

CUMBERLAND PLAIN CONSERVATION PLAN SUBMISSION


ORCHARD HILLS

9 OCTOBER 2020



QUALITY ASSURANCE

PROJECT: Submission: Draft Cumberland Plain Conservation Plan

ADDRESS: [REDACTED] Orchard Hills

COUNCIL: Penrith City

AUTHOR: Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
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PURPOSE

This submission is prepared by Think Planners Pty Ltd on behalf of the land owners of [REDACTED] Orchard Hills, in response to the August 2020 publication of the draft Cumberland Plain Conservation Plan by the NSW Department of Planning, Industry and Environment.

The subject land is identified as [REDACTED] which is more commonly known as [REDACTED] Orchards Hills.

The subject site is situated within an existing rural residential area, the subject land parcel can be best described as a battle-axe allotment with street access to Wentworth Road. The site is approximately 2.38 hectares in area and contains a dwelling along with small ancillary outbuildings.

The subject site is presently zoned RU4 Primary Production Small Lots under the Penrith Local Environmental Plan 2010 and the minimum lot size for subdivision is 2 hectares. The land is subject to bushfire hazard and risk.

The draft Cumberland Plain Conservation Plan seeks to categorise land as either certified-urban which is capable of being developed or non certified which is to be avoided with future development being heavily constrained.

The subject site is partly certified and partly non certified land which means that any future development is going to be severely restricted. The access driveway to the site has been nominated as non certified land which means that if the draft Cumberland Plain Conservation Plan is published in its current form the entire land parcel becomes unusable.

The draft Cumberland Plain Conservation Plan is supported in principle, as it provides opportunity, vision and guidance to landowners and the investment community to continue to see biodiversity conserved for future generations. However, it would be more appropriate to realign the boundary of the non certified land along the eastern boundary of the subject land.

The application of the non certified land area appears to have been off the back of broad-brush and high level consideration of ecology rather than detailed site specific assessment of ecology. Land owners should be given the opportunity to consider the biodiversity value of their own land in detail to ensure the correct categories are placed on land.

The proposed impacts of the classifications introduced under the draft Cumberland Plain Conservation Plan will significantly affect the property owners and will also serve to limit any future potential development opportunities.

The draft Cumberland Plain Conservation Plan is supported in principle, however, the subject site needs to be assessed in detail and the land owners given this opportunity to present the findings prior to the NSW Government placing the new categorisation on the land. The opportunity for ground-truthing needs to be provided and considered.

The land owner seeks to work collaboratively with the NSW Government to return the land to permit development of the site.

A more considered and logical boundary for the certification of land, as it relates to this property is sought, that reflects the subdivision pattern and the site conditions.

