

## Sarah Ng

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**From:** Anthony Tavella on behalf of DPE PS ePlanning Exhibitions Mailbox  
**Sent:** Friday, 9 October 2020 12:23 PM  
**To:** DPE PS Biodiversity Mailbox  
**Subject:** FW: Webform submission from: Draft Cumberland Plain Conservation Plan  
**Attachments:** cpcp-appeal.docx

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**From:** noreply@feedback.planningportal.nsw.gov.au <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Friday, 9 October 2020 12:07 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Draft Cumberland Plain Conservation Plan

Submitted on Fri, 09/10/2020 - 12:04  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: No  
Email: [REDACTED]  
Suburb/Town & Postcode: Kellyville  
Submission file:  
[cpcp-appeal.docx](#)

Submission: Honestly team this 'Plan' is the most pathetic piece of fluff I've read. What on earth were the 20 of you doing in your offices for the past three years ? It certainly wasn't looking at the facts and doing the science.

URL: <https://pp.planningportal.nsw.gov.au/draftplans/exhibition/draft-cumberland-plain-conservation-plan>

## Request to have the urban capable boundary amended

██████████ WILTON

I have read and considered the Draft Cumberland Plain Conservation Plan 2020 and do not agree with the finding that my property at ██████████ Wilton warrants rezoning to E2.

The findings of the CPCP in relation to the above property are in complete contradiction to the OEH 2000 Cumberland Plain Woodlands 1: 25000 topographical map compiled by Benson and Howell (1997 – 2000), the OEH 2010 BIO Map for the Illawarra, the OEH 2015 SEED mapping and a site specific BAM assessment compiled over 9 month period in 2018 that involved multiple field studies and fauna searches across three seasons in drought and normal rainfall periods.

The errors made in the daft CPCP 2020 in relation to the above property are likely to be attributable to a reliance on little more sophisticated than 2017 google maps, a partial BAM process conducted on one day meandering traverse of 5 and a bit unrepresentative quadrats (2000 sq m in total) incomprehensively extrapolated as representative of 700 hectares and a slavish following of the 2011/12 'map' produced by the big developer proponents of the Wilton Junction Gateway submission.

Since the release of the 'daft' Plan my written request to Planning NSW for information on the appeals process whereby I could raise my objections to the proposed rezoning of 75% of my land remains unanswered.

Further investigation found that at Appendix B to the Draft Plan (pgs 89 - 92) I *'may seek to have the urban capable boundary amended prior to finalisation of the Plan'*. This submission seeks that amendment.

Previously all assessment conducted by Planning NSW in relation ██████████ ██████████ Wilton has been compiled remotely using out of date resources that do not reflect the recent and current land use. Therefore I once again extend an invitation to Planning NSW to conduct a site inspection and for us to discuss the legal land uses afoot with a view to incorporating the land in the urban capable area listed in the Plan. Please note I have a site specific BAM report available for discussion

Yours sincerely

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██████████

KELLYVILLE

██████████

## Avoidance criteria applied to [REDACTED] Wilton

### (a) TECs and PCTs

1. The property does not have TEC/EEC or other vegetation in good condition, there is no secondary canopy/understorey, native grasses and forbs are severely depleted. The land is in constant rotation as a grazing property which includes hay deliveries and grain feeds, significant animal manure deposits, fertilizers, weed spraying and regular mowing. There will be no serious and irreversible impact to the TEC entity. The intention is to seek large lot R2 subdivision with no net loss of existing established tree stock.
2. EEC/PCTs are not in good condition (see above), or in large patches.
3. PCT is not in good condition (see above) or in large patches.

### (b) Threatened species

4. There are no species or habitat on the site that fit these criteria.
5. The property does not have endangered species or known secondary koala habitat (a term that incidentally doesn't exist in any NSW Planning instrument)
6. The property does not have known habitat for vulnerable species

### (c) Ecological processes

7. Primary conservation land has no definition in any NSW Planning Instrument. It is not listed as a Bio Map core area. It is not a local habitat or koala corridor.
- 8/9 As per c 1 above

### (d) Boundary rationalisation

10. The property will have a 1.5 km boundary with urban capable land. It will be separated from potential E2 land to the North by a 20m road and a koala fence. To the East it will have a common boundary to 1.5km of urban capable land and 300m of road to the East. It is not feasible that there will be any opportunity to enhance either connectivity or extent.
11. The property is a blind corridor.

### Calculating avoidance outcomes

12. Due to the existing urban capable land, roadways and asset protection zones required for bush fire protection there will be less than 1.2 hectares of land available for E2 zoning ie less than 12% of the total area of the property.

13/14. The balance of the property (8.9 hectares) will be directly impacted by urban development for each biodiversity value.

15. Using the criteria established by Planning NSW on the adjacent properties to the East less than 1.2 hectares is unsuitable for urban development.

16. 88% of the land is urban capable, this than 12% is to be avoided due to biodiversity value.

### **Criteria met for amending the urban capable boundary**

17. The intermittent creek is mapped incorrectly as the when the urban capable land that drains into the creekline is developed there will be approximately 400 residential houses and associated hard surfaces draining through the creek. In peak flows the existing peak flow of an estimated 0.2 meg/l per hour to > 2.0 meg/l per hour. This will permanently alter the fluvial characteristics of the creek line. There will also be the impact of urban effluent surface flow (dog shit, fertilizers, pesticides and car wash chemicals etc).

18. The creek line contains an extensive dam which occupies more than 50% of the creek line and heavily influences the flora downstream for a distance of 80 m to the boundary. The dam's existence and influences on the native vegetation is incompatible with a conservation zone aspiration.

19. A BAM report was completed in 2018, its findings do not support Planning NSW's plotting of the proposed E2 on the property. The area of land assessed by the site specific BAM far exceeds the urban capable land extrapolated from remote, outdated and inapplicable data sets used by Planning NSW since 2012.

20. The owner's intention is to ensure there will be no net detrimental impact to the threatened ecological community on the property.

21. No SAI entities or vegetation in an intact condition state will be impacted by the proposed increase in the area of urban capable land.

22. The proposed amendment has no impact on an identified landscape corridor.

23. The Wollondilly Shire LEP 2011 has no directions on the clearing of rural land in the Shire other than to direct the landholder to ensure that their activities as compliant with Local Land Services Act (NSW) 2103. All land use activities to enhance the grazing capacity and to build on the 'without consent' approvals for rural land use on the property have been undertaken in strict observance of Section Four of Schedule Five A of the Act.

Note: the land clearing on the adjoining properties to the East which are identified as urban capable was undertaken without Council approval prior to the 2011 LEP at a time when permission to clear prior to commencement was required from Council.