

7 October 2020

Mr Jim Betts
Secretary
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Submission to the Cumberland Plain Conservation Plan
[REDACTED] **Greendale**

Dear Mr Betts,

Thank you for the opportunity to provide a submission on the Draft Cumberland Plain Conservation Plan. We understand the Department in seeking to protect the ecological values of the Cumberland Plain whilst applying a wholistic approach to the offsetting of biodiversity impacts associated with planned growth in Western Sydney.

This submission has been prepared on behalf of my client who is the landowner of approximately 38 hectares of land at [REDACTED] Greendale within the Dwyer Road Precinct of the Western Sydney Aerotropolis. Under the Western Sydney Aerotropolis Plan 2020 the site is identified for future rezoning for flexible employment uses. The land is currently zoned RU1 Primary Production under the Liverpool LEP, with a minimum lot size of 40ha.

My client is concerned that the proposed plan appears to impact the current use of the land while the future land use remains uncertain.

Under the draft Conservation Plan the site is identified as being predominantly Certified – Urban Capable, with the exception of land along riparian corridors as well as an area of native vegetation at the south of the site which are identified as Non-certified Land (see Attachment A).

It is unclear from the documentation exhibited whether any surveys or ground truthing of the riparian corridors has occurred to inform the draft Conservation Plan. Further, my client received notification on the 12 August 2020 from the Western Sydney Planning Partnership that the land would be accessed to undertake further land capability, biodiversity, waterway and heritage investigations, however my client is not aware that the site was subsequently accessed.

We understand that the riparian areas identified as Non-certified Land has been based on the existing waterway mapping held by the Department and the application of the *Guidelines for Controlled Activities on waterfront land—Riparian corridors* (Natural Resources Access Regulator). Whilst we are supportive of the application of this Guideline including the requirement for a Vegetated Riparian Zone, we are concerned that the waterways on the site have not been adequately surveyed and classified and accordingly the riparian land identified may not accurately reflect the site conditions.

In this regard, I note that Appendix B of the draft Conservation Plan envisages that landholders may seek to have the urban capable boundary amended prior to the finalisation of the Plan, and that this would be supported where creeks and water features are mapped incorrectly.

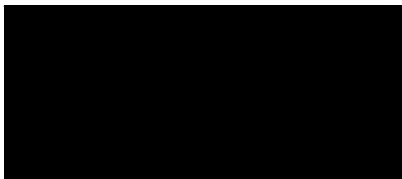
It is imperative that further investigations are carried out to ensure that waterways on the site are accurately mapped and classified and that the appropriate Vegetated Riparian Zone requirements are applied to inform the extent of the Non-certified Land and the E2 Environmental Conservation Zone which I understand is intended to apply to these areas.

On this basis this submission seeks to object to the draft Conservation Plan, until further riparian investigations are carried out on the site and reflected in the Plan and the future land use in the area is clarified and zoned appropriately for the purpose.

We would welcome the opportunity to enter into dialogue with the Department regarding the process for these further investigations to be undertaken.

Thank you again for the opportunity to make a submission.

