

Department of Planning and Environment

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16 December 2022

Subject: Draft Strategic Framework: Greater Penrith to Eastern Creek (GPEC) Investigation Area

Dear Ms Scott

The Environment and Heritage Group (EHG) has reviewed the Greater Penrith to Eastern Creek (GPEC) Investigation Area Draft Strategic Framework (Framework) and supporting documents on exhibition. EHG understands that the Framework will guide the future planning for the development of GPEC, including the identification of six areas suitable for growth, including a mixture of urban release and urban renewal areas. EHG further understands that the Framework will be used to prepare and assess planning proposals, precinct plans and development control plans, as well as preparation and assessment of site-specific proposals.

EHG supports the planning priorities and directions which aim to protect biodiversity, mitigate against urban heat, support waterway health and ensure that development is appropriately sited to minimise risks from flooding. EHG provides its detailed advice and recommendations at Attachment 1, but in summary recommends that the Framework:

- accurately identifies and acknowledges the conservation significance of the Wianamatta Regional Park and Mulgoa Nature Reserve within the Investigation Area
- addresses the relationship between future plans and *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*, and other SEPPs
- is informed by an urban heat plan, which incorporates a canopy cover plan which identifies the locations of vegetation to be retained and planted, as well as retaining watercourses and other bodies of water
- ensures that future planning proposals, precinct plans, development control plans and site-specific proposals demonstrate consistency with the requirements of the Cumberland Plain Conservation Plan Biodiversity Certification Order, the CPCP and its associated planning controls
- achieve the NSW Government's Wianamatta South-Creek waterway health objectives in accordance with the *Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions*. Further information on waterway health to guide development of GPEC is available on [EHG's website](#).
- requires a Flood Risk Impact Assessment be prepared for each Precinct.

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EHG requests that it be consulted during the preparation of studies as the GPEC Precincts are planned, as well as in relation to proposals which will directly or indirectly impact the National Parks estate.

Please note that EHG is providing comments on *A discussion paper on planning for the future of Orchard Hills* under separate cover.

If you have any queries please contact Dana Alderson, Senior Project Officer Planning via dana.alderon@environment.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink that reads "S. Harrison".

Susan Harrison
Senior Team Leader
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Attachment 1 – EHG advice on Draft GPEC Strategic Framework

National Parks estate

There are significant parts of the National Parks estate (NPE) managed by the National Parks and Wildlife Service (NPWS) under the *National Parks and Wildlife Act 1974* (NPW Act) within the GPEC Investigation Area: Wianamatta Regional Park in the north and Mulgoa Nature Reserve in the south-west. In addition, just outside the Investigation Area boundary to the north is Wianamatta Nature Reserve and Shanes Park.

EHG notes that the Framework (p. 23) states “Wianamatta Regional Park and a future national park in Shanes Park to the north of GPEC will provide opportunities to...conserve valuable biodiversity.” Further, Figure 19 (p. 49) identifies Wianamatta Regional Park as for “potential protection” which appears to be an error given the land is already reserved as a regional park under the NPW Act or identified by the Parkland City SEPP as future NPWS land. As such EHG considers that it is misleading to suggest that the Framework and subsequent land use planning will result in the conservation of Wianamatta Regional Park and Shanes Park.

In relation to mapping of the NPE:

- some green spaces are shown outside the Investigation Area map extent which serves to provide some context for the area but is inconsistent (NPWS acquired land north of Ropes Crossing is not shown on some maps) and makes the boundary of the investigation area unclear, particularly as some infrastructure is shown outside that boundary
- it is recommended the mapping in the Framework and supporting reports is updated to clearly show the full extent of land reserved and acquired under the NPW Act, labelled (or referenced in the key) and identifying both Wianamatta Regional Park and Mulgoa Nature Reserve. For example, this would avoid ambiguity on maps such as:
 - Figure 18 of the Framework where the NPE appears in a similar colour to Australian Defence lands (which are labelled throughout)
 - the Draft GPEC Structure Plan fails to identify and highlight the NPE, showing it as part of the open space network rather than as land reserved under the NPW Act with conservation values
 - Figure 23 appears to show Mulgoa Nature Reserve as proposed open space and it is unclear given the colour coding used what the Framework intends for the land (which has been acquired but not reserved) north of Ropes Crossing is.

Role of National Parks

The NPE must be managed in accordance with the NPW Act and so has different management objectives and different permissibility pathways to other land tenures in GPEC (see Plans of Management for Wianamatta Regional Park, Mulgoa Nature Reserve, Wianamatta Nature Reserve and Shanes Park). The purpose of the NPE is to protect and conserve areas containing outstanding, unique, or representative ecosystems, species, communities, or natural phenomena. Only the regional park category provides in addition to these opportunities for outdoor recreation.

