

27 October 2021

Alan Goh
Project Manager
Archile Projects
Via email: agoh@archile.com.au

Peer Review of Riparian and Ecological Assessment: 113 – 153 Aldington Road, Kemps Creek NSW

Dear Alan,

The purpose of this letter is to provide a peer review of the Riparian and Ecological Assessment conducted by Gunninah Environmental Consultants (Gunninah) for Lots 34, 35 and 36 in DP 258949, located at 113-153 Aldington Road, Kemps Creek NSW (hereafter referred to as the subject site).

Cumberland Ecology previously conducted a desktop due diligence assessment for the subject site and this peer review has been undertaken with consideration of this desktop assessment as well as relevant legislation applicable to future development of the subject site.

The following documents have been reviewed for this peer review assessment:

- Gunninah (2021). Lots 34, 35 and 36 in DP 258949 Aldington Road Kemps Creek: Riparian & Ecological Assessment. Prepared by Gunninah, 26 October 2021
- Gunninah (2020). Lots 35 and 36 in DP 258949 Aldington Road Kemps Creek Mamre Road Precinct Rezoning: Riparian & Ecological Assessment. Prepared by Gunninah, 30 July 2020.
- DPIE (2019). Western Sydney Employment Area – Mamre Road Precinct Rezoning: Exhibition Discussion Paper. Prepared by NSW Department of Planning, Industry and Environment, November 2019.

This assessment also considers the findings of a site inspection of the subject site conducted by Cumberland on 19 October 2021.

Cumberland Ecology
PO Box 2474
Carlingford Court 2118
NSW Australia
Telephone (02) 9868 1933
ABN 14 106 144 647
Web: www.cumberlandecology.com.au

i. Site Description and Land Zoning

The subject site is approximately 30.3 ha in area and is located in the Penrith City Council Local Government Area (LGA). It is bounded by Aldington Road to the east, and by agricultural properties to the south, north and west.

The subject site is located within the Western Sydney Employment Area (WSEA) and the majority is currently zoned as IN1 General Industrial under the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP). A dam and an ephemeral drainage line that traverses the subject site and continues downstream into lands to the west are zoned E2 Environmental Conservation (E2).

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 draft CPCP Spatial Viewer has identified the areas zoned IN1 as 'certified – urban capable land' while the E2 zoned land has been identified as 'non-certified land – avoided for other purposes'. E2 zoned land within the property immediately to the north of the subject site has been identified as 'non-certified land – avoided for biodiversity'.

It is understood that the NSW Department of Planning, Industry and Environment (DPIE) have identified the need to establish suitable riparian and biodiversity corridors that provide floristic and habitat connectivity between Ropes Creek to the east of the subject site and South Creek to the west. The areas of environmental consideration as per the WSEA Mamre Road Precinct Rezoning Exhibition Discussion Paper (DPIE 2019) largely correspond to existing RE1, RE2 and E2 zoned lands as well as mapped watercourses as per topographic or hydroline mapping (see **Image 1** in **Appendix A**) hence the identification of an E2 zone within the subject site as part of the Mamre Road Precinct rezoning. It is noted that the 2019 rezoning discussion paper acknowledges that indicative riparian corridors are subject to further investigation.

ii. Cumberland Ecology Assessment

The prior desktop due diligence assessment conducted by Cumberland Ecology identified the E2 zoned land as a primary constraint to future development of the subject site based on the current land zoning. However, the desktop assessment noted that the E2 zoned land appeared to lack riparian vegetation and fauna habitat and therefore appeared to be zoned E2 based on the presence of the hydroline mapping only. The desktop assessment concluded that further field surveys were required to confirm whether the mapped watercourses exhibited features to comprise waterfront land under the *Water Management Act 2000* (WM Act) and in the event that the watercourses are determined to not comprise waterfront land under the WM Act (and therefore no requirement for riparian corridors), there may be some potential for rezoning of E2 land and/or flexibility for future watercourse realignment as a new E2 zone.