SITE AND CONTEXT

LEGAL DESCRIPTION

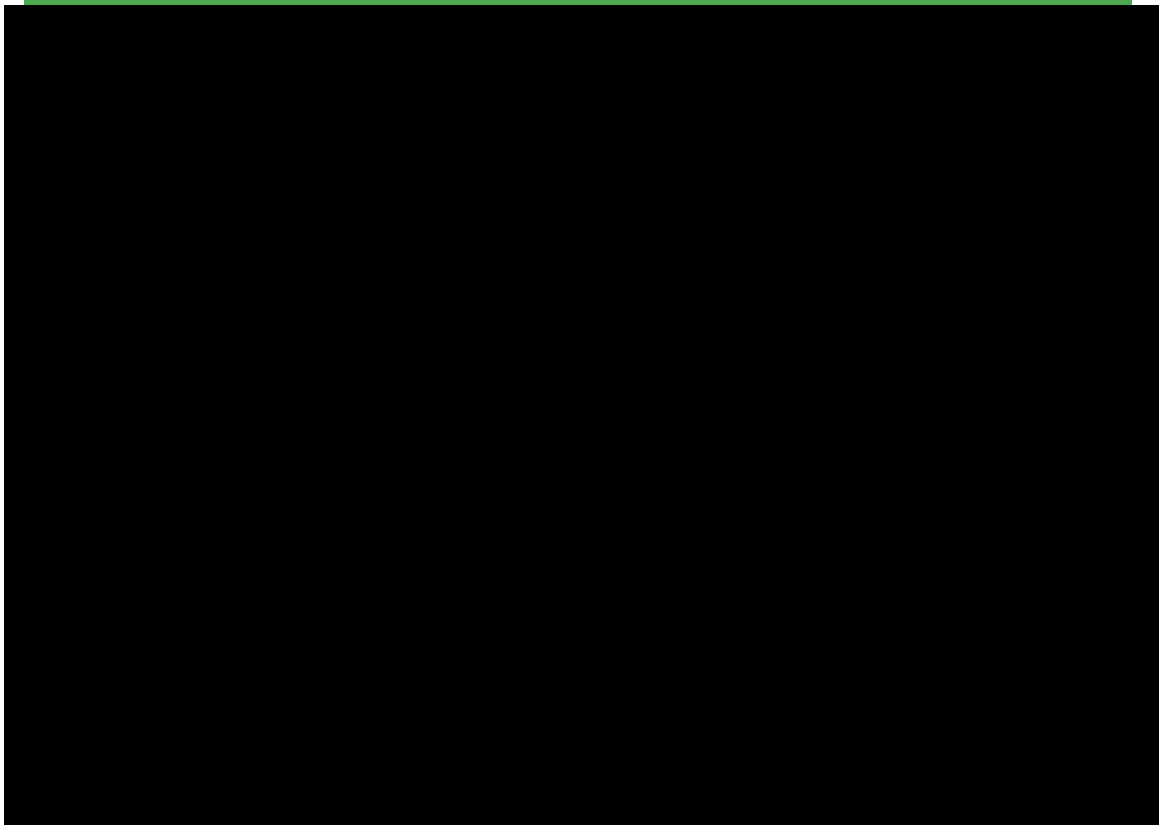
The subject site is legally described as Lot [REDACTED] though more commonly known as [REDACTED] Orchard Hills.

LOCATION

Situated within the existing rural residential area, the subject land parcel can be best described as a battle-axe allotment with a total site area of approximately 2.38 hectares which is accessed from Wentworth Road.

An aerial photograph and photograph of the subject site is provided below which shows the site in its current context.

Figure 1: Aerial Map Extract of the Subject Site (Source: Six Maps 2019)

