conservation zone located within Lot [redacted] (hereafter referred to as the 'subject site'). The E2 Zone falls within the Mamre Road Precinct, Kemps Creek. The subject site is located within the Western Sydney Employment Area (WSEA), approximately 40 km west of the Sydney CBD and 12 km southeast of the Penrith Central Business District (CBD). The subject site is located within the Penrith Local Government Area (LGA) and covers an area of approximately 33.35 hectares.

The subject site has recently been rezoned under the WSEA State Environmental Planning Policy (SEPP) whereby much of the land has been zoned IN1 – General Industrial, with a creek line that intersects the subject site zoned E2 – Environmental Conservation (**Figure 1**). Furthermore, the subject site is located within the planned area for the Cumberland Plain Conservation Plan (CPCP). The CPCP is a conservation plan that is being developed for Western Sydney to help meet the future needs of the community while protecting threatened ecological communities and threatened flora and fauna species listed under the New South Wales (NSW) *Biodiversity Conservation Act 2016* (BC Act) and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The CPCP is being developed to meet requirements for strategic biodiversity certification under the BC Act and strategic assessment under the EPBC Act. It will facilitate the biodiversity approvals required to deliver four nominated areas for development in Western Sydney and supporting major transport infrastructure. The subject site is located within the area identified as the Western Sydney Aerotropolis. The draft CPCP Spatial Viewer has identified the majority of the subject site as 'certified – urban capable land' with the exception of the E2 – Environmental Conservation corridor which has been identified as 'non-certified land – avoided for other purposes' (**Figure 2**). Future development on land mapped as certified-urban capable land does not require further site by site biodiversity assessment; however, the draft CPCP does not alter the proposed environmental conservation zoning within non-certified land (DPIE, 2020).

The NSW Department of Planning, Industry and Environment (DPIE) have identified the need to establish a suitable biodiversity corridor that provides floristic and habitat connectivity between Ropes Creek to the east of the subject site and South Creek to the west, hence the identification of an E2 zone as part of the Mamre Road Precinct rezoning in June 2020. The E2 zone within the subject site has been heavily modified for agricultural uses with the majority of native vegetation cleared and now consists primarily of exotic grassland. The E2 zone contains low biodiversity value due to the absence of riparian vegetation and modification for previous land uses and does not serve as a suitable biodiversity corridor in its current form. As such, GPT have proposed a realigned E2 zone which contains an approximately 25m wide corridor to become a functional biodiversity corridor in the future. The biodiversity corridor will include a reconstructed watercourse with a defined bank and channel that mimics natural stream design as well as a vegetated riparian corridor that provides floristic and habitat connectivity across the subject site.

Several iterations of the master plan have been prepared for the subject site after consultation with the NSW Natural Resources Access Regulator (NRAR) and DPIE in order to reduce potential impacts on biodiversity whilst facilitating future development of the subject site. The master plan that is now proposed has been designed to better service the industrial land zoning of the subject site whilst ensuring a suitable biodiversity

corridor is established across the subject site and into adjoining lands. The proposed master plan is shown in **Figure 3**.

A.2. Methodology

1.1.1. Desktop Assessment

A review of the NSW Government Spatial Information Exchange Maps (NSW Government Spatial Services, 2019) as well as DPIE's Environmental Planning layers was undertaken to determine the vegetation communities mapped within the subject site as well as the location of a watercourse and its stream order. Additionally, documents prepared for the Mamre Road Precinct Rezoning were reviewed to assist in determining the potential for realignment and modification to the E2 zone. This included but was not limited to the following:

- Mamre Road Precinct Structure Plan (NSW Government, 2020);
- Mamre Road Precinct Finalisation Report (NSW Government, 2020);
- Mamre Road Precinct Rezoning Discussion Paper (NSW Government, 2020); and
- Mamre Road Precinct Rezoning: Waterway Assessment – Kemps Creek and Mount Vernon (CTENVIRONMENTAL, 2020).

