

7 October 2020

The Department of Planning Industry & Environment  
12 Darcy Street  
Parramatta NSW 2150

## **RE: SUBMISSION ON THE DRAFT CUMBERLAND PLAN CONSERVATION PLAN AND SUPPORTING DOCUMENTS**

### **1. INTRODUCTION**

Macroplan has prepared this submission on behalf of the Brticevich family who own a [REDACTED] Gilead.

This subject land comprises of 3 titles:

- [REDACTED]
- [REDACTED]
- [REDACTED]

The land was acquired in the early 1970's, and contains two substantial residential dwellings. An adjoining area of [REDACTED] acquired by the Government in about 1975 for the Georges River Parkway, is now owned by the Office of Strategic Lands, and has been leased to the family and managed by them since that acquisition. It is noted that the proposed use of the land is not the purpose for which it was acquired.

The whole of the subject land (and [REDACTED] of the OSL land) is cleared pastured land that has been utilised for grazing for all of that time. It is understood the land was used for agriculture purposes, including horticulture for decades prior to that.

The family have diligently maintained both the subject land and the leased land throughout that almost 50-year period and have never at any time cleared any significant native vegetation. Throughout that period the family have never seen Koalas on the land and the cleared land has never been identified as Koala habitat.

Our clients support the Governments objective of protecting the Koala population and critical habitat, but they strongly object to the identification and inclusion of their land in either the proposed Koala Reserve or the Environmental Conservation Zone on the grounds that:

- a. The documents do not provide any scientific evidence, or evidence adduced to support such inclusion
- b. That our previous submissions including expert Koala advice are not addressed or even acknowledged or referenced in the reports. James Warren and Associates 'assessment of Koala issues for the [REDACTED] [REDACTED] Planning Proposal' October 2018
- c. The conclusions are inconsistent with the recently approved Campbelltown Koala Plan of Management which has been based on a much finer grained analysis and do not include the subject land as Koala habitat
- d. The Chief Scientists Koala Report Recommendation and Analysis is heavily focused on the Mt Gilead Stage 2 Planning Proposal (MGS2) Site, the significance of the east west corridors and "what if any site specific measures for Koala species should be incorporated into the Cumberland Plain Conservation Plan (CPCP) for the Greater Macarthur Growth Area". In that respect the report has considered the adequacy of the measures proposed by OEH, essentially taking these as a given rather than testing the logic or science underpinning them
- e. Given that we have pointed out in multiple previous submissions to the Department the inconsistency between their own mapping and the conclusions, we do not consider this an adequate review of the scientific evidence. This is compounded by the fact that the primary response for the Chief Scientist Report is provided by the same section of the Department as acknowledged on Page 29 and Page 65.
- f. None of the analysis in any of the above reports has considered the economic impact and likely high cost to Government of the recommendations, or:
  - The lack of analysis of North South Corridor options (e.g. land to the East of the Nepean River) or benefit / cost analysis of alternatives
  - The inappropriate expenditure of public funds, or the potential economic loss to Government of developing cleared land they own and what habitat acquisition that could achieve
  - The poor planning logic and inefficient use of major infrastructure that results from developing on only one side of a major arterial
  - The visual impact in a future urban setting of Koala fencing immediately adjacent to both sides of [REDACTED] [REDACTED]
  - The loss of housing potential in the Greater Macarthur Growth Area which will already be severely impacted by proposed East – West corridors.

## 2. HISTORY

The subject land is part of an area first identified as future urban in the Sydney Region Outlined Development Plan 1968, then in the 'Three Cities Plan' of the 1970's culminating in the Greater Macarthur Growth Area Plan. The fact that the OSL land at the rear was acquired from our clients in 1975 for the Georges River Parkway is indicative of both long-term strategic intent and that the land was largely cleared and considered suitable for such a major road.

Our clients have previously (June 2018) submitted a Planning proposal for the development of this land and the cleared portion of the OSL land (to demonstrate how this landlocked portion could be developed in the Government interest). Such a proposal would have yielded approximately 500 homes and protected all the vegetated land habitat, but did not proceed under the current circumstances.

A major Melbourne based and highly credentialled developer has previously made an offer of [REDACTED] in the form of a development agreement for this land, which our client chose not to proceed with the current uncertainty. That developer is still keen to enter into a formal agreement to develop this land.

Should the current CPCP proposals for a Koala Reserve or E2 zone proceed our client is anticipating a major compensation case will ensue for what is effectively the “reservation” of their land.

### **3. THE DRAFT CUMBERLAND PLAIN CONSERVATION PLAN**

#### **3.1 Inconsistencies:**

The CPCP contains inconsistencies in relation to the subject land. The Spatial Viewer shows the land is in:

- Georges River Koala Reserve
- Strategic Conservation Area
- Proposed Environment Conservation Zone
- Stage 1a, first 5 years Restoration of Georges River Koala Reserve

However, Sub Plan B Koalas Figure 8 on page 30 clearly excludes part of the land (surrounding the residences) from the area identified as ‘important Koala Habitat Restoration’ which would be consistent with the final point on Page 166 of Sub Plan A: Conservation Program and Implementation to ‘Extract houses and other major buildings (including 50 metres fire related asset protection zones)’.

