

## Sarah Ng

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**From:** Anthony Tavella on behalf of DPE PS ePlanning Exhibitions Mailbox  
**Sent:** Friday, 9 October 2020 1:03 PM  
**To:** DPE PS Biodiversity Mailbox  
**Subject:** FW: Webform submission from: Draft Cumberland Plain Conservation Plan  
**Attachments:** submission-october-9-2020.pdf

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**From:** noreply@feedback.planningportal.nsw.gov.au <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Friday, 9 October 2020 12:37 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 - 12:27  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Name Withheld: Yes  
Email: [REDACTED]  
Suburb/Town & Postcode: Wilton NSW 2571  
Submission file:  
[submission-october-9-2020.pdf](#)

Submission: I have attached my letter of submission and supporting documents, below is also a copy of my letter: I am writing to you to endorse my formal objection to proposed replanning of my property as per your letter (dated 26th August, 2020), which indicates that the Draft Cumberland Plain Conservation Plan is now on Public Exhibition. Furthermore, the strategic conservation plan highlights a period of 36 years to 2056. At present, my property at [REDACTED] Wilton NSW, is a rural property expanding [REDACTED] acres and is currently zoned RU2. It is my view that the current zoning is correctly endorsed – best describing the Rural Landscape to be a rural zone that encourages agriculture and other supporting uses. Furthermore, this coincides with the Wollondilly shire planning that my property is defined as a property within a rural area, with large lot sizes and less productive soil and conditions. In the contents of your letter, your Department is now proposing to change my current zoning from RU 2 to E2 Environmental Conservation which is described to be used: - to zone private land for environmental conservation and endorses very strict compliance and does not allow provisions for a dwelling. NOTE: In the Wollondilly Shire, this zoning is presented to developers who have agreed to “lock up” land for conservation. In view of the proposed rezoning notification, I am extremely concerned that key stakeholders of this proposal have NOT actually visited the impacted areas and have simply utilised GPS mapping software to encompass various parcels of land proposed for rezoning. My objections are as follows: - I purchased my property approximately 10 years ago, based on supporting conditions that the current zoning (RU 2) would not be challenged. – Could you please now clarify why this is happening? I would like a personal response to this. - My property has an existing dwelling and has a large rural shed which is approved by Council and by the description of the (E2) plan is in direct contradiction to zoning description. – Could you please clarify how you consider that this parcel of land could be rezoned to an E2? - In accordance with the usage provisions via Wollondilly shire, (E2) is a zoning strategy to “lock up” land and specifically relates to ‘Developers’. NOTE: I will make this point quite clear in the fact that I am not a Developer. Please clarify why I am being targeted as I am not a developer? - I am in the process of lodging plans to Wollondilly Council, to make alterations to my home and also a rural Development application which if changes to zoning were to occur, would have a significant impact on my property. How would I be compensated if I can not proceed with these applications that are relevant to my current zoning? - Should rezoning take effect, then the value of my property would diminish considerably and potentially would have a serious financial impact on my family. How can this be avoided? - Furthermore, should my property be rezoned to (E2), what existing rights would be maintained, in the event that I attempted to sell my property? - I am also concerned that there are various parcels of land in close proximity to my property that have not been considered for rezoning and are more aligned for (E2) consideration. Have you carefully evaluated this specific area of terrain? Further to my concerns, please refer to the attachment with the writer Dominic Fanning (ecologist specialist) who has provided a detailed report pertaining to the boundaries of my property and clearly references that primary portion of my land is not suitable for E2 zoning. On the basis of this unbiased report I would request that you read the document carefully and provide clear evidence why the rezoning for my property is even being considered. This proposed rezoning is causing extreme emotional and financial distress to my family. In conclusion, I have also made representations to my NSW State Member of Parliament – The Honourable Nathaniel Smith – Member for Wollondilly, expressing my concerns and objections to any rezoning changes proposed. I would like to be informed and updated of any changes and any likely changes in my rezoning and want to be part of all further actions and discussions. Should you wish to discuss this matter with me, please do not hesitate to contact me on MOB: [REDACTED]

10/9/2020

**Attention:** Mr. Steve Hartley  
Executive Director  
Green and Resilient Places Division  
Department of Planning, Industry and Environment

**Subject:** Public exhibition of the Draft Cumberland Plain Conservation Plan

**Relevant Lot/s:** [REDACTED]

**Resident:** [REDACTED]  
[REDACTED] Wilton, NSW. 2571.

**Status:** **Formal objection – to the proposed re-planning of my property Lot 4.**

Dear Sir,

I am writing to you to endorse my formal objection to proposed replanning of my property as per your letter (dated 26<sup>th</sup> August, 2020), which indicates that the Draft Cumberland Plain Conservation Plan is now on Public Exhibition. Furthermore, the strategic conservation plan highlights a period of 36 years to 2056.

