

12 October 2020

Our ref: 18SYD-11929

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

Re: Draft Cumberland Plain Conservation Plan

Thank you for the opportunity to provide a submission on the draft Cumberland Plain Conservation Plan (draft CPCP). This submission is made on behalf of Mirvac Developments Pty Ltd (Mircac) and we request that the submission remain confidential.

In terms of broad commentary on the draft CPCP, Mirvac makes the following points:

- Mirvac is supportive of the strategic approach to biodiversity outcomes and streamlined assessment pathways.
- The use of a Special Infrastructure Contribution (SIC) as a means of applying biodiversity offset costs has merit, however the draft CPCP does not provide clear statements on what the SIC will be. It is therefore not possible to gauge the feasibility of the SIC approach.
- Confidence in mapping is critical for the success of the CPCP. Observations on the mapping are:
 - The Strategic Conservation Area maps and the Non-certified land maps include land that has no extant vegetation and therefore limited biodiversity value.
 - At the development application stage, it is imperative that Biodiversity Certification maps are consistent with the zoning and Precinct Plans.

This submission now provides specific commentary and mapping on two sites that being:

- Aspect Industrial Estate, Kemps Creek; and
- Stage 1 and Stage 2 of the Elizabeth Enterprise Precinct, Elizabeth Drive Badgerys Creek.

Aspect Industrial Estate: Lots [REDACTED]

On 30 April 2020, Mirvac received the Secretary's Environmental Assessment Requirements for State Significant Development 10448. Mirvac is in the process of finalising a State Significant Development

Application for the site (Figure 1) which was recently zoned IN1 General Industrial as part of the Mamre Road Precinct under the Western Sydney Employment Lands SEPP.

The draft CPCP proposes that the IN1 lands are Certified – Urban Capable and the E2 lands are Non certified – avoided for other (presumably watercourse). On 12 June 2020, a briefing session on the Aspect Industrial Estate was held with the Department of Planning Infrastructure and Environment (DPIE), including Laura Torrible of the CPCP team, DPIE advised that this site was to be excluded in the final CPCP as SSD Application process was underway. The briefing session also discussed Mirvac’s intention to seek approval to relocate the ecological corridor as part of the Aspect Industrial Estate SSD DA.

Mirvac seeks reassurance from DPIE that the Aspect Industrial Estate will be excluded from the final CPCP as discussed at the briefing session.

[REDACTED]

This submission relates to Stage 1 ([REDACTED]) and EEP also known as EEP West. A submission by the landowner of Stage 3 ([REDACTED]) and Stage 4 ([REDACTED]) also known as EEP East will be made separately. Mirvac has received Planning Secretary’s Environmental Assessment Requirements (SEARs) (SEAR 1295) and lodged a designated development application (Penrith City Council ref: [REDACTED]) for Stage 1 on Lot [REDACTED]. Stage 1 falls within the Wianamatta-South Creek and Badgerys Creek Initial Precincts of the Western Sydney Aerotropolis SEPP, north of Elizabeth Drive. The draft CPCP shows this site as Excluded (see Figure 3) from the CPCP, however the interactive map shows parts of the site as including a ‘Strategic Conservation Area’. Most of the area identified as ‘Strategic Conservation Area’ is on floodprone land where there are negligible biodiversity values as demonstrated in the Biodiversity Development Assessment Report (prepared by Eco Logical Australia and dated 8 May 2019) submitted with the DA19/0826.

Given Stage 1 on Lot [REDACTED] is subject to an existing DA and SEARs, Mirvac requests that the ‘Strategic Conservation Area’ hatching is removed.

The draft CPCP proposes a combination of certified-urban land and non-certified land for Stage 1 and Stage 2 of the EEP (see Figure 4 below). The boundaries of the non-certified land and certified-urban land boundaries in the draft CPCP are inconsistent with the zoning maps of the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (the SEPP) that was finalised on 11 September 2020, see Figure 5.

Further the certified-urban land and non-urban land boundaries are inconsistent with the flood planning maps and should be updated to reflect the existing 1 in 100-year flood extent as defined within Penrith City Council’s updated South Creek Floodplain Risk Management Study (dated February 2020), as adopted by Penrith City Council on 27 April 2020. The finalised SEPP zoning maps boundaries were informed by the Creek Floodplain Risk Management Study. See Figure 6 for details.

Mirvac seeks confirmation the non-certified land and certified land boundaries of the draft CPCP will be updated to reflect the SEPP precinct boundaries and zoning maps. Non-certified land should reflect the boundary of the Environment and Recreation Zone (ENZ) which is zoned for non-urban land uses. Certified-urban capable land should reflect the Enterprise Zone (ENT) which is urban and has been zoned for employment generating land uses.

Regards,



David Bonjer
Principle Planner, NSW











