

Submission

Specifically relating to [REDACTED] Wilton 2571.

Map excerpts presented here were accessed online on SEED and through the Cumberland Plain Conservation Plan – Exhibition Spatial Viewer (https://webmap.environment.nsw.gov.au/Html5Viewer291/index.html?viewer=CPCP_Exhibition_Viewer) on 8 October 2020.

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Introduction

While the Draft Cumberland Plain Conservation Plan (2020) (Draft CPCP) is a Plan with admirable intent, there are several inaccuracies regarding the historical and current landuse of properties within Wilton and the resulting E2/Conservation lands disagree with the application of the Biodiversity Assessment Method (BAM) by an accredited assessor.

I am a landholder within Wilton, being the director of a company that owns [REDACTED] Wilton 2571. My comments apply to this particular property, as well as to those properties and landareas that are immediate neighbours.

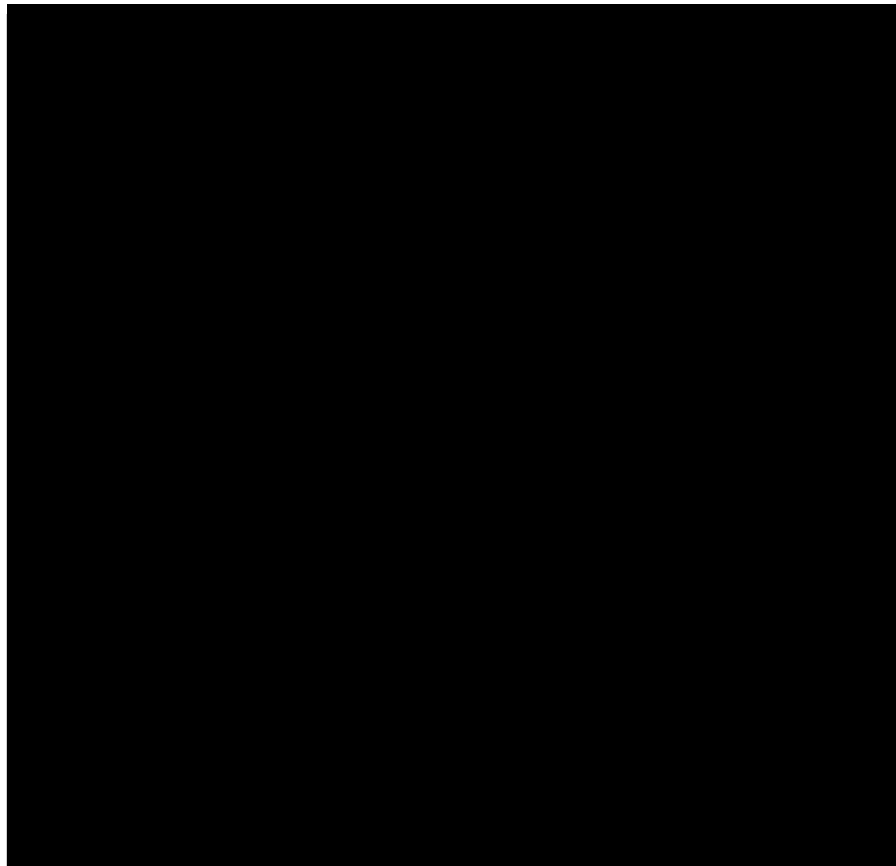


Figure 1 Land use 2017 (SEED NSW) Grey shading is land identified as being used for rural infrastructure and residential purposes. In addition, there is further infrastructure in the back paddock, marked on the map as grazing native vegetation (no infrastructure indicated).