At present, my property at [REDACTED] Wilton NSW, is a rural property expanding [REDACTED] acres and is currently zoned RU2. It is my view that the current zoning is correctly endorsed – best describing the Rural Landscape to be a rural zone that encourages agriculture and other supporting uses. Furthermore, this coincides with the Wollondilly shire planning that my property is defined as a property within a rural area, with large lot sizes and less productive soil and conditions.

In the contents of your letter, your Department is now proposing to change my current zoning from RU 2 to E2 Environmental Conservation which is described to be used:- to zone private land for environmental conservation and endorses very strict compliance and does not allow provisions for a dwelling. NOTE: In the Wollondilly Shire, this zoning is presented to developers who have agreed to “lock up” land for conservation.

In view of the proposed rezoning notification, I am extremely concerned that key stakeholders of this proposal have NOT actually visited the impacted areas and have simply utilised GPS mapping software to encompass various parcels of land proposed for rezoning.

My objections are as follows:-

- I purchased my property approximately 10 years ago, based on supporting conditions that the current zoning (RU 2) would not be challenged. – Could you please now clarify why this is happening? I would like a personal response to this.
- My property has an existing dwelling and has a large rural shed which is approved by Council and by the description of the (E2) plan is in direct contradiction to zoning

description. – Could you please clarify how you consider that this parcel of land could be rezoned to an E2?

- In accordance with the usage provisions via Wollondilly shire, (E2) is a zoning strategy to “lock up” land and specifically relates to ‘Developers’. NOTE: I will make this point quite clear in the fact that I am not a Developer. Please clarify why I am being targeted as I am not a developer?
- I am in the process of lodging plans to Wollondilly Council, to make alterations to my home and also a rural Development application which if changes to zoning were to occur, would have a significant impact on my property. How would I be compensated if I can not proceed with these applications that are relevant to my current zoning?
- Should rezoning take effect, then the value of my property would diminish considerably and potentially would have a serious financial impact on my family. How can this be avoided?
- Furthermore, should my property be rezoned to (E2), what existing rights would be maintained, in the event that I attempted to sell my property?
- I am also concerned that there are various parcels of land in close proximity to my property that have not been considered for rezoning and are more aligned for (E2) consideration. Have you carefully evaluated this specific area of terrain?

Further to my concerns, please refer to the attachment with the writer Dominic Fanning (ecologist specialist) who has provided a detailed report pertaining to the boundaries of my property and clearly references that primary portion of my land is not suitable for E2 zoning.

On the basis of this unbiased report I would request that you read the document carefully and provide clear evidence why the rezoning for my property is even being considered.

This proposed rezoning is causing extreme emotional and financial distress to my family.

In conclusion, I have also made representations to my NSW State Member of Parliament – The Honourable Nathaniel Smith – Member for Wollondilly, expressing my concerns and objections to any rezoning changes proposed.

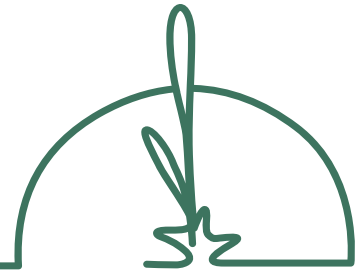
I would like to be informed and updated of any changes and any likely changes in my rezoning and want to be part of all further actions and discussions.

Should you wish to discuss this matter with me, please do not hesitate to contact me on MOB: [REDACTED]

Yours Sincerely

[REDACTED]

[REDACTED]



████████████████████ WILTON

**CUMBERLAND PLAIN CONSERVATION PLAN**

**SUBMISSION**

████████████████████

**07 October 2020**

**1 THE SUBJECT LAND**

The “*subject land*” for the purposes of this *Report* consists of a portion of land at Wilton – No. ██████████  
██████████

**2 SCOPE of THIS REPORT**

This Report has been prepared by the undersigned to address the application and impacts of the *Draft Cumberland Plain Conservation Plan* (‘The Plan’) as documented in the *Draft Cumberland Plain Conservation Plan Viewer* (the ‘Plan Viewer’) on the subject land at Wilton.