#### **3.2 Boundary Issues:**

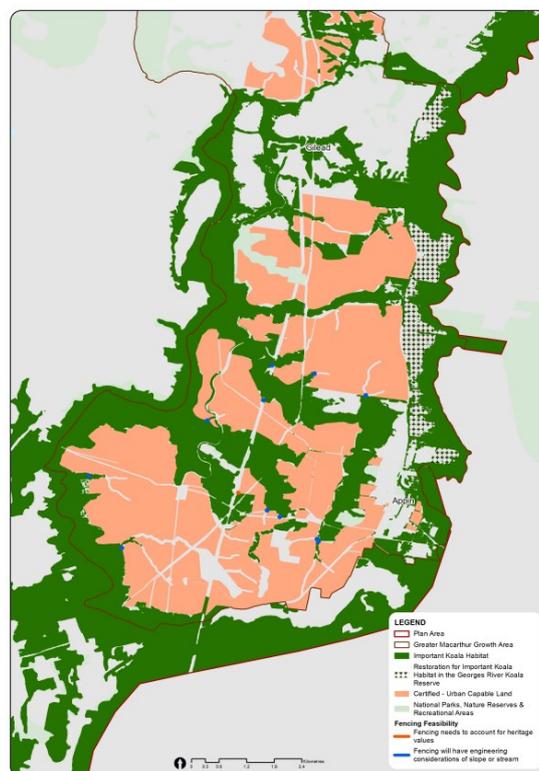
The CPCP uses the Georges River as its eastern boundary. This has resulted in a very ‘blinkered’ consideration of the Koala issues in that none of the reports give due consideration to the contiguous habitat on the Eastern (Wedderburn) side of the Georges River. Figure 4 on Page 30 of the Chief Scientists Report (which is sourced from OEH / DPIE 2019) does give some indication but if this is compared to Figure 5.3, Page 31 of the Campbelltown Koala Plan of Management (CKPOM) it is very evident that there is far more extensive habitat and key strategic corridors for the east of Georges River. There appears to have been a selective assembling and interpretation of information primarily to justify a position around what appears to be predetermined boundaries, rather than logical boundaries standing out and being determined on the back of scientific analysis and fact. A position and conversation which had already been assembled by a selective group of environmental planners and marketed out to the government scientist in a deliberate manner before his analysis even commenced. Coming across as being a contrived position and orchestrated interpretation as opposed to demonstrating a real value, functionality and role as core koala habitat between [REDACTED] and the boundary of the Georges River. A narrow small ribbon only illustrated in mapping on the western edge of the Georges River corridors are not one side and display similar characteristics both sides.

This deliberate positioning exercise is evident:

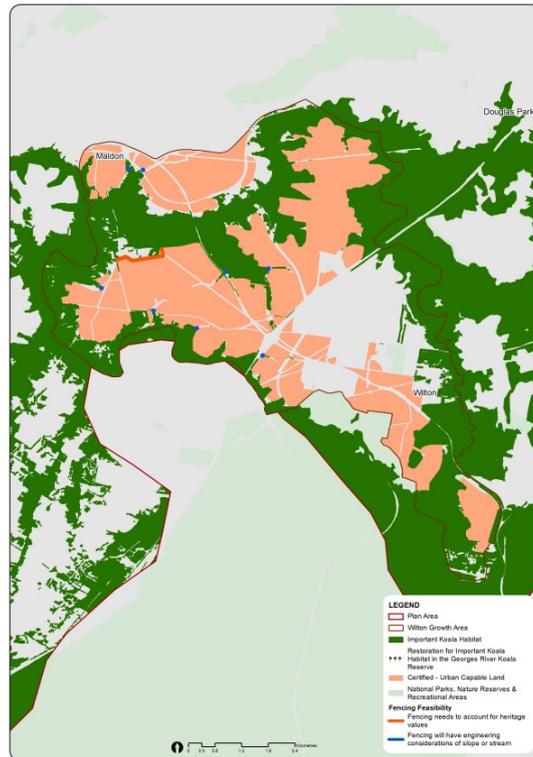
Firstly, in the way there has been an arbitrary selection of land only on one side of the Georges River, logic would tell you the characteristics on one side of the River are generally the same on the other side of the River. Vegetation on the eastern side of the Georges River and that which moves into the numerous creeks streams and drainage tributaries feeding eastward towards the coast are a logical extension of habitat. Koalas are likely to exist at this general locality not because of the arbitrary selection of the centreline of a Creek but because of a mosaic of habitat which includes areas East of the Georges River. It is ironic that land already protected east of Georges River apparently has no Habitat value, only that land not already under protection status now plays such a high and valuable habitat role.

Secondly, the above mentioned first point is complemented by research silence on koala numbers and sighting in areas of East of the Georges River. Not because Koalas do not necessarily exist in numbers east of the Georges River but primarily because this remoteness and lack of accessibility does not readily expose Koalas to sightings on a regular basis. In contrast it is a known fact that Koala count numbers are usually high in rural residential/ exclusive rural living areas because this is where people live, and koalas exist. Where regular sightings occur and count numbers can become high because Koalas are being observed on a number of occasions and by different people and reported.

**'It is notable that neither of the above figures show our clients land contained within primary, secondary or tertiary corridors (Figure 4), or key Koala HLA's or any of the categories of preferred Koala habitat (Figure 5.3).'**



Source: Figure 4 Sub-Plan B: Koalas, Draft Cumberland Plain Conservation Plan August 2020



Source: Figure 5 Sub-Plan B: Koalas, Draft Cumberland Plain Conservation Plan August 2020

The Chief Scientists Report in discussing the Campbelltown Koala Population on Page 28 notes that “the likely extent of the population has been estimated to be east to the coast, south from Holdsworthy...”