The site inspection conducted on 19 October 2021 confirmed that the mapped hydroline areas/E2 zoned land lack features of a river or watercourse such as a defined channel/bed and banks and therefore does not exhibit the requisite features to be considered waterfront land under the WM Act. Photographs from the site inspection showing site conditions within sections of the watercourse are provided in **Appendix B**.

Based on the fact that the watercourse within the subject site comprises the headwaters of the watercourse that flows into lands to the west of the subject land, it was recommended that any potential watercourse realignment or E2 zoning should largely be concentrated in the north-western parts of the subject site as this would not only enable connectivity to downstream lands to the west but would concentrate conservation measures in immediate proximity to areas identified as 'Avoided for Biodiversity Values' in adjacent properties to the north.

iii. Gunninah Riparian and Ecological Assessment Report

The Riparian and Ecological Assessment for Lots 34, 35 and 36 in DP 258949 Aldington Road Kemps Creek by Gunninah, dated 26 October 2021 (hereafter the 2021 Gunninah Report) concludes that 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. This is consistent with the findings of the desktop assessment and site inspection conducted by Cumberland Ecology.

The 2021 Gunninah Report also concludes that the mapped watercourses do not exhibit the requisite features (such as defined banks and channels) to comprise waterfront land under the WM Act. Based on the review of site photographs, as provided in a prior 2020 report by Gunninah, as well as the site inspection conducted on 19 October 2021, Cumberland Ecology concurs with the 2021 Gunninah Report findings that the mapped watercourses within the subject site do not comprise waterfront land.

Prior email correspondence received from NRAR states that *"NRAR are willing to consider the request to remove the E2 zone on the basis that the removal of the E2 corridor does not detract from potential riparian outcomes for the remaining 2nd order watercourse downstream"*. In response, the 2021 Gunninah Report states that the proposed development will *"involve estate-wide water quality treatment measures (including biodiversity basins, bio-swales and street pits) as well as the further treatment of stormwater in the detention basin located in the northwestern corner of the subject land"*. This is consistent with Cumberland Ecology's prior desktop assessment recommendation that conservation efforts or a potential E2 zone be located in the north-western parts of the subject site to enable connectivity to downstream lands to the west and focus conservation measures in immediate proximity to areas of higher biodiversity value, and is therefore supported.

The prior email correspondence from NRAR also states that *"NRAR would support the removal of the E2 corridor at this location with the provision that:*

- *The development will not remove or pipe the mapped watercourse alignment but would instead follow natural stream design processes for any stormwater requirements, for example an open vegetated channel.*
- *The channel should be constructed in accordance with NRARs guidelines and include adequate density and area of vegetation to assist in providing connectivity to the downstream vegetated riparian zones and for stabilisation purposes."*

Cumberland Ecology concurs with the 2021 Gunninah Report that these NRAR requirements impose the same level of restriction to future development as the E2 zoning and therefore contradict the purpose of the removal of the E2 zoning i.e. the mapped watercourses do not comprise waterfront land under the WM Act. The purpose of the removal of the current E2 zoning and concentration of conservation measures in the north-western

corner of the subject site is to enable appropriate development of the IN1 zoned lands while allowing for long term riparian and biodiversity outcomes within the Mamre Road Precinct and WSEA lands.

If you have any questions or wish to discuss the contents of this letter further, please do not hesitate to contact me via email or via our Sydney office on (02) 9868 1933.

Yours sincerely,



Gitanjali Katrak
Senior Project Manager/Ecologist
gitanjali.katrak@cumberlandecology.com.au

APPENDIX A :

WSEA Mamre Road Precinct Rezoning Discussion Paper - Extract



Image 1 Extract from Mamre Road Precinct Rezoning Discussion Paper showing Environmental Considerations

