

9<sup>th</sup> of October 2020

Attention: Miss Tanya Davies (MP)  
Member for Mulgoa  
[REDACTED]  
St Clair, NSW, 2759

**SUBMISSION ON THE DRAFT CUMBERLAND PLAIN CONSERVATION  
PLAN AT NO [REDACTED] ORCHARD HILLS NSW**

Dear Miss Davies,

EE have been engaged by the Mr & Mrs Cauchi of No [REDACTED] Orchard Hills to prepare a submission with regards to the Cumberland Plain Conservation Plan (CPCP).

Mr & Mrs Cauchi currently reside at No [REDACTED] Orchard Hills 2748 Lot/Section/Plan no: [REDACTED]. The site is currently zoned RU4 "Primary Production Small Lots" under the Penrith Local Environmental Plan 2010.

In preparing a response to the draft CPCP EE undertook a site inspection over No [REDACTED] on the 25<sup>th</sup> of September 2020.

The site is currently mapped as containing Cumberland Plains Woodland (CPW) (Figure 1) which listed as a critically endangered ecological community (CEEC) under the *Biodiversity Conservation Act 2016*. The conservation of CEE CPW forms part of the draft CPCP.

**Mr John Whyte**

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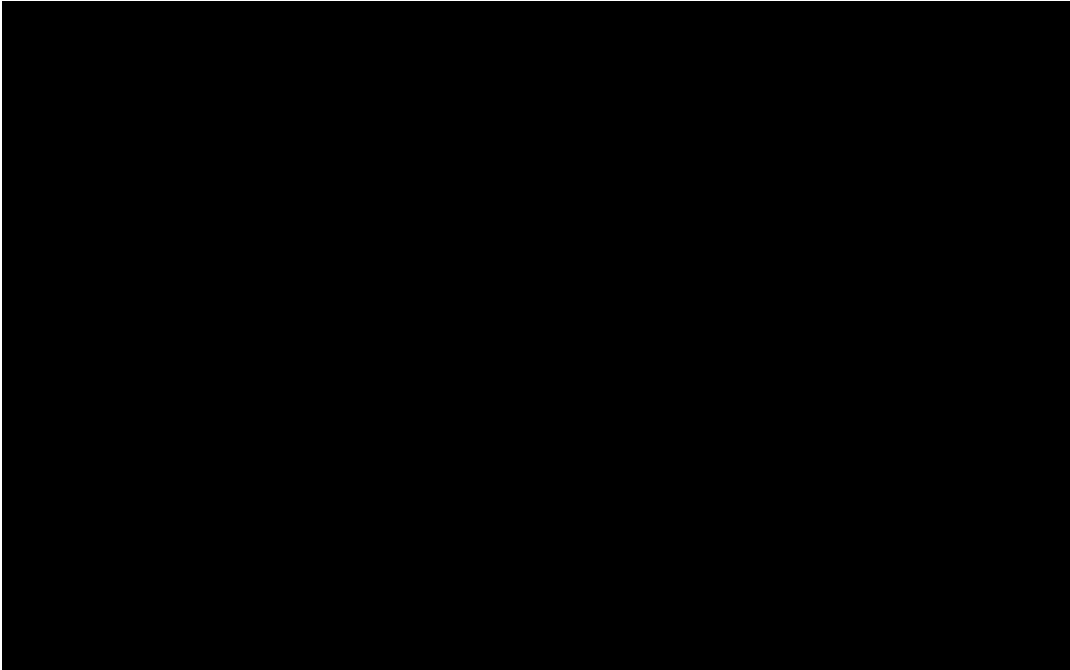
Section 132 C Scientific Licence No:

SL100292.

Animal Research Authority: rim file;

10/1887 DG ACEC

**Figure 1 vegetation mapping over the subject property**



Under the draft CPCP the subject property is proposed to be rezoned from RU4 "Primary Production Small Lots" to E2 "Conservation". The current objectives and permissible land uses for RU4 zone is presented below.

Extract from LEP 2010 below

*1 Objectives of zone*

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.*
- *To preserve and improve natural resources through appropriate land management practices.*
- *To maintain the rural landscape character of the land.*
- *To ensure that development does not unreasonably increase the demand for public services or facilities.*

*2 Permitted without consent*

*Extensive agriculture; Home occupations*

*3 Permitted with consent*

*Agricultural produce industries; Agriculture; Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Information and education facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals*

#### *4 Prohibited*

*Dairies (restricted); Feedlots; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3*

The current zoning "RU4" is appropriate for this property, the subject lot currently contains a single dwelling, sheds and grazing land which is consistent with the zoning permissibility and zone objectives above.

Under the draft CPCP the land is proposed to be rezoned to E2 'Conservation'. The relevant zone objectives for an E2 zone under the Penrith LEP 2010 are extracted below.

Under an E2 zoning a dwelling cannot be constructed upon the land and the land cannot be utilised in the same capacity that is currently permissible. The land effectively is being "downzoned".

#### *Zone E2 Environmental Conservation*

##### *1 Objectives of zone*

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- To protect, manage, restore and enhance the ecology, hydrology and scenic values of riparian corridors and waterways, wetlands, groundwater resources, biodiversity corridors, areas of remnant indigenous vegetation and dependent ecosystems.*
- To allow for low impact passive recreational and ancillary land uses that are consistent with the retention of the natural ecological significance.*

##### *2 Permitted without consent*

*Nil*

##### *3 Permitted with consent*

*Environmental facilities; Environmental protection works; Flood mitigation works; Oyster aquaculture; Recreation areas; Roads*

#### *4 Prohibited*

*Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3*

In preparing strategic conservation plans detailed investigations should be undertaken to identify as per the E2 zone objectives “*high ecological, scientific, cultural or aesthetic values*”.

The existing allotment contains a dwelling, tennis court, swimming pool surrounded by exotic lawn with scattered trees some of which form part of critically endangered ecological community known as Cumberland Plains Woodland. The presence of an CEEC does not automatically qualify as being “High Ecological Value”, further the attached map has mapped areas within the north-eastern portion as being CPW when the vegetation consists of planted ornamental and non-endemic canopy trees it does not meet the scientific determination for classification for CPW.

The current land zoning “RU4” is appropriate and still retains the remnant CPW trees, the proposed zoning “E2” is not consistent with the current use/missibility over the subject property.

The land use planning has failed to adequately undertake the appropriate studies/investigations to warrant such “downzoning”. The draft CPCW should be differed over the subject property until such time that the appropriate investigation and studies have been completed to demonstrate that the land does in fact contain ‘High Ecological Values” to warrant an E2 “Conservation” zoning.

If you would like to discuss any of the provided information further or have any queries, please do not hesitate to contact me on [REDACTED]

Yours sincerely

[REDACTED]

John Whyte

Principal Ecologist

Enviro Ecology

[REDACTED]