**3 INFORMATION BASE**

The undersigned has visited the subject land (on 06 October 2020).

In addition, the undersigned has reviewed the mapping of the subject land on the ‘Plan Viewer’; as well as aerial photography of the subject land.

It is to be noted that the undersigned has extensive experience in the Wilton area; having been the principal ecologist for the Wilton Town Centre project.

## 4 ISSUES

### 4.1 Mapping

The *Draft Cumberland Plain Conservation Plan Viewer* (the 'Plan Viewer') identifies the subject land at Wilton in the following terms.

- The majority of the subject land as "*native vegetation*"; and the same area as "*Important Koala Habitat*".
- The majority of the subject land as "*strategic conservation*".

The mapping in 'The Plan' does not accurately reflect the existing circumstances on the subject land at Wilton – given the presence of a number of dwellings and associated features, sheds, previously cleared lands, substantial stockpiles of equipment and materials, fences and tracks, non-native vegetation and a farm dam (see photographs below).

The area of cleared land in the mapping should be substantially increased; and the area of native vegetation, Koala Habitat, TECs and "*strategic conservation*" land should be substantially decreased.

There is no evidence that the mapping of "*Threatened Ecological Communities*" (TECs) on the subject land has been based on any site investigations. The mapping of TECs on the land is therefore hypothetical; and cannot reasonably be a satisfactory basis for precluding development on the land.

In addition, the mapping of the majority of the subject land as "*Important Koala Habitat*" is based on hypothesis and conjecture; rather than on any empirical data. No survey of the subject land for Koalas has been undertaken and there is no evidence provided that Koalas are present on the subject land or in the vicinity. The designation of the overwhelming majority of the subject land as "*Important Koala Habitat*" is not justified and is not appropriate.

The area of cleared land mapped on the subject land should be substantially increased; and the area of native vegetation, Koala Habitat, TECs and "*strategic conservation*" should be substantially decreased. Both in accordance

It is further noted that 'The Plan' does not provide any mechanism to review the mapping on which it relies; thus embedding flawed and incorrect mapping as the base of 'The Plan'.

### 4.2 Proposed Environmental Conservation

The proposed *Environmental Zoning* of the subject land contained in the Plan Viewer' (Attachment A) is based in part on the incorrect and/or inappropriate mapping identified above. Despite the above mapping showing areas of disturbance in the centre of the land, the proposed *Environmental Zoning* of the subject land excludes only two transmission line easements.

As a consequence, some of the proposed *Environmental Zoning* of the subject land is regarded as inappropriate; particularly as that zoning constitutes a prohibition on development of those lands for other than "*environmental protection works or flood mitigation works*" (see discussion below).

The subject land is currently zoned RU2 – Rural Landscape.

That zoning permits (**without consent**) the following.

- “**Extensive agriculture; home occupations**”.

That zoning also permits (with consent) the following.

- “*Agriculture; Airports; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Funeral homes; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Hospitals; Information and education facilities; Landscaping material supplies; Mortuaries; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers’ dwellings; Secondary dwellings; Signage; Transport depots; Veterinary hospitals; Water recreation structures; Water supply systems*”

Doubtless some of the subject land should appropriately be protected for conservation purposes – particularly the northeastern part of the land.

However, as a result of the proposed *Environmental Zoning* of the subject land pursuant to ‘The Plan’ for a “*public purpose*” (ie for environmental protection – which by definition is a “*public purpose*”), the landowner would be deprived of potential alternative development opportunities pursuant to the existing RU2 zoning of the land. As noted above, that zoning allows the undertaking of “**Extensive agriculture**” – without consent.

Rather than zoning the whole of the subject land for *Environmental Protection* (without any verification of the ecological values of the land), and thus imposing a prescriptive constraint on the land, it would be more appropriate for ‘The Plan’ to apply an ‘investigation’ layer – requiring detailed assessment of the actual (rather than the theoretical) conservation values of the land.