Mamre Road Precinct Rezoning

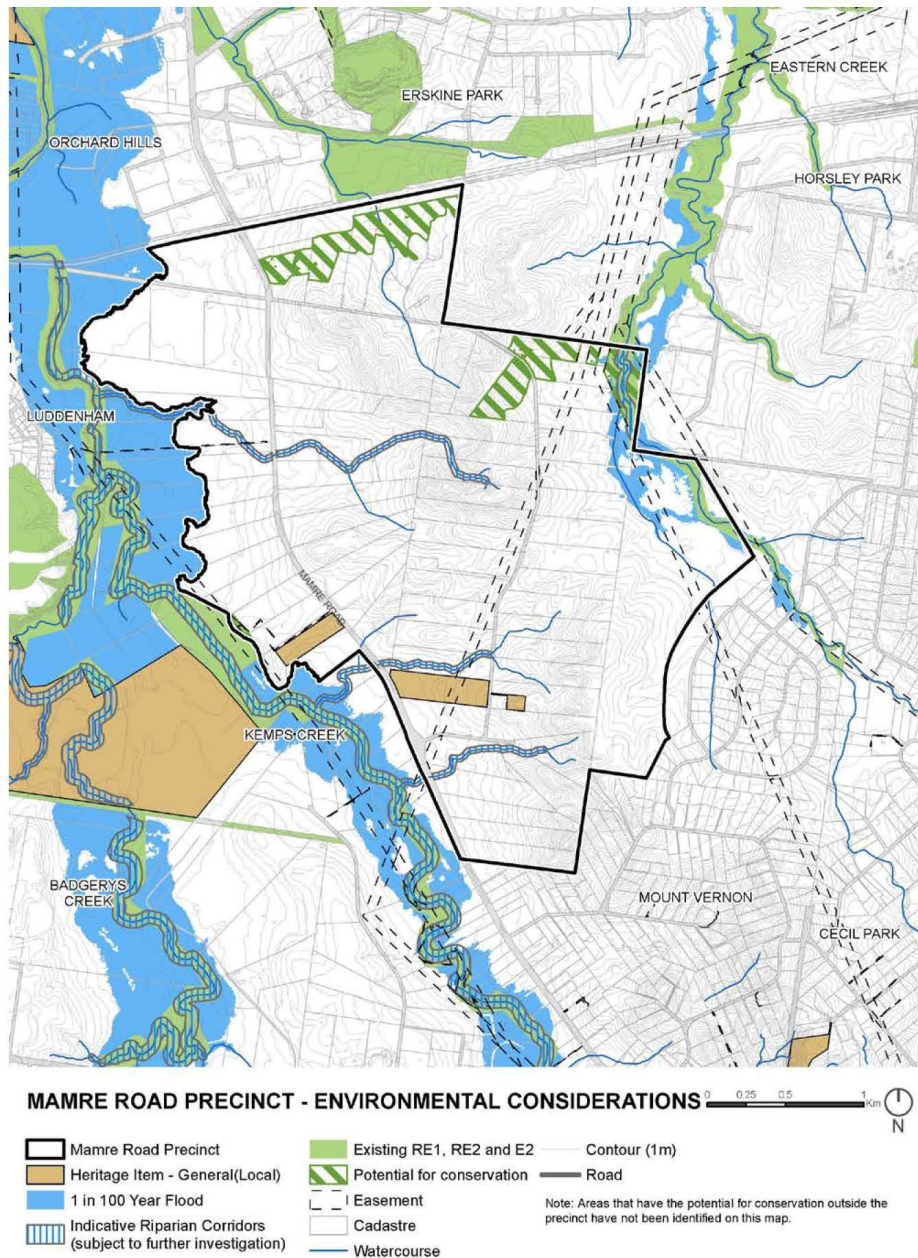


Figure 2. Mamre Road Precinct environmental considerations map

APPENDIX B :

Site Inspection Photographs

Photograph 1 Mapped Hydroline conditions at 'headwaters' within the subject site – facing downstream towards the small dam within Lot 35



Photograph 2 Mapped hydroline areas immediately upstream of large dam in Lot 35. No channel or banks present.



Photograph 3 Mapped hydroline downstream of large dam near the Lot 35/Lot 36 boundary. No channel or banks present.



Photograph 4 Mapped hydroline areas near north-western corner of the subject site. Note presence of significant Blackberry infestation within E2 zoned land.