1.1.2. Site Inspection

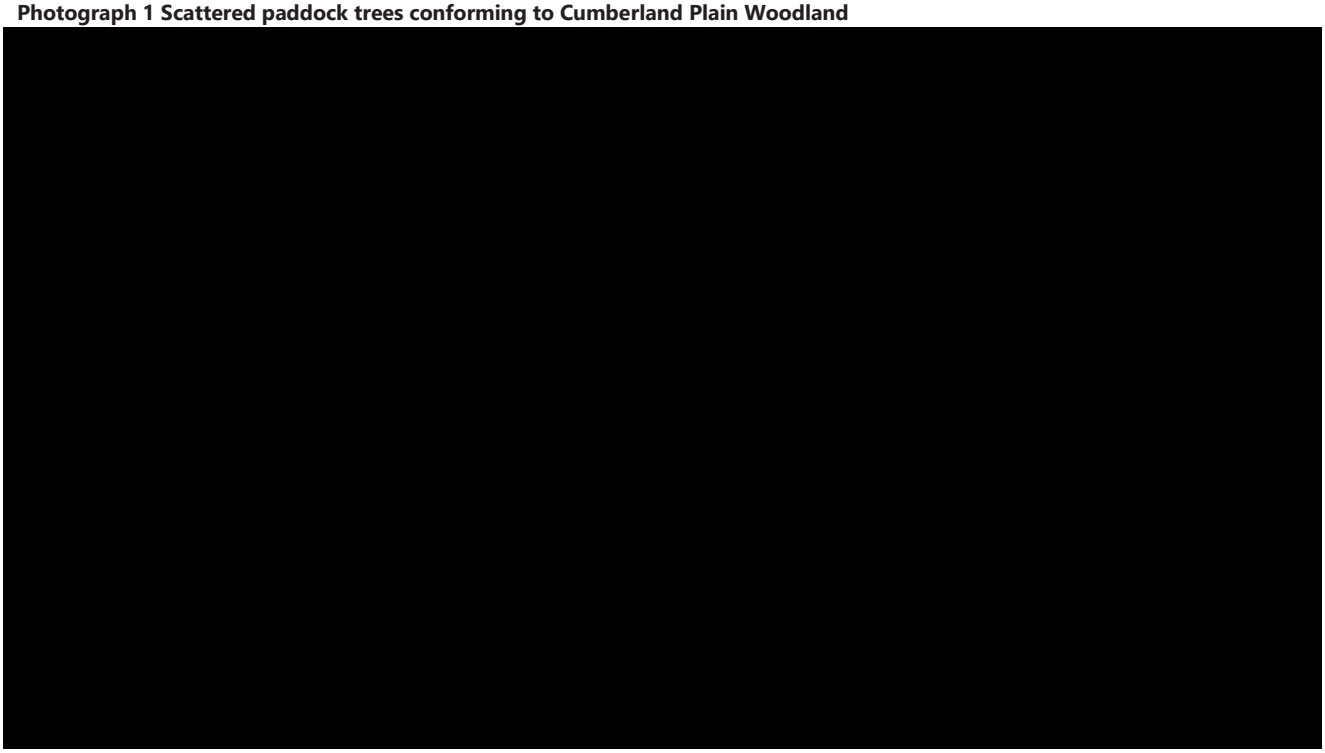
A site inspection was undertaken on 25 June 2020 by Bryan Furchert (botanist) and Matthew Freeman (Ecologist) from Cumberland Ecology. The site inspection involved a random meander survey within the subject site to identify and map vegetation communities and assess the condition of the mapped E2 zone. Notes were taken at multiple locations within the subject site and locations were recorded using a hand-held GPS.

A.3. Realignment of the E2 Zone

The E2 zone within the subject site and wider Mamre Road Precinct has been mapped based on the location of an existing creek line and its potential to serve as a biodiversity corridor between patches of native vegetation to the east of the subject site and the South Creek riparian corridor to the west.

The E2 zone within the subject site has been heavily modified for agricultural uses with the majority of native vegetation cleared and now consists primarily of exotic grassland. Some scattered remnant paddock trees are present within the subject site that conform to the threatened ecological community (TEC) Cumberland Plain Woodland including a few trees along the eastern boundary of the E2 zone. Cumberland Plain Woodland is listed under both the NSW *Biodiversity Conservation Act 2016* (BC Act) and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (**Photograph 1**). Furthermore, a large farm dam has been constructed within the E2 zone which alters water flow within the creek line (**Photograph 2**). Within the subject site, the creek line currently shows no bank structure and consists primarily of a drainage depression with evidence of overland flow from the dam at the eastern side of the subject site downstream to the dam on the adjacent lot, west of the subject site (see **Photograph 3**)

Photograph 1 Scattered paddock trees conforming to Cumberland Plain Woodland



Photograph 2. Large dam on eastern boundary of the subject land.

