

9 October 2020

Mr Jim Betts
Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

Dear Jim,

Re: Draft Cumberland Plain Conservation Plan - [REDACTED] Denham Court (Scenic NSW Pty Ltd)

This submission is made on behalf of the land owners of the above property. The submission provides:

- an overview of the current position and ecological values of the site.
- an explanation of how the draft CPCP would affect the site.
- recommendations for amendment of the draft CPCP.

DESCRIPTION OF SITE

The site covering an area of approximately 670 acres, as shown on the attached map is known as [REDACTED] [REDACTED] Denham Court and legally identified as Lot [REDACTED] [REDACTED]

Ecological survey by an accredited ecologist was undertaken in June 2018, including vegetation validation and collection of ten (10) BAM plots. Three remnant vegetation communities were recorded on site as shown in Figure 1 attached. All communities were recorded as being in poor to fair condition.

These communities were:

- PCT 835 which is associated with the EEC River-flat Eucalypt Forest occupied approximately 5.38 hectares.
- PCT 849 which is associated with the CEEC Cumberland Plain Woodland occupied approximately 40.43 hectares and was in poor to fair quality.
- PCT 850 is also associated with the CEEC Cumberland Plain Woodland and occupied around 37.62 hectares.

The remainder of the site contains a range of commercial buildings, carparks, residential dwellings, machinery sheds, riding school, office buildings and paddocks, manicured gardens, farm dams and exotic grasses with isolated paddock trees and small clumps of native vegetation. The cleared areas have a long history of grazing and commercial agriculture.

The site is currently zoned E3 Environmental Management under Campbelltown LEP 2015. Our understanding is that the E3 Environmental Management zoning intent was primarily for protection of

scenic values rather than biodiversity values. The landowner is currently investigating compatible future land uses, with the retention of areas of good quality vegetation.

DRAFT CPCP PROVISIONS

The draft CPCP interactive map identifies the following matters for the site.

Draft CPCP Provisions	Application to the site	Intended effect of the CPCP
Nominated Area or Precinct	No	NA
Proposed Certified – Urban Capable	No	NA
Proposed non certified land	No	NA
Growth Centres	No	NA
Threatened Ecological Community	Yes	Vegetated areas mapped as Cumberland Plain Woodland
Strategic Conservation Area	Yes	<p><i>‘The map of the strategic conservation area will be used to identify suitable conservation lands to offset biodiversity impacts over the life of the Plan. Suitable areas may be protected as a future reserve or biodiversity stewardship site as well as enhanced through an ecological restoration project’.</i></p> <p>And</p> <p><i>‘Planning controls will be applied across the strategic conservation area, except for land owned by Local Aboriginal Land Councils (LALCs) or under claim by LALCs’.</i></p>
Georges River Koala Reserve	No	NA
Important Koala Habitat	No	NA
Proposed Environmental Conservation	No	NA
Western Sydney Transport Corridor	No	NA

SITE VALUES DISCUSSION

It is acknowledged the site contains patches of ecological communities – including Cumberland Plain Woodland and River-flat Eucalypt Forest. However, the site also contains substantial areas of highly developed cleared land with NIL or limited biodiversity value (see examples in Figure 3).

There is scope to allow orderly and sensible development within this property that would have NIL or minor impact on scenic or biodiversity values whilst protecting the vegetation along the steep lands in the north and within the riparian and view corridors. This would enable more meaningful, viable, and liveable corridors that could also link to better quality vegetation on adjoining land. This vegetation could be protected via a Stewardship site that could provide biodiversity credits for any small amounts of vegetation clearing.

The extent of the Strategic Conservation Area is shown in Figure 2 of this submission. Our concern with the draft CPCP is that it could be interpreted as sterilising any land uses that are not biodiversity conservation.

We believe this is unreasonable and unnecessary. We actually are of the view that development will be necessary to make a Stewardship site viable. Much of the cleared land is exotic and has very poor native seedbank. The cost of rehabilitating exotic grasses to a functioning ecological community is cost prohibitive and it is extremely unlikely that the cost of doing so can be recouped through sale of biodiversity credits.

Allowing a compatible and sustainable development outcome on that part of the site that has NO bio diversity value can assist in providing a financially feasible and workable Stewardship site that meets many objectives .

Whilst we understand the draft CPCP does not endorse land development outcomes that are outside of the Nominated Areas and Precincts, we believe that it should not prevent the development of lands where there are few if any biodiversity values or risks at stake and as stakeholders we can demonstrate both ecological and community benefits.

LAND USE IMPLICATIONS DISCUSSION

Given the above , the quality of existing vegetation over a significant portion of the site, the extensive clearing and development which has historically occurred over the site and cost to restore cleared land, we believe the draft CPCP unfairly burdens our land by NOT taking into consideration the true nature and character of the Land. This is particularly prevalent as we are considering alternative land uses for the site but are disadvantaged and receive no benefit from the lands inclusion in the CPCP.

