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Department of Planning, Industry and Environment, Green and Resilient Places Division
Locked Bag 5022
Parramatta NSW 2124

Attention: Elizabeth Irwin - Director, Conservation and Sustainability

RE: PLANNING SUBMISSION TO DRAFT CUMBERLAND PLAIN CONSERVATION PLAN, AS IT RELATES TO THE PROPERTIES AT [REDACTED] LUDDENHAM (LOT [REDACTED] [REDACTED] GREENDALE [REDACTED] AND [REDACTED] [REDACTED] GREENDALE [REDACTED]

Dear Elizabeth,

This Planning Submission has been prepared by Willowtree Planning on behalf of the Waterhouse Group, in relation to the draft Cumberland Plain Conservation Plan ('the Plan'). This Submission has focused on the impacts of the Plan on a 233 hectare (ha) parcel of land at [REDACTED] Luddenham [REDACTED] [REDACTED]

The Plan seeks to contribute to the Western Parkland City by supporting the delivery of housing, jobs and infrastructure while protecting important biodiversity. The Plan identifies strategically important biodiversity areas to offset the biodiversity impacts of future urban development, while ensuring a vibrant and liveable city.

The Plan maps certain land as 'Certified- Urban Capable', and for this land no further environmental assessment would be required pursuant to the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) or the NSW *Biodiversity Conservation Act 2016* (BC Act). Other land is 'Non-Certified Land', being avoided land for biodiversity or other environmental purposes (riparian corridors or steep slopes) or the Western Sydney Aerotropolis (flooding or not intended for urban development). The land specifically the subject of this Submission includes some areas of 'Non-Certified Land' avoided for both biodiversity and other environmental purposes.

It is noted that a formal detailed submission with supporting evidence from experts will be provided after the due date as agreed with the NSW Department of Planning, Industry and Environment (DPIE).

Notwithstanding, the key concerns with the Plan are outlined below:

1. The Conservation Zoning is contradictory to the Airport Safety Guidelines which specifically prohibits conservation areas within 3km of the Airport. The entire site is within 3km of the Airport and therefore confirms that any conservation area is not acceptable given the risks associated with dense vegetation and birdlife in close proximity to the Airport.
2. The mapping is considered to be inaccurate and unjustified in its identification of Non-Certified Land Avoided for Biodiversity and Other Purposes. This will be supported by an Ecological Report prepared for the site and will be included as part of our formal submission.

3. The proposed conservation mapping would compromise a logical development outcome for the Agribusiness Precinct within the Aerotropolis and supporting Agribusiness areas which seek to fulfil the underlying objectives of the Precinct.
4. The designation of the proposed blue / green area of the draft map for this property is disputed given the characteristics being not representative of a major waterway as it has a narrow channel with indications of stagnation, nutrient pollution and low flow. The vegetation quality in the designated green area is deemed to be patchy and in some parts cleared and has historically been used for agricultural purposes.
5. Any E2 zoning proposed under the SEPP would be extremely prohibitive and denude the strategic development potential. Any vegetation clearing should be able to be offset through biodiversity credits as is normal practice. It is evident that the proposed OSO corridor has similar vegetation characteristics to the she subject site and has been left out of any conservation characterization which is inconsistent the approach applied to the subject site.
6. By restricting the development of the Agribusiness Precinct and Aerotropolis, the proposed conservation mapping would hinder the objectives of key Strategic Planning policies, namely that of the Agribusiness Precinct under the Aerotropolis SEPP which seeks to retain connection with the rural lands and bio-strategic agricultural land to the west.
7. With respect to the subject site specifically, the mapped conservation area would obstruct a vital access link, thereby inhibiting the development of a 233ha parcel of land that that is primarily cleared and otherwise strategically positioned for development that would provide a major economic contribution to the Agribusiness Precinct and Aerotropolis. There are two strategic access points, being:

■ [REDACTED]
■ [REDACTED]

8. The appropriateness of the proposed conservation areas is unsuitable given vegetation would be heavily disturbed as a result of nearby major infrastructure, including The Northern Road (less than 1km away), the proposed flight path (heavy noise ANEF) and the six lane freeway which contains a rail freight line as part of the OSO.
9. It is not clear why DPIE has created a new classification of "Strategic Conservation Zone" (SCA). Any impacts on areas mapped as such will need to be assessed in accordance with the requirements of the existing BC Act and/or the EPBC Act, which include requirements to avoid and minimise impacts. The Plan proposes to introduce new planning controls for the SCAs that will minimise impacts on areas with high biodiversity value that can deliver regional biodiversity outcomes. As part of this assessment process the consent authority will need to consider the region's biodiversity values when assessing development applications. As assessments under the BC Act already require various assessments methods to be undertaken as well as measures to avoid and minimise impacts on areas with high biodiversity value, the introduction of additional planning controls is not considered to be warranted.

Following DPIEs receipt of our formal detailed Submission, we look forward to meeting in person to discuss the issues raised.

Should you wish to discuss the matter further, please do not hesitate to contact the undersigned.

Yours Faithfully,

[REDACTED]

Andrew Cowan
Director
Willowtree Planning Pty Ltd