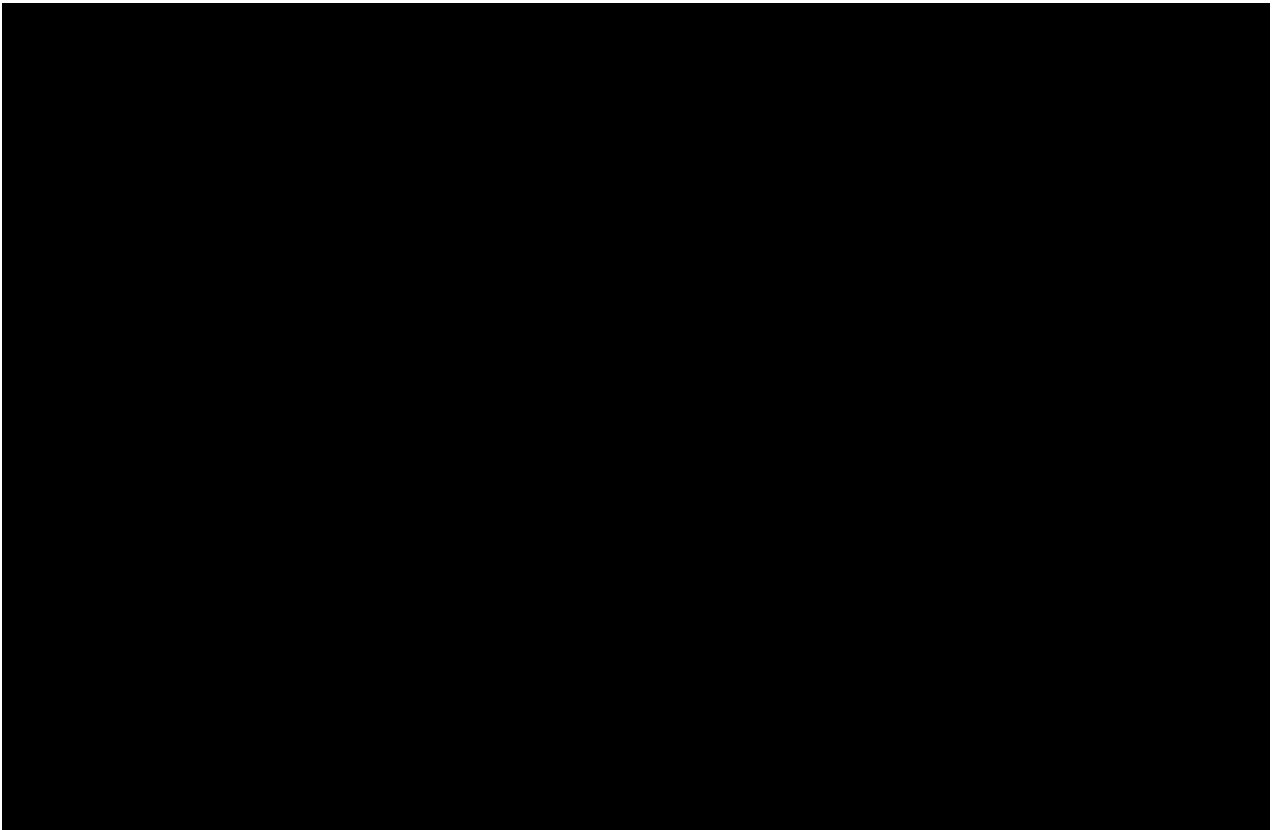


Figure 2 Land use capability with urban capable shown in pink

Important considerations

Maps

There are issues with this map.