EHG therefore emphasises that future development must be supported by additional open space, and that any proposals to enhance or improve connections within/through the NPE (e.g., Figure 10 Draft GPEC Structure Plan, p. 24) must be developed in consultation with NPWS.

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Impacts on National Park

The Framework appears to map the Outer Sydney Orbital Stage 1 corridor, the Corridor for OSO Stage 1 and potentially the Corridor for Metro from Tallawong to St Marys on NPWS lands (see Figure 25, p. 72). In addition, as noted above increased connectivity within Wianamatta Regional Park is proposed. EHG emphasises that any proposals on park must be in accordance with the NPW Act and require authorisation from NPWS. Nothing in this response provides in-principle support for any of this infrastructure on National Parks estate.

State Environmental Planning Policy (Precincts – Western Parkland City) 2021

It is unclear from the Framework whether future proposals will amend *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Parkland City SEPP) or the relevant council's Local Environmental Plan (LEP).

EHG recommends the Framework note that future planning should resolve the relationship between the existing SEPP provisions and new land use plans, including Chapter 6 of the Parkland City SEPP which contains provisions for the development of St Marys in the northern part of GPEC (formerly Sydney Regional Environmental Plan No 30 – St Marys).

NPWS role in implementation of Directions

EHG suggests that NPWS could be added as a lead to the following Directions:

- Direction 5.1.1 (p. 50) – NPWS plays a role in assessing development adjacent to Wianamatta Regional Park per the Parkland City SEPP
- Direction 6.1.1 (p. 54) – NPWS plays a role in waterway management as the land manager of Wianamatta Regional Park, including its creeks.

Biodiversity

EHG understands that the entirety of GPEC is within the area where the Cumberland Plain Conservation Plan (CPCP) biodiversity certification applies. Across the investigation area, there are a range of land categories under the CPCP, some of which facilitate urban development and transport infrastructure and others which are not to be developed and are for the protection of biodiversity.

Land for development which has been certified by the CPCP does not require an assessment of biodiversity impacts at development application stage under Part 7 of the *Biodiversity Conservation Act 2016* (BC Act). Conversely, non-certified land remains subject to the BC Act requirements for biodiversity assessment and approvals.

EHG recommends that future planning proposals, precinct plans, development control plans and site-specific proposals demonstrate consistency with the requirements of the Cumberland Plain Conservation Plan Biodiversity Certification Order, the CPCP and its associated planning controls as follows:

Non-certified land

EHG recommends that the Strategic Conservation Area (SCA) and avoided land is protected from development and:

- zoned C2 Environmental Conservation
- development controls are implemented to ensure:
 - active open space and landscaping are not sited within non-certified land
 - buffers to SCA and avoided land are provided within the urban capable land

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- aquatic ecosystems are protected from pollution and development impacts on waterways are reduced through improved stormwater management approaches
- stormwater and effluent systems do not discharge into existing or proposed conservation land
- APZs are sited wholly on development land.

Strategic Conservation Area

The CPCP: A conservation plan for Western Sydney to 2056 (DPE 2022) identifies the SCA as the ‘area of greatest strategic value to deliver long-term conservation outcomes in the Cumberland subregion and which can offset the biodiversity impacts addressed by the plan’ (p.2). As such, it is critical that the land use planning process resolves the future ownership and management of the SCA.

Consistent with Direction 2.3 of the Framework, EHG recommends that the SCA is zoned C2 Environmental Conservation and that important biodiversity is protected and restored via ownership and management arrangements for conservation. EHG considers that these arrangements should address in perpetuity:

- who will own and manage the land
- protection and restoration of biodiversity values
- formal mechanisms for ensuring the management of the land for conservation such as Biodiversity Stewardship Agreements (BSAs), conservation agreements, public ownership managed for biodiversity conservation, and funded vegetation management plans under a voluntary planning agreement.

Avoided and excluded land

Land which is identified by the CPCP as ‘avoided’ comprise ‘important biodiversity areas...where development will be limited’ (DPE 2022, p.1) and is non-certified. Similarly, excluded land is non-certified and does not benefit from the CPCP biodiversity certification. Implementation of the Framework should ensure that avoided land is not identified for development at strategic planning stage.

However, if non-certified land is proposed to be developed, an assessment of the environmental and biodiversity values present on the subject site is required. EHG recommends that the biodiversity assessment be undertaken in accordance with Stage 1 and 2 of the Biodiversity Assessment Method 2020, including the most up to date survey guidelines.

