



Laura Locke
Director, State Rezoning
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street,
Parramatta NSW 2150

21 March 2025

Subject: Planning Proposal – 47-55 Bunnerong Road, Kingsford

Dear Laura,

Thank you for your letter dated 27 February 2025, consulting on this planning proposal under section 3.25 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Conservation Programs, Heritage and Regulation (CPHR) Group has reviewed the publicly exhibited Planning Proposal prepared by FDP Planning, dated 15 October 2024 and the accompanying appendices, and provides its comments and recommendations below and at Attachment A.

In summary:

- While the planning proposal will involve the clearing of native vegetation, no biodiversity assessment has been undertaken across the site. CPHR therefore is unable to advise you if the proposal will, or will not adversely affect any threatened species, populations, or ecological communities.
- The planning proposal should be informed by a biodiversity or environmental assessment undertaken by a suitably qualified ecologist.
- CPHR have no further comments regarding the flood affectation of the site in relation to the planning proposal.

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

Yours sincerely,

Louisa Clark

**Director, Greater Sydney
Regional Delivery
Conservation Programs, Heritage and Regulation**

Attachment A

CPHR Advice – Planning Proposal for 47-55 Bunnerong Road, Kingsford

In preparing this advice CPHR has reviewed the following documents:

- Planning Proposal – FPD Planning – 15 October 2024
- Appendix J – Flooding and Stormwater Impact Assessment Report – Henry and Hymas – October 2024

Consultation under s.3.25 of the EP&A Act

Consultation under s3.25 of the EP&A Act requires DPHI to form the opinion that critical habitat, threatened species, populations or ecological communities or their habitats (threatened entities) will or may be adversely affected by the proposed instruments.

While the Department of Planning, Housing and Infrastructure (DPHI) states there may be adverse impacts on threatened entities, no information has been provided to CPHR to support this view.

Biodiversity

The proposal will involve the clearing of native vegetation, however no biodiversity assessment has been undertaken across the site. Without a biodiversity assessment, DPHI cannot accurately conclude that the proposal will not adversely affect any threatened species, populations or ecological communities, as is stated in Section 9.3-Q7 of the Planning Proposal (FPD Planning, 15 October 2024).

CPHR recommends that the planning proposal is informed by a biodiversity assessment undertaken by a qualified ecologist.

CPHR notes that while the site has historical disturbance and use, many of the native trees on site are mature and could be providing suitable habitat for several threatened species known to occur in the area. It is also important to consider the connectivity provided by the vegetation across the site, and the impact an increase in building height will have on the shadowing of adjacent vegetation proposed to be avoided.

CPHR recommends 3.3 Landscaping and open space in the draft development control plan (DCP) is amended to require that only native endemic species be used. This will improve the quality of the retained vegetation and increase the foraging habitat, whilst simultaneously creating an appealing visual aesthetic for the proposal.

Flooding

CPHR reviewed the Flooding and Stormwater Impact Assessment Report (Henry and Hymas, October 2024) and notes the following:

- A preliminary flood impact risk assessment was undertaken to evaluate the flood risk at this site.
- The site is not affected by flooding in the 1% Annual Exceedance Probability (AEP) event and is only subject to minor shallow ponding in the Probable Maximum Flood (PMF) event.
- The proposed minimum habitable floor level of 24.85 m Australian Height Datum (AHD) provides sufficient freeboard above the PMF flood level (24.12 m AHD).
- In the event of a flood, emergency access to the proposed buildings is available from the southern and eastern sides, which are not affected by flooding.

Accordingly, CPHR have no further comments regarding the flood affectation of the site in relation to the planning proposal.

End of Submission