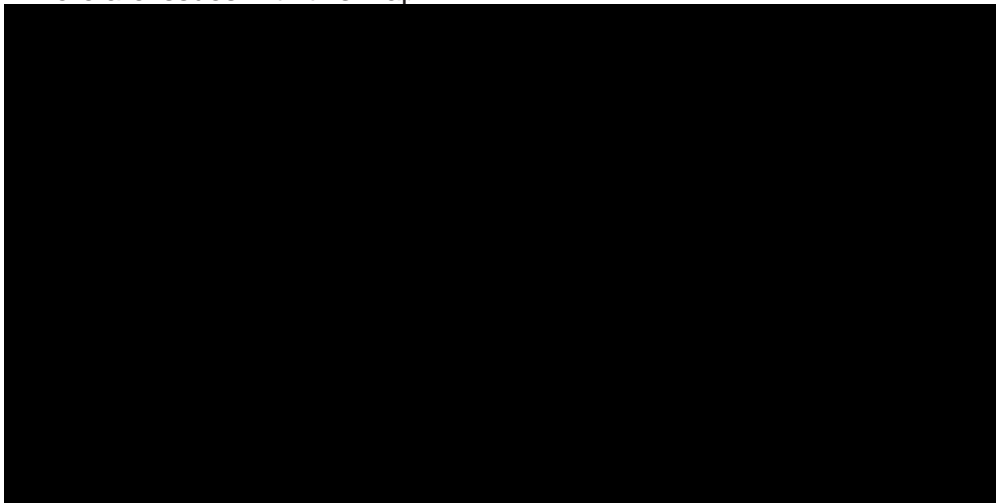


Figure 3 Land use indicating urban capable land along creekline of neighbouring properties, yet stopping at the boundary of [REDACTED]

- There is a creek line for an ephemeral creek, that is within three neighbouring properties. The land on the neighbouring properties are identified as urban capable all along that creek line, yet the urban capable land stops at the boundary of 1 [REDACTED] [REDACTED]. There is no difference between the creek corridors on these properties, save that the property immediately next door has more trees and understorey. The creek line on the other properties has been cleared for asset protection and retains only a few trees

with introduced grass species to hold the soil. In fact, [REDACTED] has fewer trees than neighbouring properties.

- If you overlay the Draft CPCP map indicating urban capable lands, much of the land already identified as being used for residential and farming infrastructure is omitted (grey shading) from the urban capable category. This land includes an old golf driving fairway, archery lane and horse working area and several horse paddocks.

Koala habitat decision of NSW government, 7 October 2020

The NSW government decision of 7 October 2020 to develop a new SEPP on koala habitat that redefines 'core koala habitat' and removes controversial koala habitat maps in favour of on-ground surveys (ABC website: accessed 9/10/2020) must be taken into account before any rezoning and decisions on whether a property is urban capable or conservation lands.

Landscape connectivity

Page 8 of the Draft CPCP states that 'Landscape connectivity is important for biodiversity as it allows the linkage of habitats, species, communities and ecological processes.' [REDACTED] [REDACTED] has been partially identified as urban capable and partly for conservation land. The conservation land is bounded by urban capable land, roads and other semi-rural/lifestyle properties.

Once asset protection zones are added to protect the existing farm and residential infrastructure there will be limited connectivity to other conservation lands. A road to access the rear urban capable land will need to be constructed. Minister Elliott announced on 8 October 2020 that the Rural Fires Act (1997) would be amended so that 'that rural landholders can clear up to 25 metres of vegetation on their property without facing time consuming approvals'. This will increase the amount of vegetation that we are required to clear, reducing the amount of any land being considered for conservation.

This will leave less than 0.5ha of wetland below the dam wall that connects to the riparian corridor and very small non-contiguous patches elsewhere on the property. Our assessor's application of the Biodiversity Assessment Method showed that area as being of biodiversity conservation value.

Land use

This property has been used for grazing purposes since the late 1800s and aerial photos dating from 1990 show paddocks slashed regularly and with varying grass cover. There are paddock trees for shelter. The paddocks are a mixture of native grasses, weeds, and since 2017, improved pasture attempts in the rear paddock.

There is no understorey present and trees are for shelter within paddocks. There are large patches of cleared land between trees. Many trees died during the recent drought. Some have been cleared, complying with the LLS Act, for farm infrastructure purposes.

Property boundaries have changed and there is evidence of old yards and a row of shelter trees. Remnant machinery has been found of old ploughs, wire fence posts and other farm equipment.

