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Local Planning and Council Support
Department of Planning, Housing and Infrastructure
via email: jasper.allenby@dpie.nsw.gov.au

Subject: Planning Proposal Pre-Gateway Consultation – Cobbitty Precinct 5 (PP-2021-7146)

Dear Jasper,

Thank you for your email received 27 February 2025 requesting advice regarding the Scoping Proposal for a future planning proposal referred to as Cobbitty Precinct 5, located on the Northern Road in Bringelly and Cobbitty.

On 13 February 2025, the planning proposal (PP) PP-2021-7146 was subject to a rezoning review (RR-2024-33). The Strategic Planning Panel of the Sydney Western City (the Panel) considers PP -2021-7146 has merit to proceed for a Gateway determination subject to various recommendations. This includes consultation with the Department of Climate Change, Energy, Environment and Water (DCCEEW) proposed stormwater arrangements.

CPHR has reviewed the PP prepared by Urbis (dated 10 May 2024), the accompanying documents, and provides its comments and recommendations below and at Attachment A. In summary the Flood Impact Risk Assessment (FIRA) should be updated to:

- provide hydrograph comparisons for the 20% AEP and the 5% AEP
- consider the current advice on climate change provided in the guideline titled *Understanding and managing flood risk – flood risk management guideline FB01* in the designs of the proposed basins
- should basins B1, B7 and B2 be categorised as prescribed basins, consultation with Dam Safety NSW may be required.

In addition, CPHR previously raised matters with Camden Council related to the *Order to confer biodiversity certification on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (the Order) and the protection of biodiversity values including vegetation and riparian areas. These comments and recommendations have been reiterated in Attachment A.

Should you have any queries regarding this matter, please contact Peter Braga, Conservation Planning Officer via peter.braga@environment.nsw.gov.au.

Yours sincerely,

11/04/2024

Susan Harrison
**Senior Team Leader Planning, Greater Sydney
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Attachment A

CPHR Advice – Planning Proposal Pre-Gateway Consultation – Cobbitty Precinct 5 (PP-2021-7146)

In preparing this advice CPHR has reviewed the following documents:

- DCCEW Consultation Request Letter – NSW DPHI – 27 February 2025
- Cobbitty Sub Precinct 5 Planning Proposal, South Creek West Release Area – Urbis – 10 May 2024
- South Creek West Cobbitty Sub-Precinct 5, Water Cycle Management Report – J. Wyndham Prince – 13 September 2024
- South West Creek Precinct 5 Riparian Assessment – EcoLogical Australia – 19 September 2024
- South West Creek Precinct 5 Biodiversity Assessment – EcoLogical Australia – 5 April 2024
- Merit Assessment for Online Dry Basins Cobbitty – Design + Planning – 25 September 2024
- Native Vegetation Protection Map Cobbitty – Design + Planning – 23 September 2024
- Riparian Areas Calculation Cobbitty – Design + Planning – 16 September 2024.

Proposal

The site is located on the Northern Road in Bringelly and Cobbitty. The *Camden Local Environmental Plan 2010* and *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* apply to the site and the proposal contains various amendments to the mapping to facilitate the development of up to approximately 2,312 dwellings.

Flooding

South Creek West Cobbitty Sub-Precinct 5 Water Cycle Management Report (J. Wyndham Prince, September 2024) includes a FIRA within Section 7. The FIRA utilises a hydraulic model that is compatible with Council's updated South Creek flood model existing condition.

The FIRA addresses the developed condition by incorporating the *Draft Cobbitty Precinct 5 Indicative Layout Plan* (ILP) as shown in Plate 2-3 and the proposed detention basins strategy for water quantity management as shown in Figure 5-01.

The FIRA assessed the impacts of development on the flood behaviour for the full range of flooding.

CPHR provides the following comments for consideration:

- Section 7.6 provides the 1% Annual Exceedance Probability (AEP) hydrograph comparison between existing and post-development scenarios at the location shown in Plate 7-4 which is upstream of the confluence of Lowes Creek with South Creek.
 - The FIRA should provide hydrograph comparisons for the 20% AEP and the 5% AEP.
- Section 7.7 defers climate change sensitivity to future assessments, reasoning that, the Probable Maximum Flood (PMF) results show minimal encroachment on proposed lots.
 - The current advice on climate change in the guideline titled *Understanding and managing flood risk – flood risk management guideline FB01* provides climate change scenarios to inform decisions for infrastructure, as provided in Tables 7 and 8. This advice should be considered in the design of the detention basins in future assessments.

Table 6-4 provides a summary of the proposed detention basins volumes.

- Three of the proposed basins have significant depths including basins B1, B7 and B2 with depths 4.95 m, 3.31 m, and 2.76 m respectively. These basins may be categorised as prescribed basins and required to be designed in accordance with the dam safety requirements. Consultation with Dam Safety NSW may be required.