Include Map Page 6 above. (Lainey)

Diagrams such as Figure 8 on Page 30 of Sub Plan B Koalas Report therefore portray a quite misleading representation of the extent of the North South corridor and therefore, the significance of the cleared land that is proposed for inclusion in the reserve.

It is noted that Commitment 12 (Page 40) of that report, in point 4 refers to the need to ‘ensure at least 390m wide, and that the existing vegetation on the OSL land adjoining our clients land already generally meets that requirement. Our clients land would be a minimum of 600m from the river.

It is noted that the National Parks Association of NSW in their 2017 report ‘Draft Proposed Upper Georges River National Park’ did not propose the park boundary extending to [REDACTED] but only to the limits of the Georges River Parkway Land (Page 6), and also their map of reported Koala sightings (Page 8) shows only one sighting (20/8/02) on [REDACTED] adjacent to our clients land, but none of the land itself.

### 3.3 Subplan A: Appendix B Avoidance Criteria (Page 132 – 133)

There is nothing in The Specific Avoidance Criteria that justifies inclusion of the subject land. The discussion in the section 'Development of avoidance criteria' demonstrates that exclusion of the land is essentially a bureaucratic departmental process that overrides the avoidance criteria, which is reflected in the final statement (Page 133) that:

'Applying the avoidance criteria resulted in avoided land that includes non-vegetated areas such as small wetlands and waterbodies, land that is strategically important to protect or enhance corridors, or small enclosed clearings that are surrounded by native vegetation.'

The subject land does not fit any of those other than 'strategically important to protect or enhance' and in our submission there is nothing in the multiple reports that actually supports or demonstrates its strategic importance.

### 3.4 Exclusion Fencing

The desirability of preventing Koalas from accessing major roads is totally accepted. However as was pointed out in our previous submission was that James Warren and Associates in their October 2018 report 'Assessment of Koala Issues for the Gilead, [REDACTED] Planning Proposal' stated that:

'There appears to be no scientific basis for preventing the exclusion fence from deviating east from [REDACTED], traversing the perimeter of the subject site and then linking up with [REDACTED] again on the Southern boundary of the subject site'.

The report appears to accept this as a satisfactory approach for isolating other urban capable areas in the Greater Macarthur Growth Area so it should work equally as well here.

The suggestion in the reports that both sides of [REDACTED] should be fenced would create an undesirable visual outcome on what would be a major urban road, unlike Picton Road or Hume highway which are major rural roads.

Extending the vegetated area to the whole length of [REDACTED] on the east side would also appear to increase the risk of accidental or deliberate bushfire, compared to a properly buffered residential area.

## 4. GIPA REQUEST

A GIPA request was lodged by Mr Jason Breton, a member of the family on 28/08/20 requesting the following information:

'Documentation, studies, reports, surveys, intelligence, information, notes or other records used or relied upon by the Department of Planning Industry & Environment in the determination, assessment and application of Avoidance Criteria – specific to the land parcel identified by the Department as Identified Bricevich Land' located at [REDACTED] Gilead NSW 2560.

Any documentary evidence of any person – involved in the assessment and application of Avoidance Criteria having visited, considered or assessed the site, on-site or in person and any evidence of permissions granted for such access.

All documents that inform the decision by the Department of Planning Industry & Environment to use 'East of [REDACTED]' as the demarcation line for the proposed Georges River Koala Reserve including and document that identifies the rationale that the road surface itself is not a demarcation line for convenience but holds some ecological relevance as a strict border.

All documents that inform the decision by the Department of Planning Industry & Environment to consider the proposed changes to the 'Identified Brticevich Land' that the proposed changes will support the Draft Cumberland Plain Conservation Plans objectives with a specific request as to how this particular parcel contributes.

All correspondence, emails, letters, or otherwise between the Department of Planning Industry & Environment and Campbelltown City Council or any other third party relative to the decision to include the 'Identified Brticevich Land' as Non certified – Avoided for Biodiversity.

All correspondence, emails, letters or otherwise between the Department of Planning Industry & Environment to and from Lend Lease relative to the land holding known as 'Identified Brticevich Land'.

All documents pertaining to the assessment of the 'Identified Brticevich Land' as it relates to the Avoidance Criteria – specifically documents supporting the assertion that this land holding is surrounded by native vegetation.

All documents used in calculating the avoidance outcomes for the land known as 'Identified Brticevich Land'.

All documents supporting the baseline ecological position for the land known as 'Identified Brticevich Land' as it relates to a 'net change to impact on threatened ecological communities'.

The response has advised of an extension of the statutory deadline to 13<sup>th</sup> October 2020. As the questions raised are critical to the issues in this submission, we would request the opportunity to amend or supplement this submission following receipt of that information.

A copy of the documentation is attached as Appendix A.

## **5. GOVERNMENT REVIEW OF KOALA PROTECTION POLICY**

It is noted from media reports (NCA Newswire October 7<sup>th</sup> 2020) that Ministers had agreed to changes to the policy in looking to redefine the definition of 'core Koala habitat', and to other measures including:

'Strengthening landholder rights when a Council creates a Koala Plan of Management by extending minimum exhibition time frames, introducing clear dispute pathways for landholders and ensuring they can access ecologists or use their own to appeal or object to what a council has put forward'.