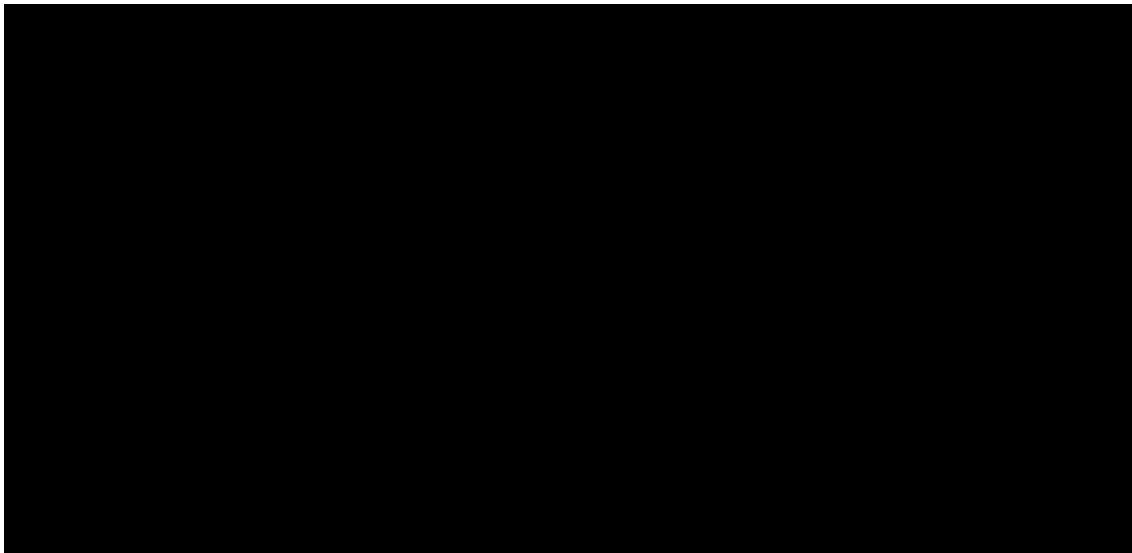


Figure 4 Metromap showing vegetation with significant tree shadows. Map post March 2020

Pages 90-92 of the Draft CPCP indicate several criteria for avoiding biodiversity values. These include:

- EECs or PCTs in large patches and good condition. The vegetation on [REDACTED] is in poor condition, with many stressed plants. It does not meet this criterium.
- Known habitat for endangered species or known koala habitat. The recent decision to review the SEPP for koala habitat impacts on any biodiversity decisions.
- Priority conservation lands. This is not implicitly defined, but I would have thought that historically overgrazed lands, with considerable farming infrastructure would not conform

Application of the Biodiversity Assessment Method (BAM)

In 2015 we engaged an accredited assessor to apply the BAM on our property. Although Planning was offering biodiversity assessments, they indicated that this would be by a drive-by of properties with representative plots on a few properties. Reasons for us engaging the assessor included:

- [REDACTED] is not entirely visible from the road and a drive-by would provide limited information
- We wanted an accurate sampling and application of the BAM on our property as this informs the environmental impacts of any development
- The limited Planning assessments were conducted very quickly, and on a neighbour's property, in a single session, cut short by a sudden rain squall. Our BAM application took place over many weeks, accounting for differing weather and seasonal conditions, time of day and allowing for significant time to note any fauna visitors. It was a thorough investigation of the flora and fauna of the property.
- Clear presentation of the findings and research methodology to the landowners of the property.

We have made this report available to Planning.