Regards,

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Michael File

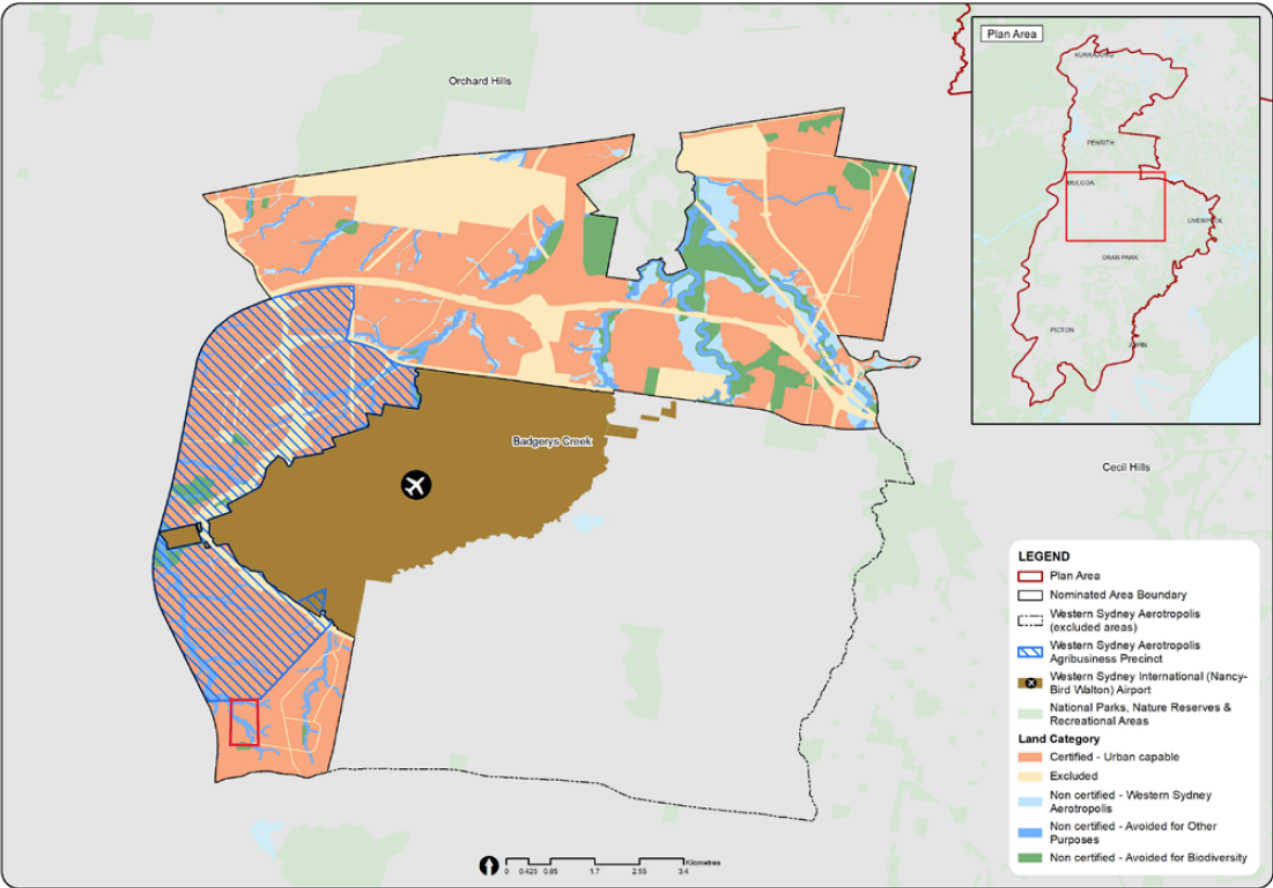
Director

Phone:

E-mail:

Two black rectangular redaction boxes covering the phone and email contact information.

Attachment A



Western Sydney Aerotropolis – Land Classifications (site outlined red)

8 October 2020

Mr. Jim Betts
Secretary
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

GREENDALE

The purpose of this letter is to express my objection on behalf of the owners of the abovementioned property to the proposed Environmental Conservation Area on my clients' land (*refer to sketch on page 2*)

Under the Western Sydney Aerotropolis Plan 2020 the subject site is identified for **FUTURE** rezoning for flexible employment uses. The operative word in the previous sentence being **"FUTURE"**.