In this instance the recently approved Campbelltown Koala Plan of Management does not preclude our clients land from development, however the CPCP set of documents go well beyond that in proposing their inclusions within a Koala Reserve without any of the above means of redress.

In particular, the total failure to acknowledge, address, or even reference the report prepared by James Warren and Associates and presented to the Department on numerous occasions is particularly concerning.

This represents a continuation of the failure of due process that has characterised the way in which the Department (and RMS) have dealt with our clients over recent years.

## **6. CONCLUSION**

Our clients are extremely concerned that their land which has been cleared and farmed for probably at least a century has been included in the proposed Koala Reserve based on arbitrary administrative decisions when there is clearly no intrinsic qualities that differentiate it from adjoining urban capable land.

The failure of any of the analysis to consider the benefits of costs of such a proposal demonstrate a total lack of balance in the decision-making process. This and similar cleared lands, are inherently highly valuable and the cost of acquisition by Government is likely to be many hundreds of millions of dollars. For such a marginal addition to the Koala corridor this could be used beyond the scope of any affordable SIC contribution and place an irresponsible burden on Government that will achieve nothing.

The proposal is inequitable to both the landowners and the Government, given the lack of applicable evidence and analysis, failure of consultation and consistent lack of due process.

Government policy on this matter is still clearly evolving from a hard line black and white approach hopefully to a more mature policy that accounts for local nuances and the benefits and costs.

It is important to protect Koala habitat, but it is also important to protect all of the potential urban capable land, given that Greater Macarthur is really the last resource of that in the Sydney basin.

We look forward the response to our GIPA request and your careful consideration of our submission and some meaningful future consultations.

Kind regards,



**Gary Prattley**  
Chief Planner  
RIPA (Life Fellow)

## APPENDIX A

(Lainey to add PDF appendix, Bri will forward)

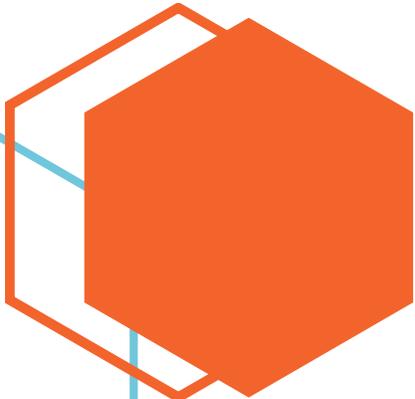


**Bricevich | [REDACTED] Gilead**

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**Response to the Draft Cumberland  
Conservation Plan**

Response to the NSW Department of Planning, Industry and Environment about the implications of the Draft Cumberland Conservation Plan on Land known as Identified Bricevich Land located at [REDACTED] Gilead NSW 2560





## Response to the Draft Cumberland Conservation Plan



Identified Brticevich Land is located at [REDACTED] Gilead, NSW 2560.

It is essentially three parcels of cleared land, two with rural residential premises housing the Brticevich Family and one to the north which remains vacant.

All three blocks of land adjoin [REDACTED] Gilead and are located approximately [REDACTED] of Rosemeadow and established suburbs.

The current zoning of the Land is RU2 Rural Landscape with a portion of the Eastern boundary Zoned RU1 under the provisions of CLEP 2015.

The Land is wholly located within the Greater Macarthur Priority Growth Area reflected in the Greater Macarthur Land Release Preliminary Strategy Action Plan

## The Family Brticevich



The Brticevich brothers immigrated to Australia from Croatia and have contributed to the Local Community and the State of NSW for over 50 years being local business owners in Campbelltown.

This land has been held by the Brticevich Family of Appin since 19[00]. Sited several times for urban development including under the Three Cities Plan, 60% of this land (45.3 ha) was compulsory acquired against the wishes of the family by the NSW Government in 1975 to facilitate the Georges River Parkway. 16 hectares remains with The Family

The latest DA was submitted in 2018 to Campbelltown City Council and is still under review noting in Campbelltown Council and State Government Documents it has been identified as a zone suitable for Development Precincts.



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## Introduction

This submission is in response to advice from The Department of Planning, Industry and Environment (**The Department**) that the Draft Cumberland Plain Conservation Plan (**The Plan**) may materially impact land described as Identified Brticevich Land (**The Land**) displayed at Figure 1 and located at [REDACTED] Gilead, NSW 2560.

The advice of The Department is that The Plan is a strategic conservation plan that “*will support the delivery of infrastructure, housing and jobs for the Western Parkway City in a planned and strategic way that protects and maintains important biodiversity*”. This description is important in the context of this submission.

This submission, whilst submitted for The Brticevich Family (**The Family**) has a wider purpose, in that many affected landowners in [REDACTED] and particularly those owning land east of [REDACTED], are conservative, hard working people who have aged with the properties they own, and were to look at the early purchase of their land as their retirement income or legacy investment for their families.

This document contains information that should satisfy The Department to remove The Land from The Plan and re-draw the urban capable boundary to exclude it. Furthermore it will evidence that by using [REDACTED] as a ‘**demarcation line for convenience**’, The Department has acted unjustly and without evidence nor due diligence in ensuring The Plan was underpinned in a planned and strategic way that protects and maintains important biodiversity.



██████████

The Department cannot rely on ██████████ as a demarcation line to determine ecological value. Typically, a river, escarpment, natural land formation or even the tree line (given koalas are central to the assessment) would be used. Any decision then to exclude land 'East of ██████████' in itself has no foundation or place in a scientific or environmental impact assessment.