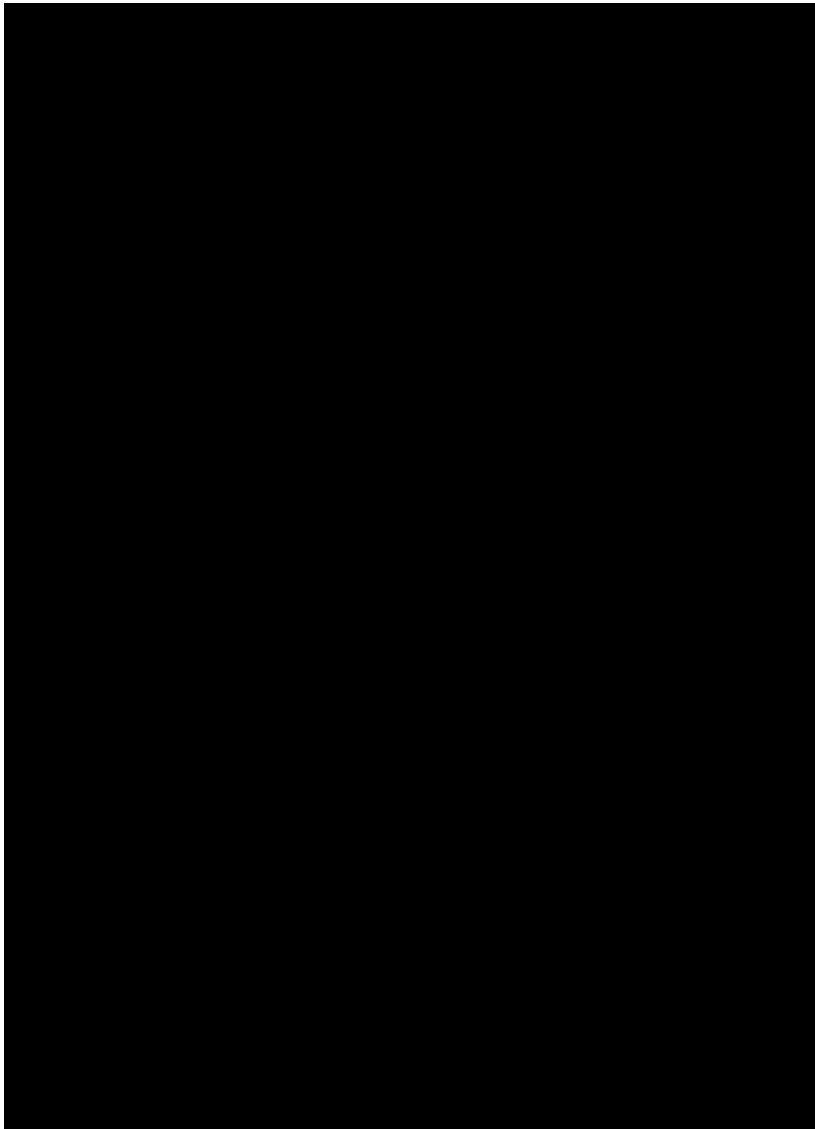


Figure 5 Aerial photo, 1994 showing paddocks used for grazing. Note significant tree cover on neighbouring properties, which are now deemed urban capable

Categories of land under the Plan

Non-certified land is avoided from development “due to identified biodiversity values on the site... topography or due to an environmental feature such as a riparian corridor.” (the Plan, 2020, page 20)

Unfortunately, representatives from Planning and Environment have refused to walk over [REDACTED] to ground-truth their justification of non-certified land for much of our property. It appears that much of the assessment of [REDACTED] being deemed non-certified is based on very old maps showing uncategorised vegetation types (Tx – poor quality <10% canopy cover (OEH map 2000/2013/2016)).

Note:

- We have had a full BAM has been applied to this site. Planning has extrapolated their information from a partial application of the BAM, not a full application.
- The site is not steep, in fact, being similar or more gentle sloping than many of the surrounding properties that are deemed urban capable.
- There is no riparian corridor. The Nepean River is nearby, but there is a road and other dwellings between [REDACTED] and the river.

Inconsistencies across NSW in application of E2 and E3 zones

Planning and Environment (2015) released the Northern Councils E Zone Review. The recommendations of that report states that

E2 and E3 zones will only be applied if the primary use of the land is considered to be environmental conservation (E2) or environmental management (E3) and the land has attributes which have been verified to meet the criteria for an E2 or E3 zone.

The *primary use of the land* is the main use for which the land has been used for the last two (2) years...

██████████ has been used for rural lifestyle and grazing for over 40 years. Before this time, it was part of a larger property and used for grazing since the late 1800s.

Why does the Draft CPCP ignore the recommendations of E2 report North Coast Councils, Department of Planning, 2015? Especially when the property concerned is cleared, degraded, has no understorey, only one patch of potential conservation land linked to other conservation lands?

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