Our land, (specifically) parts that have been historically cleared and /or developed, appears to be being used by the Department to subsidise the impacts caused by the delivery of major infrastructure or development of other lands without consideration of the impacts to the viability of future land uses on our site or at least fair and transparent compensation for the lost development opportunity.

Further, it results in the loss of the ability for future land uses to be pursued or considered and the ability for us to manage and offset our own development impacts. Whilst we appreciate and acknowledge that part of our land has biodiversity value, it is not considered to be reasonable or fair to restrict future land uses over the whole of our land or at least those parts that have NO ecological significance.

RECOMMENDATIONS

Based on the condition of vegetation on the site and above discussion, we request that the Department consider the following amendments to the draft CPCP before it is finalised:

1. Remove the Strategic Conservation Area hatching completely and allow investigations into suitable land uses of all NON ecologically significant land – including conservation and Stewardship sites to be undertaken by the landowner;
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2. Alternatively, refine the boundaries of the Strategic Conservation Area based on field validation to ensure it applies to areas that contain Cumberland Plain Woodland and River-flat Eucalypt Forest in good condition so that investigations into suitable land uses for the remainder of the site can be pursued;
3. Specifically engage with landowners that are affected by the Strategic Conservation Areas that do not receive the benefits of being included in the CPCP.

Regards,

Joseph D'Agostino

Tony Zaccagnini

Figure 1 Vegetation Communities

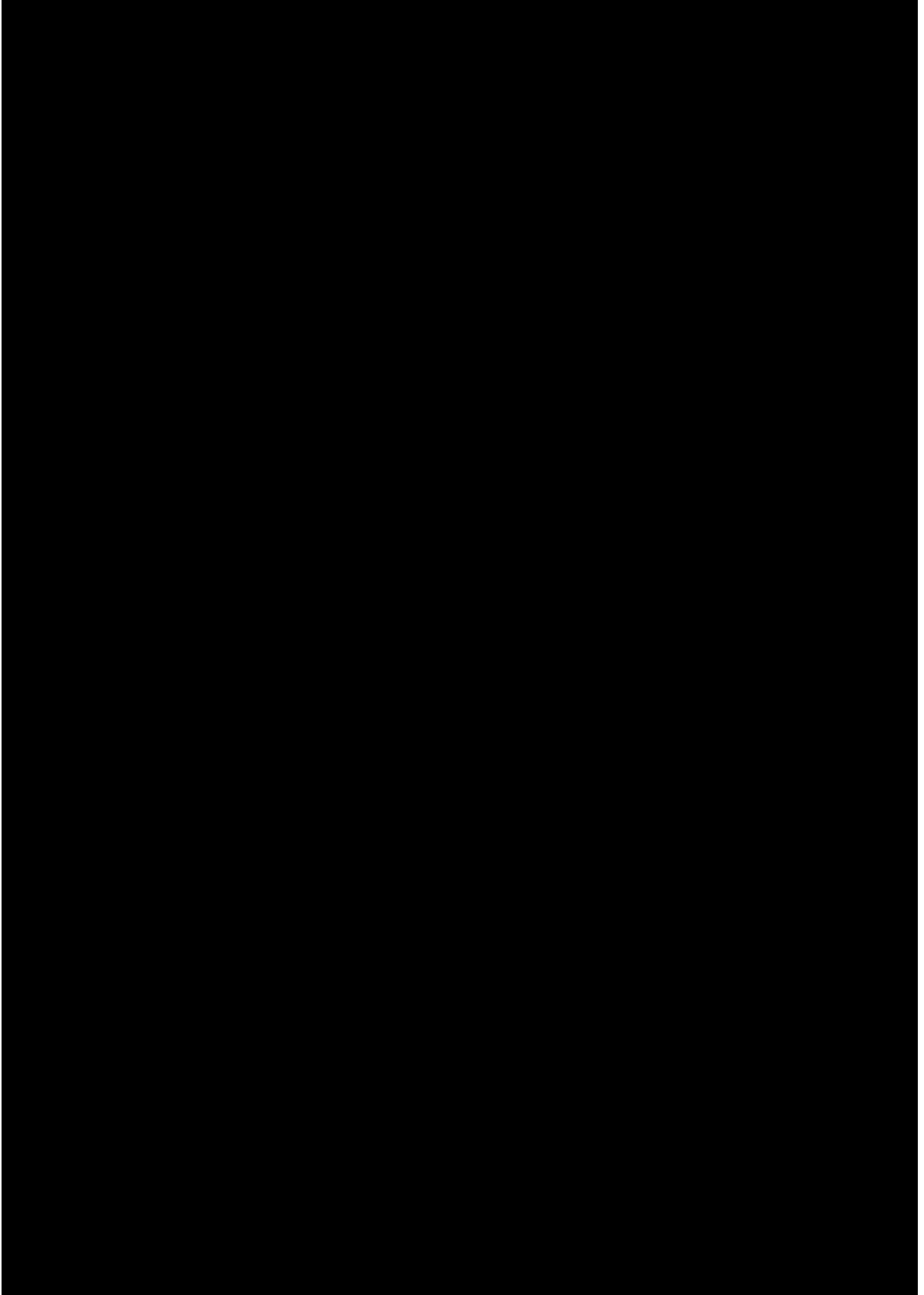


Figure 2 Strategic Conservation Area

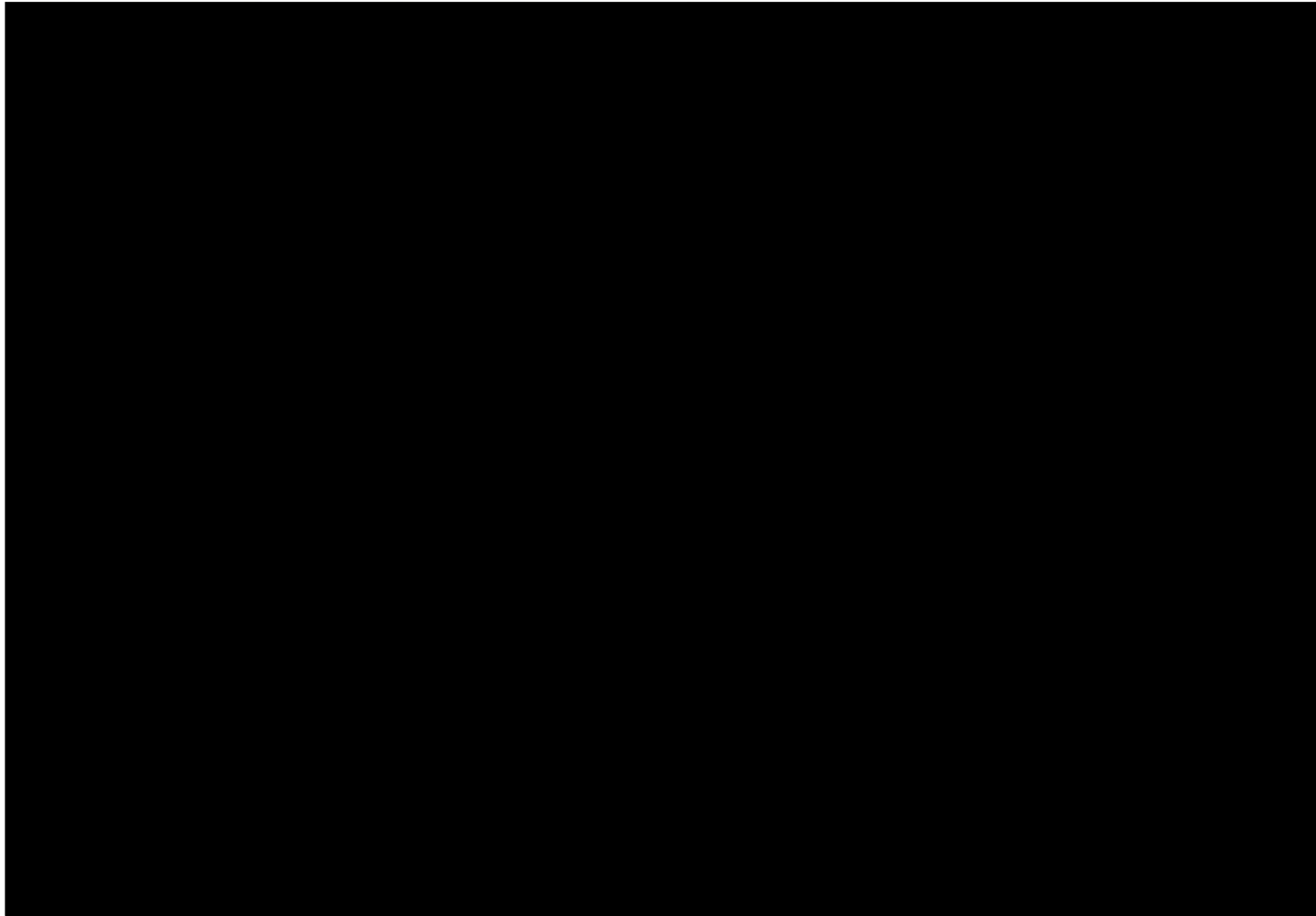


Figure 3 Cleared land examples