The Department should consider the validity, credibility and appropriateness of the person or persons responsible for this wide sweeping assumption that ██████████ itself is a natural ecological border that somehow presents its western boundary with developable land, but 3 meters across a bitumen surface, has remarkably determined it ecologically sensitive. If this 'demarcation line for convenience' is exposed exactly for what it appears, The Department is best placed reconsidering its interpretation, given the amount of landowners affected by the potential rezoning and any residual claims for compensation in the absence of underlying evidence of individual and bespoke assessment.

Notwithstanding the need for koala corridors, The Land does not contain one, and ██████████ towards the South has many treed properties ( and HLA widths of >425m) that reach above the road surface – ideal for this initiative, noting clearly that the corridor will also extend West. The Land in this respect is both inconsequential and unremarkable.

The very Koala Plan relied upon by The Department describes the incorporation of lands acquired for the Georges River Parkway ( Land already acquired from The Family ) but this does and should not extend to The Land which is west of the Georges River and has no trees – noting the report itself cites “ *The Lendlease Gilead sight is of no particular importance over any other developable land*”.

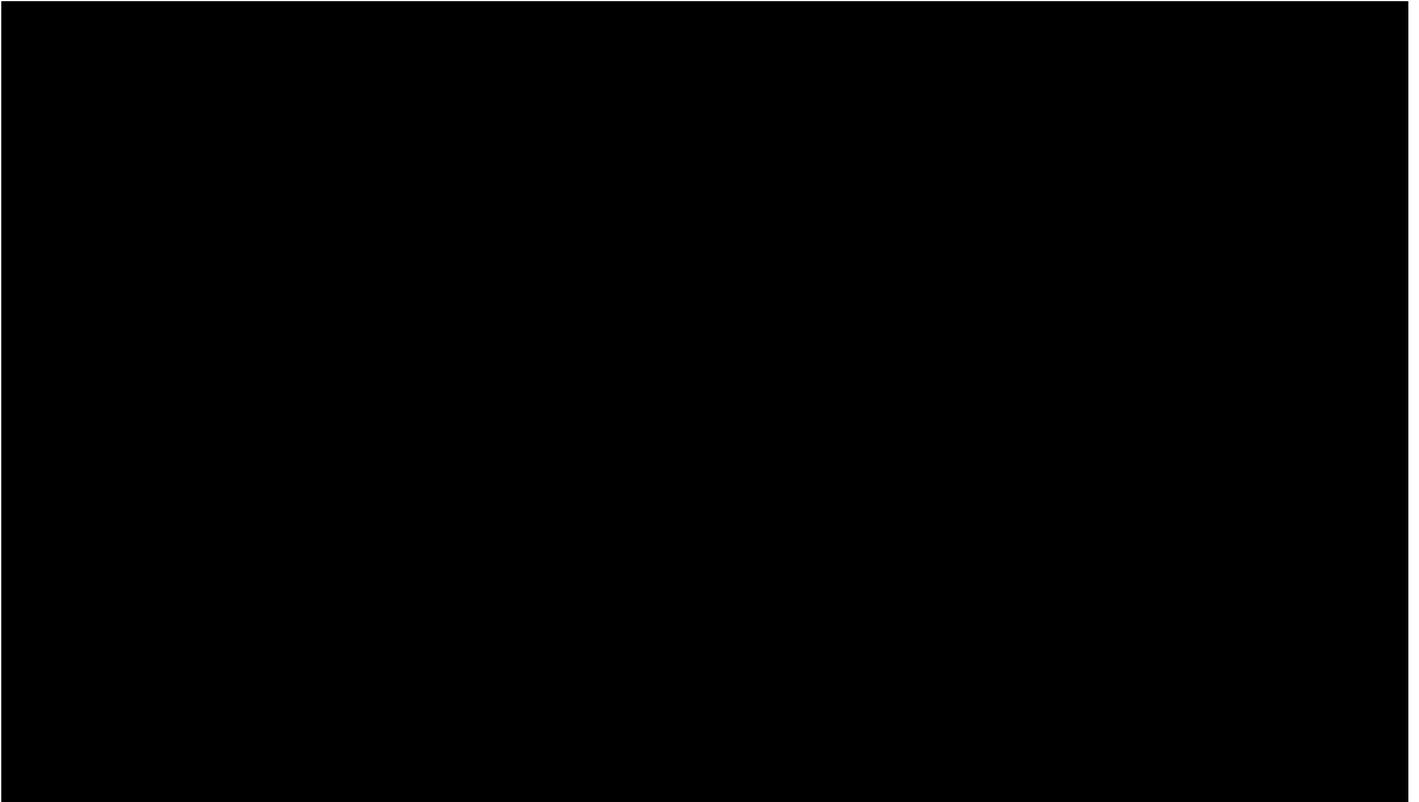
Many parcels of land 'East of ██████████' are identical to those West of ██████████ in that they do not contain trees, koalas, endangered species, are not ecologically sensitive and have been slated for development by the very same Department that now seeks their rezoning.

The Land has already been assessed for ecological sensitivity in 2018 by Ecological® under the supervision of Dr Meredith Henderson, Principal Ecologist at Acting Sector Lead (Government) Accredited Biobanking Assessor (#0155) who, after actually visiting the site, reported the Land had:

- No koalas
- No trees with koala scratching's, and
- Low Ecological Constraints.