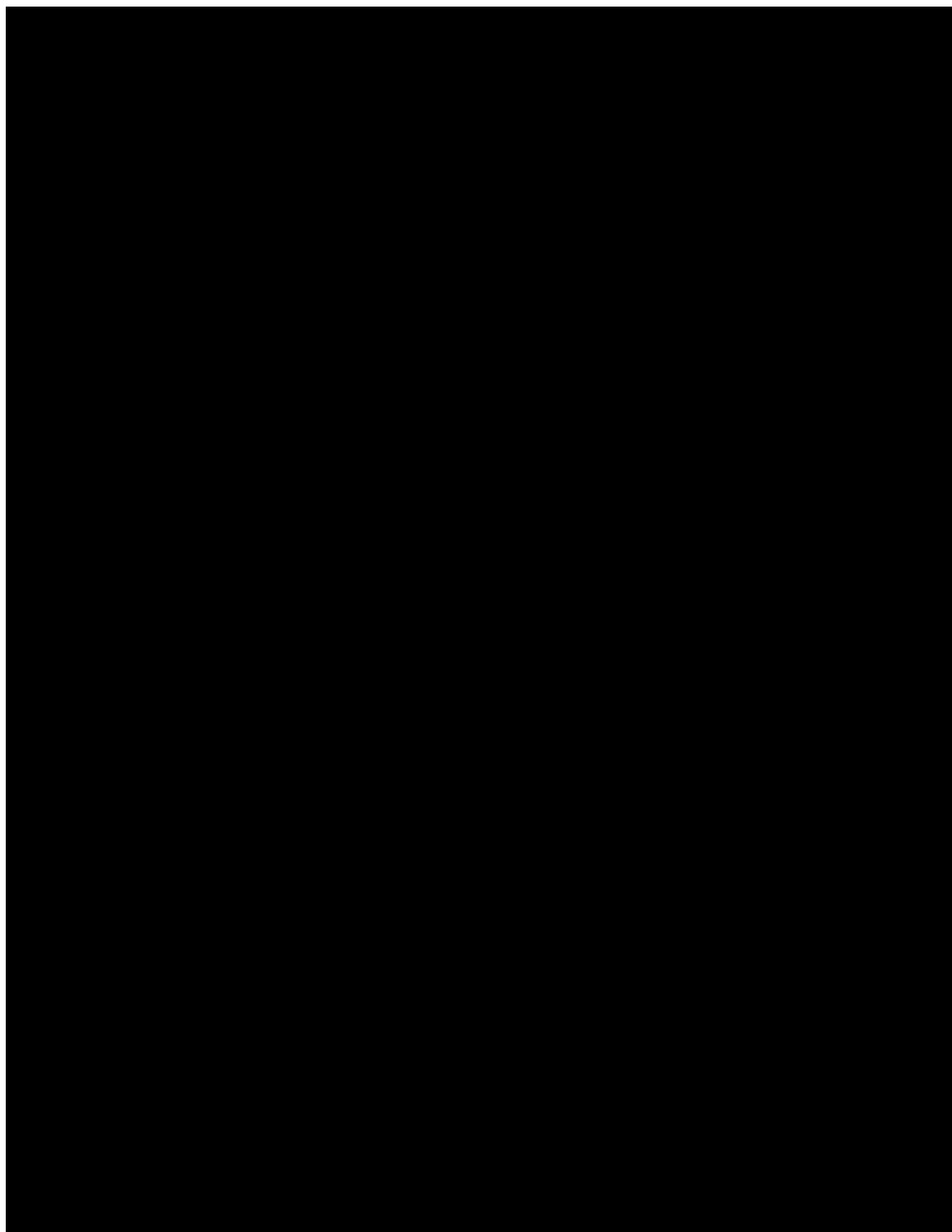
The State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 **EXCLUDES** the subject site from the rezoning (refer to your own Land Zoning Map).

YET the Department proposes to burden the exiting site, zoned RU1 Primary Production with a Cumberland Plain Conservation Plan aimed at benefitting the lands that were INCLUDED for rezoning as part of SEPP (Western Sydney Aerotropolis) 2020.

It seems inconceivable that this be the case. In basis term you propose that the subject property be burdened for the benefit of other land without the subject land receiving any benefit at all?

If the subject parcel formed part of the SEPP (Western Sydney Aerotropolis) 2020, I would understand the impost and would advise my clients that the only way of objecting to the proposal is on a Town Planning / Ecological Study basis. However, plain, and simply the land is not part of the said SEPP, yet it is burdened by a Conservation Area that purely is there for the benefit of those within the stated SEPP.

Again, this does not seem palatable.