Photograph 3 Aerial view of the drainage depression below the large dam (Source CTENVIRONMENTAL (2020))

The current E2 zone contains low biodiversity value due to the absence of riparian vegetation and modification for previous land uses and does not serve as a suitable biodiversity corridor in its current form. Furthermore, the E2 zone within the subject site would be subject to complete clearance and earthworks to ensure that it can service future development of the subject site.

The proposed development is seeking to realign the E2 zone. The realignment plans to pick up the current location of the E2 zone in the east and then connect to the E2 zone proposed to be realigned on the adjacent property (Lot [redacted] Changing the alignment of the E2 zone is not considered to increase the impacts on biodiversity. The land proposed for the realignment is zoned IN1 and contains exotic grassland with some scattered paddock trees. As with the current alignment, the proposed realignment will also require clearance of vegetation and earthworks to create a defined creek bank and channel and also allow for landscaping and planting of native riparian vegetation.

Furthermore, the proposed realignment has been designed to provide a naturalised, meandering environment, avoiding sharp turns within the E2 zone. The proposed realignment is not considered likely to result in any additional impacts on the biodiversity values of the subject site. Furthermore, replanting of native vegetation within the E2 zone is proposed to be undertaken as part of the proposed development to establishment a biodiversity corridor, providing floristic and habitat connectivity across the subject site.

The proposed biodiversity corridor will consist of vegetation that is broadly representative of the locally occurring native vegetation communities, including the threatened ecological communities (TECs) Cumberland Plain Woodland, River-Flat Eucalypt Forest and Swamp Oak Floodplain Forest and Freshwater Wetlands, which are all listed under the NSW *Biodiversity Conservation Act 2016* (BC Act). Furthermore, Cumberland Plain Woodland and Swamp Oak Floodplain Forest are also listed as TEC's under the Commonwealth *Environment*

Protection and Biodiversity Conservation Act 1999. Revegetation will include the planting of canopy, shrub and ground cover species throughout the biodiversity corridor, including aquatic species within the watercourse.

Additionally, the masterplan has been amended to address concerns that were raised regarding shading on the biodiversity corridor. Shading not only reduces the amount of light received by plants but also changes other small environmental conditions such as temperature, humidity and carbon dioxide concentrations (Pierson *et al.*, 1990; Hou *et al.*, 2018). To reduce impacts of shading, the warehouse (with 13m high walls) that was previously located adjacent to the biodiversity corridor has been reorientated. A 38m hardstand is now proposed on the southern side of Warehouse 3 adjacent to the biodiversity corridor (see **Figure 3**). The hardstand will enable suitable light to filter into the biodiversity corridor to facilitate plant growth. As such shading is not considered likely to have a significant impact on the establishment of the biodiversity corridor.

A.4. Modification and Assessment under the Water Management Act

The NSW *Water Management Act 2000* is administered by Natural Resources Access Regulator (NRAR) and establishes an approval framework for activities within waterfront land which is defined as land 40 m from the highest bank of a river, lake, wetland or estuary. As such, any work undertaken within waterfront land would need a Controlled Activity Approval (CAA) administered by NRAR. However, the NRAR have confirmed that despite the presence of a 2nd order mapped watercourse, the subject site was not considered to conform to waterfront land as defined by the NSW *Water Management Act 2000* (WM Act), and therefore a CAA is not required for the proposed development (NRAR, 2020). Furthermore, The GPT Group (GPT) have confirmed that the proposed development is being lodged through the State Significant Development (SSD) process and is therefore exempt for the need to obtain a CAA. This has also been confirmed by NRAR.

The *Guidelines for Controlled Activities on waterfront land—Riparian corridors* (DPI, 2018) (the 'Guidelines') provides guidance to establish Vegetated Riparian Zones (VRZ) along watercourses. The creek line within the subject site has been mapped as a 2nd order stream based on the Strahler stream ordering system and based on these guidelines a VRZ of 20 metres (m) on either side of the creek is required. The E2 land zoning within the subject site has been mapped based on the 20 m VRZ. However, as the proposed development is not located on waterfront land and does not require a CAA, the NRAR Guidelines do not apply. Nevertheless, the proposed development has been designed to meet the overall objectives of these guidelines.