## Zoning Intent & Categorization

The Department's own documents do not assist the Family. The Identified Bricevich Land, attached as an appendice to email correspondence of 26<sup>th</sup> August to The Family displays the Land categorization as Non-Certified – Avoided for Biodiversity, but the very Plan relied upon to support assertions as to the Land ( Koala Sub-Plan B at Figure 8 on Page 30 ) is clear, unshaded and recorded as land to be considered for the Greater Macarthur Growth Area.



**Figure 1- Categorization Anomaly**

The anomaly alone requires the attention of The Department however this is not an error as The Land has never been considered sensitive. E2 zoning does not apply to The Land as it is of no high ecological, scientific, cultural, or aesthetic value.

There is simply no basis whatsoever to categorize this parcel of land as Non-Certified – Avoided for Biodiversity because it is not sensitive to anything. This is why the NSW Government's own Plans for this and other land along [REDACTED], in support of the Western Sydney Priority Growth Area displays Mount Gilead (on both sides of [REDACTED]) as development Precincts.



Curious indeed that ██████████, clearly not a demarcation line for The NSW Governments purpose of a wider discussion around a forecasted aerotropolis (at the time), now appears as a natural border of demarcation to determine ecological value. The Department may consider retrospectively examining mapping to the extent that, at some stage the land categorization changed, as it will be within this investigation the Department may be able to consider any evidence presenting as the catalyst for that change. If is not discovered, the Department might urgently seek advice from the author and architect of the new demarcation line in ██████████, as to how they propose to justify, in the absence of such evidence, a decision that will have a material impact, not only on The Family but every family owning property East of ██████████.

If The Department consider the bulk rezoning to E2 of all land to the East, as a potential opportunity to lessen those land values prior to a future acquisition – and that assertion is supported by a lack of ecological evidence supporting that advice, the Department may be best positioned by seeking independent legal advice as to the likelihood of affected land-owners taking a class action.

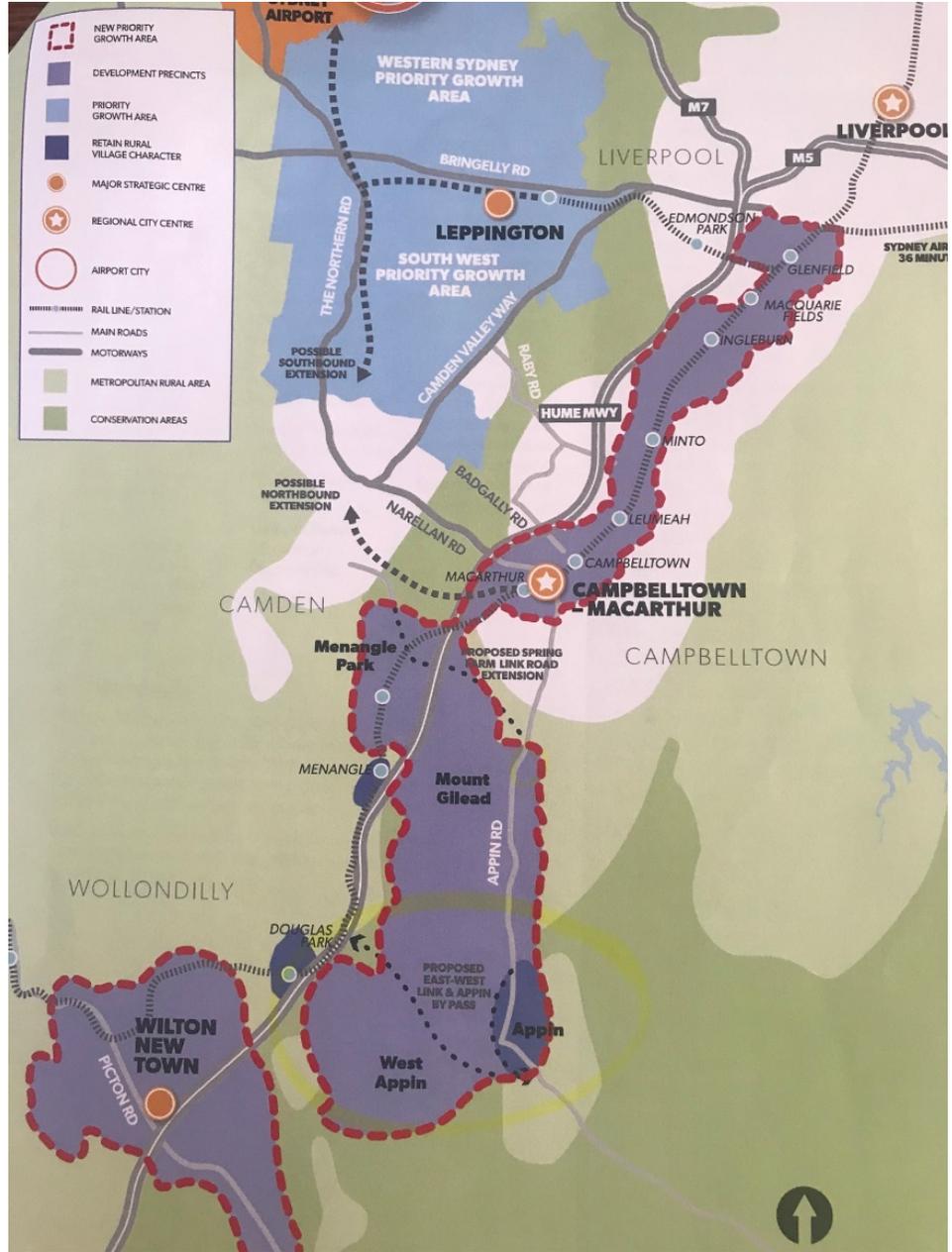


Figure 2 - Western Sydney Growth categorization



## Land Acquisition

The Departments own proposed land acquisition mechanisms of market purchase, active acquisition, property acquisition by agreement and compulsory acquisition are all weighted away from affected landowners, where any assessment of land value, implies a residual assessment rather than an inherent assessment of the land value today – before this Draft Plan is formalized.