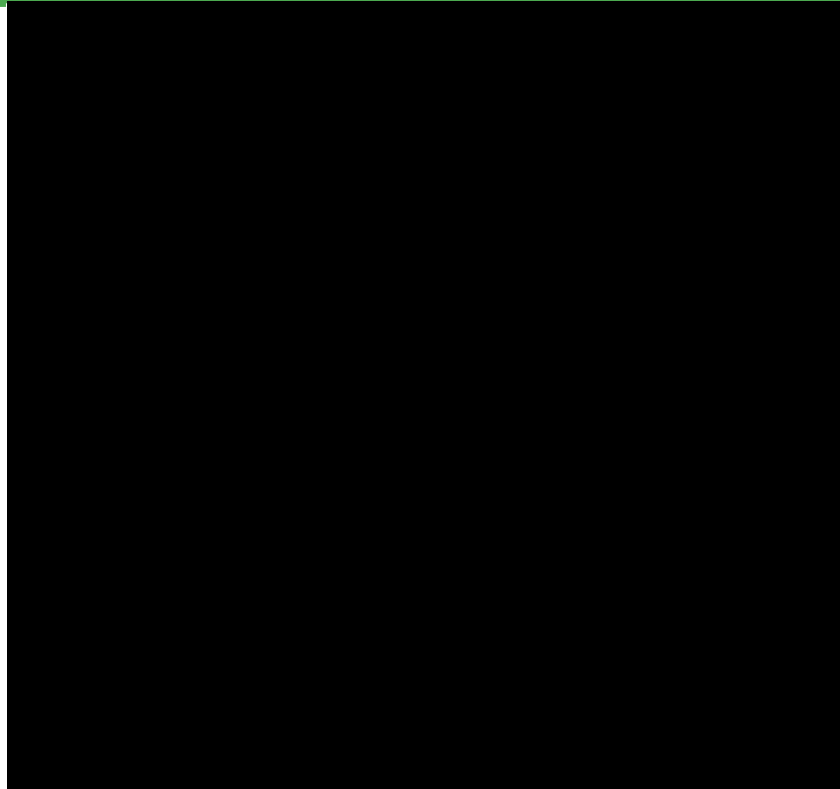


CUMBERLAND PLAN CONSERVATION PLAN 2020

The draft Cumberland Plan Conservation Plan (CPCP) was published for public comment on 26 August 2020. The draft CPCP seeks to provide certainty regarding biodiversity and conservation outcomes within the land affected by the Plan. The draft CPCP provides maps of the subject site as comprising non certified land with either biodiversity or riparian values. See Figure 2 below.

The result of the land identification under the draft CPCP is that this land will not be available for development. The non-certified land to the east of the site and including the access corridor is not reflective of the vegetation on the site.

Figure 2: Land Category for the CPCP (Source: Interactive Map draft CPCP 2020)



The site (certified land shown in peach and non certified land shown in green)

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The following key comments are made on behalf of the land owners:

- **Logical alignment of the conservation area boundary.** The logical boundary location for the non certified land and the strategic conservation area is at the eastern boundary of the subject site where there is adjoining land that comprises densely vegetated areas.
- **Site specific (ground-truthed) ecological assessment of the site.** There must be the opportunity for the land owner to carry out a detailed assessment of the biodiversity values of the subject land to confirm the existence of Cumberland Plain Woodlands and it's biodiversity values.
- **Absence of significant environmental constraints.** The subject site remains unaffected by other environmental constraints, with the exception of bushfire hazard, meaning that it can be used for agricultural uses are per the current zoning.
- **Locational characteristics.** The site is located at the fringe of the strategic conservation area but is more aligned with the rural residential uses to the west. As such the site's eastern boundary is the preferred location for the strategic conservation and non certified land boundary.

The opportunity exists for the draft Cumberland Plain Conservation Plan to be refined to remove the subject site from the non certified land and the strategic conservation area. Further investigation and ground-truthing opportunities should be provided to the land owner so they can engage an ecologist to provide more detailed information about the site.

CONCLUSIONS

This submission on behalf of the owners of [REDACTED] Orchard Hills strongly advocates for the alignment of the boundary for the non certified land and the strategic conservation area to be realigned with the eastern boundary of the site. The application of the boundary partly within land at [REDACTED] does not align with the vegetation that exists on the site. There should also be the opportunity given to the land owner to further interrogate the biodiversity features of the site and provide ground-truthed ecological assessment to refine the boundary of the strategic conservation area.

This submission is intended to assist the NSW Government in finalising the draft Cumberland Plain Conservation Plan and positively contributing to the success this plan by suitable protecting and conserving biodiversity.

Principally, this submission makes the following key points:

- The realignment of the boundary of the non certified land to the eastern boundary of the subject site. The access driveway to the site has been nominated as non certified land which means that if the draft Cumberland Plain Conservation Plan is published in its current form the entire land parcel becomes unusable.
- The realignment of the boundary of the strategic conservation area to the eastern boundary of the subject site.
- Permit the ability of the land owner to prepare their own ground-truthed ecological assessment of the land to submit to the NSW Department of Planning, Industry and Environment to facilitate more accurate mapping of the site.

The land owners look forward to continuing to work with the NSW Department of Planning, Industry and Environment on further refinements of the draft Cumberland Plain Conservation Plan 2020.