Biodiversity

Detention Basins

The *South West Creek Precinct 5 Riparian Assessment* (EcoLogical, 19 September 2024) acknowledges that the *Controlled Activities – Guidelines for Riparian Corridors on Waterfront Land* (DPE, May 2022), does not allow for online dry basins on third and fourth order watercourses, and the information provided is not adequate to ensure suitable protection and retention of native vegetation.

It is not clear how much alteration and impact the proposed basins and associated works would have on the existing vegetation. Similarly, the ongoing direct and indirect impacts associated with the development on vegetation proposed to be retained have not been adequately addressed. Water pollution, sedimentation, increased nutrient loads, weed invasion and erosion from urban development have all been linked as key threats to Cumberland Plain bushland. As such, the proposed detention basins should still be relocated outside of the proposed C2 Environmental Conservation zone/riparian corridors.

Tree Canopy Cover

It is stated that the proposal will fall short of the 40% Tree Canopy Cover, even if maximum predicted cover capability is reached. It is also noted that there are sections of significant high conservation value vegetation containing threatened ecological communities that are not being retained or conserved. There are several opportunities for further protection and rehabilitation of existing vegetation that would also enable the proposal to achieve the 40% Tree Canopy Cover target. Specifically, the large patch of remnant vegetation along the western boundary that also contains a myriad of habitat trees crucial for many of the native species that occur in the region, and three first order streams towards the south-west of the Subject Land, also containing habitat features.

Additionally, it is not clear whether some of the proposed green spaces would contain sporting fields or active uses where trees could not be retained or planted. Clarity on the use and type of green space is required as this would impact the amount of canopy cover retained by the proposal.

It is strongly recommended that additional high value vegetation is retained. This would allow the proposal to achieve Canopy Cover targets, along with providing numerous additional benefits from green space and native tree cover to both the people and the environment.

Growth Centres

The site is biodiversity certified under the Order. Accordingly, the provisions of the Order and relevant environmental planning instruments must be addressed. Furthermore, The *Growth Centres Development Code* includes objectives and provisions that support the retention of native vegetation, habitat, and riparian areas within new precincts through the incorporation of land use planning outcomes including:

- locating and designing parks to best retain existing vegetation to protect biodiversity
- integrating existing vegetation within subdivision and road design
- retention of existing vegetation where lower density is appropriate, and
- the retention of existing stands of vegetation where possible to be associated with passive recreation.

The use of the Development Code to further protect existing native vegetation during the precinct planning process, was a consideration is the assessment of the proposal to biodiversity certify the Growth Centres in 2007.

Proposed Zoning

All riparian corridors and retained patches of additional high conservation value vegetation (AHCVV) are to be zoned C2 Environmental Conservation. SP1 Special Activities may be considered as an alternative zone in open space areas. Further, areas of C2 should have permissible uses limited to those consistent with the *Standard Instrument – Principal Local Environmental Plan*. Basins, drainage and sewer infrastructure and roads should not be supported

in the C2 zone. The proposed inclusion of multiple large basins within the riparian corridor is not supported.

Consistency assessment – Growth Centres Biodiversity Certification

Relevant Biodiversity Measure (RBM) 35 of the Order states that during or before any public exhibition of draft precinct plans, an assessment of consistency of the proposed precinct plan with the conditions of biodiversity certification is to be made publicly available. An assessment of consistency must be prepared and provided to DCCEEW for review. This should include consideration of how the objectives of the Growth Centres Development Code have been achieved.

Additional High Conservation Value Vegetation (AHCVV)

A *Native Vegetation Retention Area map* (Design + Plan, 23 September 2024) is included as part of the PP. The coverage of this map is limited to riparian corridors. In relation to this map:

- It is unclear how existing vegetation in the mapped corridor will be retained and protected with proposed basins covering large areas of the mapped corridor. It is unclear how vegetation retention could be possible based on concept basin designs. This is particularly relevant for basins 1 and 2.
- Opportunity to include additional areas of AHCVV and incorporating these into the map should be considered. This should include AHCVV within and adjacent to the ridge top and ridge side investigation area, contiguous patches of vegetation along the edges of proposed riparian boundaries, that is AHCVV between proposed basins 2 and 4, and within footprints of proposed sports fields. It is acknowledged that this could require amendments to the proposed ILP.
- Riparian corridors, areas of retained AHCVV and areas identified for revegetation must all be identified on relevant SEPP maps and protected under Appendix 5 Clause 6.2 of *State Environmental Planning Policy (Precincts-Western Sydney Parklands) 2021*.
- Asset protection zones must not encroach into these areas.

Relevant Biodiversity Measure 19

The PP is to be supported by development controls for the reuse of native plants and topsoil, dam dewatering, preclearance and clearance surveys and associated fauna relocation as well as the salvage and reuse of hollows, felled trunks and root balls. This is particularly relevant to support the appropriate reconstruction/revegetation of the riparian corridors through the site.

End of Submission