<p>ENVIRONMENTAL CONSERVATION SCALE: NOT TO RATIO FILE REF: JPF/JOB No DWG REF: JPF DATE OF SURVEY: NA © PROJECT SURVEYORS - 2019 REPRODUCTION WITHOUT WRITTEN APPROVAL IS STRICTLY PROHIBITED</p>	<p>PROPERTY: 31 FINDLEY ROAD GREENDALE LOT 15 DP 236464</p> <p>CLIENT:</p>	<p><u>BELLA VISTA</u> PO Box 7419 BALUKHAM HILLS NSW 2153 SUITE 405, LEVEL 4 14 LEXINGTON DRIVE BELLA VISTA NSW 2153 PHONE : 9056 1900 email: office@projectsurveyors.com.au www.projectsurveyors.com.au ABN 21 050 433 574</p>	 <p>PROJECT SURVEYORS <i>Professional Innovative... Results.</i></p>
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A screen shot of part of your webpage which details the “conservation plan for Western Sydney” (<https://planning.nsw.gov.au/cumberlandplainconservation>)

The Plan will contribute to the Western Parkland City by supporting the delivery of housing, jobs and infrastructure while protecting important biodiversity such as threatened plants and animals.

The Plan will deliver on commitments and a series of planned and managed actions designed to improve ecological resilience and function, and offset biodiversity impacts from housing and infrastructure development. Taking a landscape-scale approach to conservation and assessment will deliver the greatest safeguards for Western Sydney’s natural environment over the long term.

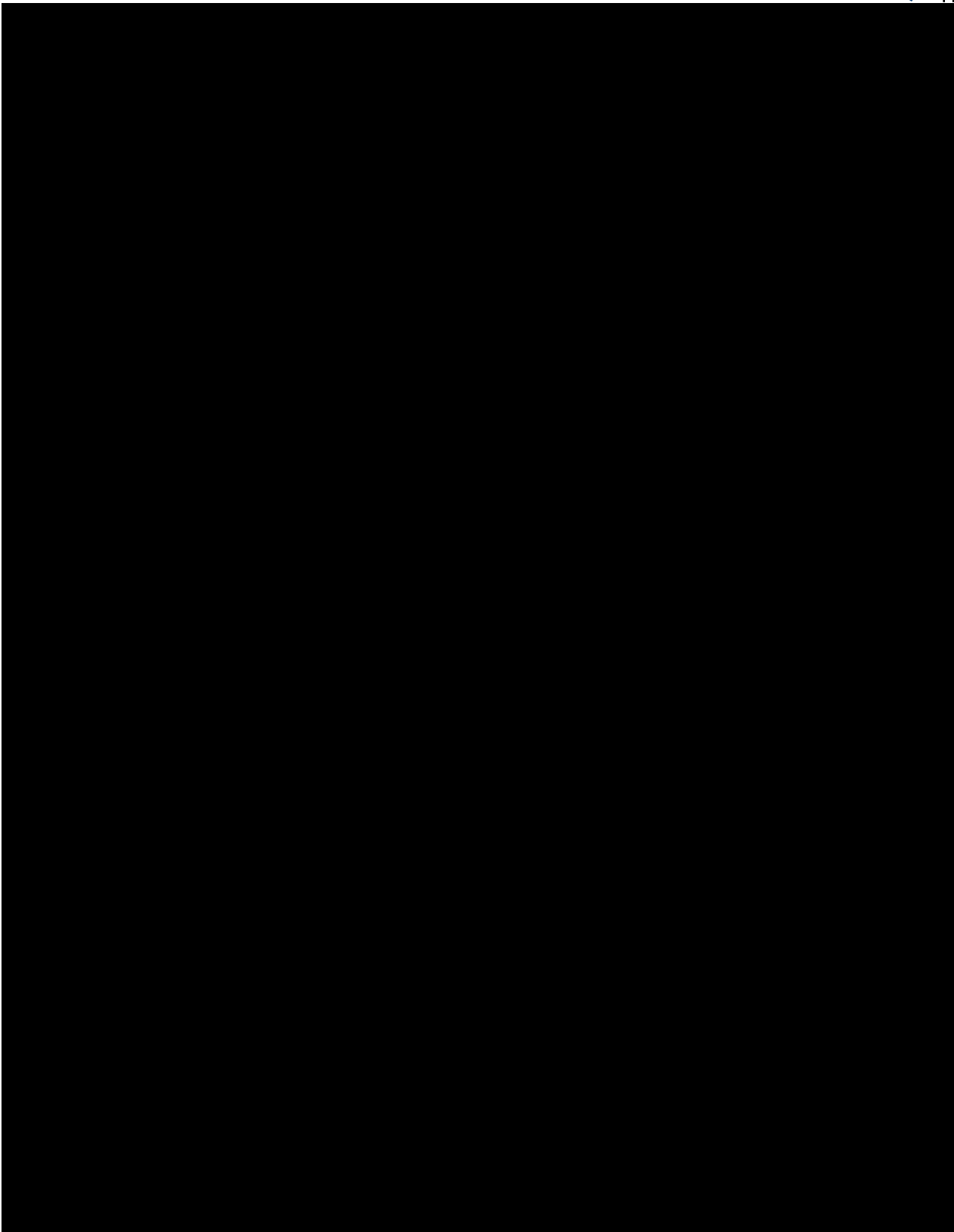
So the subject property will be used to offset biodiversity impacts from housing and infrastructure developments created by those properties fortunate enough to be part of SEPP (Western Sydney Aerotropolis) 2020 without receiving ANY benefit itself?