Certified land

As noted above, development on land which is certified may proceed without assessment of biodiversity impacts that is typically required under the BC Act. However, EHG recommends development controls are implemented for the certified land which provide that:

- native plants and soil with seedbank from development sites are collected and reused
- plants used for landscaping are species endemic to the area.

Urban Heat

EHG agrees that there are significant amenity and urban cooling benefits of retaining and planting vegetation, as well as retaining watercourses and other bodies of water, across GPEC to ameliorate against urban heat. EHG supports the directions and actions proposed to ameliorate against urban heat under Direction 6.2, which include tree canopy cover targets. However, EHG emphasises that retaining existing mature trees should be prioritised given that they are already providing shade.

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As identified in the Framework and the supporting *Greater Penrith to Eastern Creek (GPEC) Urban Design Study* (pp. 1, 25 and A09) existing areas are already impacted by urban heat (Penrith and St Mary's town centres, residential areas in Ropes Crossing and Glenmore Park, and Minchinbury's M Centre carpark) and future development will see temperatures increase across GPEC without careful planning.

As such, EHG recommends that planning under the Framework include:

- preparation of a GPEC-wide urban heat plan, incorporating a canopy cover plan which identifies vegetation to be retained (in both certified and non-certified land), then estimates the number of trees which need to be planted and identifies areas where planting should occur (both on streets and development land) to meet the canopy targets
- the development of a Street Tree Master Plan for each Precinct to implement the canopy cover plan
- development of a list of climate-resilient species for landscaping and tree planting
- specification of setbacks and street design to facilitate street tree planting, including verge and central island layout and dimensions, with provision for watering of street trees.

Waterway health

EHG supports the preparation of a Water Cycle Management (WCM) Plan or Water Sensitive Urban Design (WSUD) Strategy for each Precinct within GPEC. EHG recommends that these Plans/Strategies achieve the NSW Government's Wianamatta South-Creek waterway health objectives in accordance with the *Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions*. Further information on waterway health to guide development of GPEC is available on EHG's website.

EHG supports the following Directions which ensure that waterway health considerations are integrated into planning for the Investigation Area:

- Direction 2.3: Protect the landscape and create a cooler, greener, low carbon future
- Direction 5.1: Provide opportunities to connect and support blue and green networks
- Direction 6.1: Promote the importance of waterways and prioritise their health
- Direction 6.2: Contribute to cooling the Western Parkland City.

Floodplain risk management

EHG advises that the Investigation Area is impacted by flooding from the Hawkesbury-Nepean River as well as Wianamatta-South Creek, though the Framework does not mention flooding from Wianamatta-South Creek.

EHG recommends that the land use planning for GPEC be supported by standalone flood impact and risk assessment reports (FIRAs) for future precincts. The FIRAs must be prepared by a suitably qualified flood engineer and considering the relevant provisions of the NSW Floodplain Development Manual, and existing council and government studies and guidance.

EHG reiterates its previous advice that flood risk management (FRM) is different to WCM including stormwater quantity, water harvesting and water and wastewater management. FRM relates to decisions on how to manage the floodplain and reduce risks (existing, future and continuing) to the community occupying the floodplain in the short and long term. Flood risk and FRM is potentially affected by any changes in the floodplain, such as from development.

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The FIRAs must:

- establish an existing base case scenario, including hydrologic and hydraulic modelling that is compatible with existing flood information developed by Councils' flood studies and floodplain risk management studies and plans, and the *Wianamatta South Creek Catchment Flood Study Existing Conditions* (Advisian, May 2022). The models' boundaries should be suitably far upstream and downstream of a Precinct to negate any influences caused by the flood modelling boundary conditions
- identify existing flood behaviour, flood constraints and risks on the site and its surrounding areas for the full range of flooding up to and including the probable maximum event (PMF) and assess the compatibility of the development and its users with flood behaviour
- develop of a Post Development Flood Scenario, by incorporating structure/layout/master plans if available into modelling or by altering the percentage impervious and associated roughness and loss parameters to replicate the future post development condition based on the agreed model inputs and assumptions that are relevant for GPEC to outline post development flood behaviour, flood constraints and risks
- address post developed flood impacts for the full range of flooding, including impacts of flooding on existing community and on the development and its future community for the full range of events
- propose management measures required to minimise the impacts of flooding to the development and to minimise risks on existing and future community
- address the impacts of climate change development in the Hawkesbury-Nepean Valley should also consider the requirements of the Hawkesbury Nepean Valley Flood Risk Management Strategy which include consideration of regional evacuation constraints.

End of Submission