The mechanisms do not even provide an aggregated value – it will simply be the value of the land then rezoned (E2 x Land Size).

The Office of Strategic Lands is bound by its probity and value for money obligations to NSW Treasury and thus, there is no possibility landowners to the East will receive fair market value – as the Department itself is independently influencing that very market.

The Departments' deliberate inclusion of biodiversity stewardship as an alternate income option is an embarrassing inclusion designed only for political purpose and has no appetite amongst the majority of landowners, sans the major developers who's contribution to this approach should be seen as 'less than altruistic and much more strategic'.

Further, the assertion in the email correspondence that the Department 'met with The Family' in late 2019 about The Plan and their holdings in Greater Macarthur Growth Area is false. The Department might review their correspondence to accurately reflect the exact nature of this consultation, given the Departments reliance of stated meetings to underpin this Draft Plan.

## The Avoidance Criteria

There is no evidence that the Department can rely upon to recategorize or rezone The Land to E2. There is no documented evidence whatsoever that would give the Department surety, that the Avoidance Criteria were 'applied consistently' relative to this land holding.

It is not acceptable, proper nor appropriate that the Department rely on a sweeping interpretation to develop an urban capable footprint as has been applied in this case to this Land. The assertion that these criteria ( in their sweeping nature ) ensured that 'areas with a high biodiversity value were not included in the urban capable footprint ' is preposterous, fundamentally wrong, misleading and excludes evidence to the contrary and that of the NSW Chief Scientists' own assessment of this Land.



## Boundary Amendment

As stipulated in the Draft Plan as an option, the landowners formally seek to have the urban capable boundary amended prior to the finalization of the Plan.

In support of the Departments amendments, the Family can provide onsite data and reports by accredited consultants covering:

- Traffic & Transport
- Biodiversity
- Bushfire Risk
- Acoustics
- Air Quality
- Contamination
- Geotechnical Issues
- Mining
- Economic and Social Impacts
- Relationships to Future Planning

### **These studies and data were commissioned after discussions with the Office of Strategic Lands**

Additionally, the landowners formally seek to have the urban capable boundary amended prior to the finalization of the Plan as:

- There is no net change to impact of threatened ecological communities as there is no baseline threatened ecological communities present on The Land; and
- There is no impact on an identified landscape corridor as there is no landscape corridor present.

On any bespoke assessment of this Land against the Avoidance Criteria and Categories, the architect of the calculation has erred, has conducted the assessment without observing or visiting the site or has just 'airbrushed for convenience' biodiverse areas, the latter being the most reasonable hypothesis, given this Lands inclusion and the adjacent lands' exclusion.



## Government Information (Public Access) Act

On the 28th August 2020 The Family applied for information under the Government Information (Public Access) Act 2009 (GIPA Act) pertaining to The Land.

The GIPA application is returnable on the 12th October 2020 ( only days after the close of this response window ) and The Family reserve the right to resubmit this document where material information has been discovered that has either a probative or prejudicial impact on this review and the ultimate decision of The Department as to The Land.

Specifically, the GIPA application sought:

- **Documentation, studies, reports, surveys, intelligence, information, notes, or other records used or relied upon by The Department in the determination, assessment, and application of Avoidance Criteria - specific to The Land.**

Where no site-specific studies, reports, surveys, intelligence, information, notes, or other records exist relating specifically to The Land, The Family respectfully submit The Department to remove The Land from The Plan and re-draw the urban capable boundary to exclude it.

Where no evidence is found that any person has individually applied the Avoidance Criteria specifically to The Land, supported by evidence or information obtained from the above, The Family respectfully submit The Department to remove The Land from The Plan and re-draw the urban capable boundary to exclude it.

- **Any documentary evidence of any person - involved in the assessment and application of Avoidance Criteria having visited, considered, or assessed the site, on-site or in person and any evidence of permissions granted for such access.**

Where no evidence is found that any person has visited, considered or assessed the site personally to apply the Avoidance Criteria specifically to The Land, The Family respectfully submit The Department remove The Land from The Plan and re-draw the urban capable boundary to exclude it.

Where evidence is obtained that persons acting for or on behalf of The Department have trespassed on The Land, without evidence such access was granted by the landowner, the matter will be referred to the relevant authorities.

- **All documents that inform the decision by the Department of Planning Industry & Environment to use 'East of ██████████' as the demarcation line for the proposed Georges River Koala Reserve including and document that identifies the rationale that the road surface itself is not a demarcation line for convenience but holds some ecological relevance as a strict border.**



Where evidence is found that The Department has used '██████████' as a demarcation line (only) for convenience in its application of the Avoidance Criteria specifically to The Land, The Family respectfully submit The Department remove The Land from The Plan and re-draw the urban capable boundary to exclude it.