The subject property does not deliver housing or jobs under its current zoning. It may in its FUTURE zoning, but when is that? And why should it be burdened now in its current zoning?

I note that most of the subject parcel of land (except for the proposed Riparian areas) has been identified as “Certified Urban Capable” as shown on the sketch prepared on the following page



PROJECT
SURVEYORS



CERTIFIED URBAN CAPABLE SCALE: NOT TO RATIO FILE REF: JPF/JOB No DWG REF: JPF DATE OF SURVEY: NA © PROJECT SURVEYORS - 2019 REPRODUCTION WITHOUT WRITTEN APPROVAL IS STRICTLY PROHIBITED	PROPERTY: 31 FINDLEY ROAD GREENDALE LOT 15 DP 236464	<u>BELLA VISTA</u> PO Box 7419 BAULKHAM HILLS NSW 2153 SUITE 405, LEVEL 4 14 LEXINGTON DRIVE BELLA VISTA NSW 2153 PHONE : 9056 1900 email: office@projectsurveyors.com.au www.projectsurveyors.com.au <small>ABN 20 950 433 974</small>	 PROJECT SURVEYORS <i>Professional Innovative... Results.</i>
	CLIENT:		

Your Frequently asked Questions – Land Categories and conservation zoning handout reads in part

My land is identified as certified–urban capable. What does this mean?

Certified–urban capable land identifies where development can occur, subject to development approval, as identified in the relevant structure plan and consistent with any precinct plans or master plans approved for the area. Once biodiversity certification has been granted, development in urban capable land does not need any further biodiversity approvals under the *Biodiversity Conservation Act 2016* (NSW). The Plan is concurrently seeking approval for development in these areas through a strategic assessment under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act).

“...where development can occur, subject to development approval, as identified in the relevant structure plan...” There is NO such structure plan that applies to the subject property. How then can the land be burdened at all?

The owners object on the basis that their property does not form part of any rezoning (SEPP (Western Sydney Aerotropolis) 2020.) and the burdening of the subject lot only benefits the rezoned lands directly adjacent to it.

I visited and walked the subject site many times – these site visits showed that some areas delineated on your Watercourse Layers are actually no more than depressions through the property – which would be a characteristic of every greenfield site and the owners would disagree that they are major Watercourse as depicted in your layers leading to them being Conservation Areas. I agree that other areas shown as Watercourses are in fact Watercourses on site and the clients agree with this.