Additionally, the guidelines allow for flexibility in the allowable uses and works permitted within riparian corridors and the proposed development seeks to modify the width of the VRZ within the subject site. An assessment of the creek line within the subject site indicated that the creek is highly modified, there is no evidence of a bed or bank structure and that the creek line is located within a broad and shallow drainage depression that would only contain water when rainfall is sufficient to trigger overflow from the dam. The drainage depression is dominated by exotic species including *Paspalum dilatatum* (Paspalum), *Cynodon dactylon* (Common Couch), *Setaria parviflora* and *Senecio madagascariensis* (Fireweed). Native species are uncommon and included scattered occurrences of *Bothriochloa decipiens* (Pitted Bluegrass).

The proposed development seeks to create an artificial creek line with a 10 m VRZ either side of the creek within the proposed realignment. The creek line will contain engineered shaping which uses soft, permeable surfaces and the avoidance of hard surfaces. Furthermore, rocks are proposed to be used in a naturalised way

for scour protection. The re-creation of the creek line will aim to provide bed and bank stability, control the direction and flow of water and reduce channel erosion, sedimentation and nutrient runoff. Additionally, a riparian corridor will be established within the VRZ to provide floristic and habitat connectivity across the subject site.

As the proposed development will substantially modify the riparian corridor, its restoration and rehabilitation will be implemented under a Vegetation Management Plan (VMP). The VMP will assist in providing a stable watercourse and riparian corridor which will emulate local native vegetation communities, in particular the TEC Cumberland Plain Woodland.

A.5. Conclusion

The proposed development seeks the realignment and modification of an E2 zone and associated creek line within the subject site. The creek line within the subject site has been highly modified and currently consists of a large drainage depression with no bed or bank structure. Furthermore, almost all native vegetation has been removed within the VRZ with only exotic grassland remaining. The proposed development involves shifting the E2 zone and associated creek line to the north whilst also reducing the width of the VRZ. Additionally, it is recommended that the realigned E2 zone is reflected in the draft CPCP mapping.

The proposed realignment is located in an area consisting primarily of exotic grassland in similar condition to that within the current alignment, and therefore the proposed realignment is unlikely to result in additional impacts on biodiversity.

Despite the reduction in size of the E2 zone and associated VRZ, the creation of an artificial creek line with a VRZ of 10 m on either side established under a VMP would provide important environmental functions including:

- Providing bed and bank stability and reducing channel erosion;
- Protecting water quality by trapping sediment , nutrients and other contaminants;
- Providing a diversity of habitat for terrestrial, riparian and aquatic flora and fauna;
- Providing connectivity between wildlife habitats;
- Conveying flood flows and controlling the direction of flood flows; and
- Providing an interface or buffer between developments and waterways.

Furthermore, the VMP will guide the immediate and long term management of vegetation within the biodiversity corridor. The VMP will identify species suitable for planting, required planting densities, weed management strategies, key completion criteria, a schedule of roles and responsibilities, as well as a monitoring and reporting program. Provided that the biodiversity corridor is constructed in accordance with an approved VMP then it is considered suitable to provide floristic and habitat connectivity across the subject site, and resulting in a functional biodiversity corridor. As such, the proposed realignment and modification of the E2 zone is considered unlikely to result in an increase of impacts on biodiversity, and will likely result in an improvement to the biodiversity values within the site in the long-term.

A.6. References

CTENVIRONMENTAL (2020). *Mamre Road Precinct Rezoning: Waterway Assessment– Kemps Creek and Mount Vernon*, Prepared for Sydney Water.

DPI (2018). *Guidelines for controlled activities on waterfront land — Riparian corridors*. NSW Department of Primary Industries (DPI), Office of Water.

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NRAR (2020). *File Note: Meeting – GPT Site – Mamre Road Precinct*. NSW Natural Resources Access Regulator, Wollongong.

NSW Government (2020). "Mamre Road Precinct in the Western Sydney Employment Area." 2020, from https://www.planningportal.nsw.gov.au/draftplans/exhibition/mamre-road.

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Pierson, E., Mack, R. and Black, R. (1990). "The effect of shading on photosynthesis, growth, and regrowth following defoliation for Bromus tectorum, Oecologia." *Oecologia* **84**(4): 534-543.

FIGURES

[redacted]

APPENDIX B PROPOSED CONCEPT MASTERPLAN

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