Where evidence is found that The Department has used '██████████' as a demarcation line (only) for convenience in its application of the Avoidance Criteria to all land "East of ██████████" and no evidence exists identifying the man made surface holding some ecological relevance, The Family respectfully submit The Department remove The Land from The Plan and re-draw the urban capable boundary to exclude it.

Where evidence exists that one side of ██████████ (West) was treated by The Department, its consultants or by persons within The Department differently than the other side of ██████████ (East) and where no ecological separation is proven, The Family respectfully submit The Department remove The Land from The Plan and re-draw the urban capable boundary to exclude it.

Where evidence is found that The Department has used '██████████' as a demarcation line (only) for convenience in its application of the Avoidance Criteria to all land "East of ██████████" The Family and other families will actively pursue both The Department and the Individuals that 'prosecuted this fabrication' in pursuit of compensation for all Land Owners "East of ██████████" – where this matter is not addressed by The Department.

- **All documents that inform the decision by the Department of Planning Industry & Environment to consider the proposed changes to the 'Identified Brtricevich Land' that the proposed changes will support the Draft Cumberland Plain Conservation Plans objectives with a specific request as to how this particular parcel contributes.**

Where no documents are evidenced that specifically consider The Land against the context of The Plan's objectives, The Family respectfully submit The Department remove The Land from The Plan and re-draw the urban capable boundary to exclude it.

Where no documents are evidenced that specifically identify how The Land contributes to The Plan's objectives, The Family respectfully submit The Department remove The Land from The Plan and re-draw the urban capable boundary to exclude it.

- **All correspondence, emails, letters, or otherwise between the Department of Planning Industry & Environment and Campbelltown City Council or any other third party relative to the decision to include the 'Identified Brtricevich Land' as Non certified - Avoided for Biodiversity.**

Where information, correspondence or other intelligence exists that The Department, Campbelltown City Council or any third party (Particularly Lend Lease) has prejudiced the Avoidance Criteria as it relates to The Land (opposite Lend Lease's approved development ) and evidences, infers or suggests collusion as to The Departments' categorization of The Land as non-certified – avoided for biodiversity, the matter will be presented immediately to the ICAC.



- **All correspondence, emails, letters, or otherwise between the Department of Planning Industry & Environment to and from Lend Lease relative to the land holding known as 'Identified Bricevich Land'.**

Where information, correspondence or other intelligence exists that The Department, has corresponded with Lend Lease to prejudice any decisions pertaining to The Land whether evidencing, inferring or suggesting persuasion as to the categorization of The Land as non-certified – avoided for biodiversity, the matter will be presented immediately to the ICAC

- **All documents pertaining to the assessment of the 'Identified Bricevich Land' as it relates to the Avoidance Criteria - specifically documents supporting the assertion that this land holding is surrounded by native vegetation.**

Where no evidence is found that this land is 'surrounded' by anything – let alone native vegetation, The Family respectfully submit The Department remove The Land from The Plan and re-draw the urban capable boundary to exclude it.

- **All documents used in calculating the avoidance outcomes for the land known as 'Identified Bricevich Land'**

Where no evidence is found that the Avoidance Criteria has been specifically applied to The Land, the Family respectfully submit The Department remove The Land from The Plan and re-draw the urban capable boundary to exclude it.

- **All documents supporting the baseline ecological position for the land known as 'Identified Bricevich land' as it relates to a 'net change to impact on threatened ecological communities'**

Where no evidence is found supporting a baseline ecological position to The Land and there is no evidence of an ecological 'net change', the Family respectfully submit The Department remove The Land from The Plan and re-draw the urban capable boundary to exclude it.

Where evidence is found that The Department did not considered supplied ecological reports already discounting the existence of threatened ecological communities in their assessment to support a baseline ecological position, the Family respectfully submit The Department remove The Land from The Plan and re-draw the urban capable boundary to exclude it.



## [REDACTED] Landowners

[REDACTED] landowners, particularly those affected by The Plan have been placed in a difficult situation as many are wildlife and native fauna and flora advocates and passionate wildlife supporters – this is typical of farmers generally and more particularly, the very conservative constituents of Campbelltown and Wollondilly.

As with The Family, their desire is to preserve their land in line with both its intent and purpose, and future sustainable development. They have invested in, and maintained their properties legally and in many cases, these land holdings were to become their family legacy, in that the land, or its inherent value would be maintained for generations.

The Plan does not consider them or their land holdings as material enough to actually evidence the very purpose and 'strategic nature' of the Plan to them. It seeks to lessen the value of properties on one side of a road as a sacrifice to the other, it seeks to create falsehoods about sensitivity where corridors already exist that are not defensible, and worse than both those issues, has been designed for the convenience of the Department, for political convenience and drafted with efficiencies rather than evidence as its basis.

## Summary

The Family respectfully submit this information to the Department for review. The Family will be in receipt of information gained from its GIPA application only three days after the submission of this document. Where information, material to this submission is obtained it will be treated as described in this document, whilst this matter remains unresolved.

The Family seek only that the Department advise that, after consideration they will re-draw the urban capable boundary to exclude The Land, and apply a more realistic boundary like the tree line or even the Government owned land, separating this land from treed lands and that the 'demarcation line' of [REDACTED] be removed from any sensible argument it presents any scientific value whatsoever to the draft boundary lines affecting this Family and many others in [REDACTED]

Regards

Tony Brticevich (for)  
The Brticevich Family