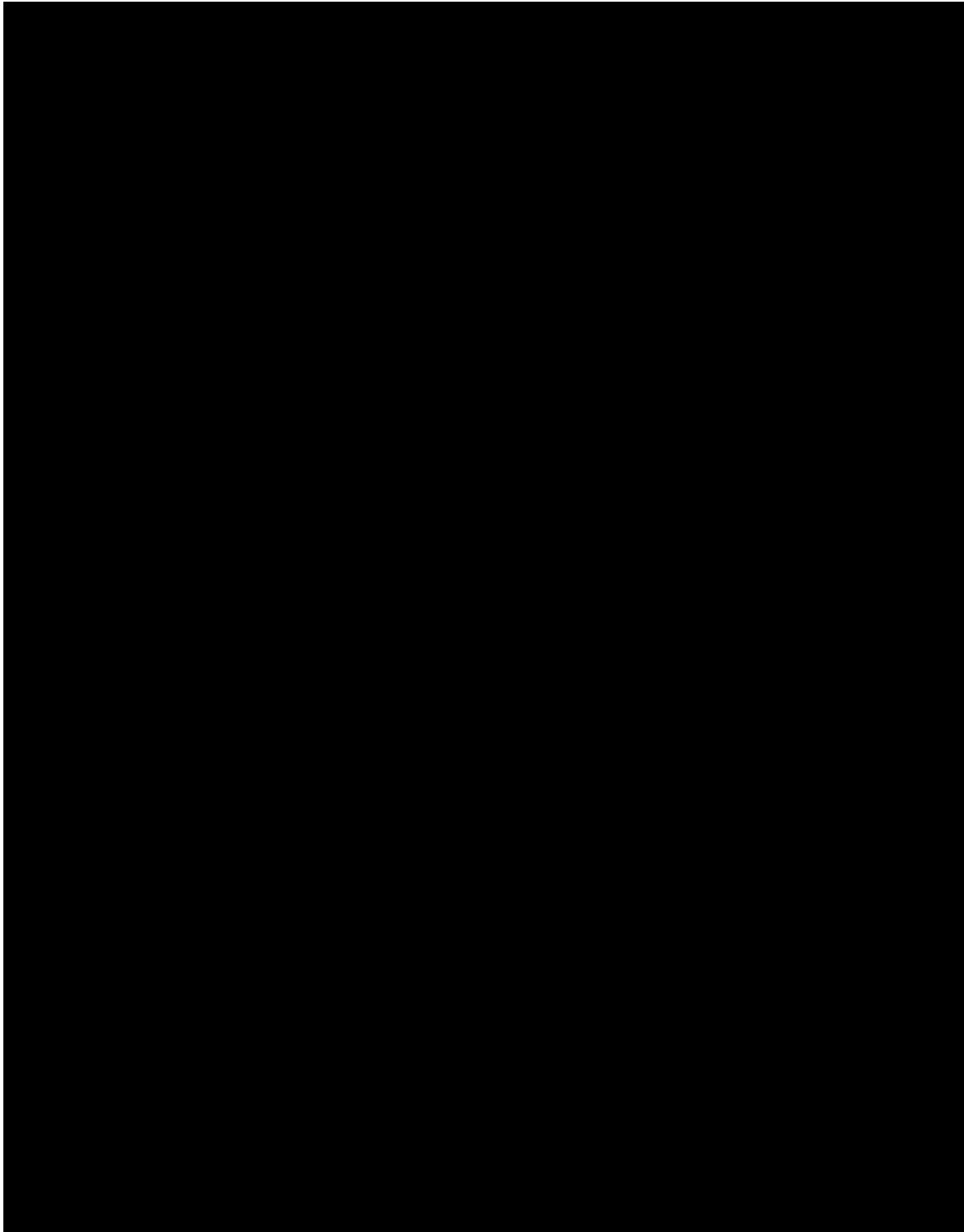
The owners object based on the inaccurate plotting of Watercourse through their site.

I have overlaid the proposed Cumberland Plain Protection area on the Cadastral Boundaries of the subject land.

The purpose was to determine the proposed widths of the proposed Conservation Area.

The sketch below shows the derived CAD widths of these proposed Conservation Areas which range from 60 metres to 80 metres in width. Coupled with the potential inaccuracy of the Watercourse positions, where is the justification for such large widths for conservation to be adopted??. Between 30 and 40 metres either side of an inaccurately plotted Watercourse that hasn't been verified on site??

The owners object based on the proposed widths of the Conservation Area.



My client's objections I believe are clearly itemised in this letter – however, if there is any uncertainty please do not hesitate to contact me in the office on [REDACTED] or directly any time on [REDACTED]

Yours Faithfully,
Project Surveyors
Professional, Innovative....Results



Joseph P Frasca B Surv (Hons) (UNSW)
Director | Registered Land Surveyor