



9 October 2020

Mr Steve Hartley
Executive Director
Green and Resilient Places Division
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Mr Hartley,

SUBMISSION – DRAFT CUMBERLAND PLAIN CONSERVATION PLAN

- 1.1 This submission has been prepared on behalf of Flower Power in response to exhibition of the draft Cumberland Plain Conservation Plan (Draft CPCP).
- 1.2 LJB Urban Planning Pty Ltd has undertaken a review of the following documents which are currently on exhibition:
 - *The Draft Cumberland Plan Conservation Plan;*
 - *Highlights of the Draft Cumberland Plain Conservation Plan;*
 - *Sub-Plan A: Conservation program and implementation;*
 - *Sub-Plan B: Koalas;*
 - *The Explanation of intended Effect; and*
 - *The Summary Assessment Report.*
- 1.3 Our client supports the long-term environmental benefits that will transpire from the implementation of the largest strategic conservation plan to be undertaken in Australia, being the Draft CPCP, combined with the future SEPP *for Strategic Conservation* and subsequent 'Structure and Precinct Plans' that will guide future development within these nominated areas. The benefits will definitely be valuable for generations to come and provide more certainty for future development in the nominated area as well as on Flower Power's site.

1.4 It appears from reviewing the supporting documents that the subject site is located within the draft CPCP nominated area and the south-western corner of the site is proposed to be rezoned to an environmental conservation zone.

1.5 Flower Power currently owns and occupies the site known as [REDACTED] Orchard Hills. The sites' real property description is:

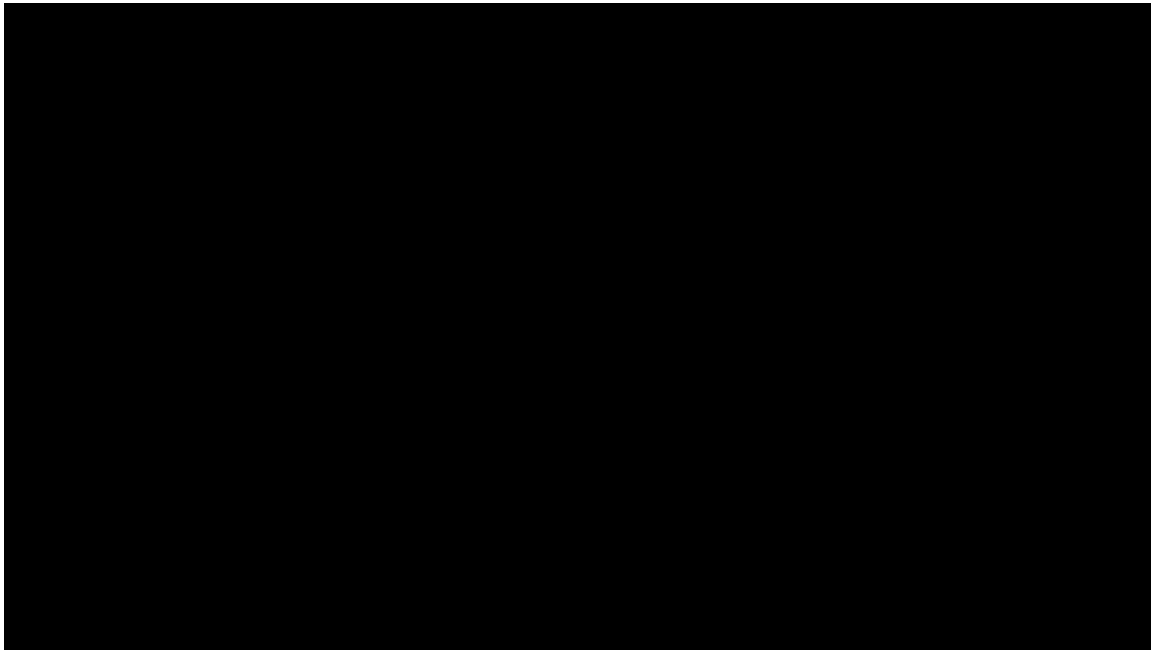
- Lot 1 [REDACTED]

2.1 It has an area of approximately [REDACTED]. The site is rectangular in shape with a frontage of approximately 188 metres to Castle Road and 90 metres to The Northern Road. The site is currently occupied by Flower Power retail plant nursery.

2.2 On 9 October 1986, development consent (DA No. [REDACTED]) was granted for the retail and wholesale plant nursery at the corner of The Northern Road and Castle Road, Orchard Hills. The site has had subsequent DA modifications over the years, however, continues to operate for this approved use today.

2.3 To the east of the site are rural residential lots containing residential dwellings and various rural outbuildings. To the north of the site, across Castle Road, are rural residential allotments containing dwellings houses and outbuildings. To the south of the site is a former residential allotment that now appears to be utilised as a business. To the west of the site is the Northern Road which is currently being upgraded and further to the west is KFC, a pet Store, 7-Eleven and low-density residential allotments.

1.6 The location of the site is identified below:



- 1.7 Major upgrade works are occurring along The Northern Road and this has resulted in significant disturbance to the environment in proximity to our client's site. In particular, the existing dam positioned in the south-west corner of the site was affected and has only recently been rectified to enable the re-use of the water within the Flower Power site.
- 1.8 Access to our client's site is positioned along Castle Road, being the northern boundary.

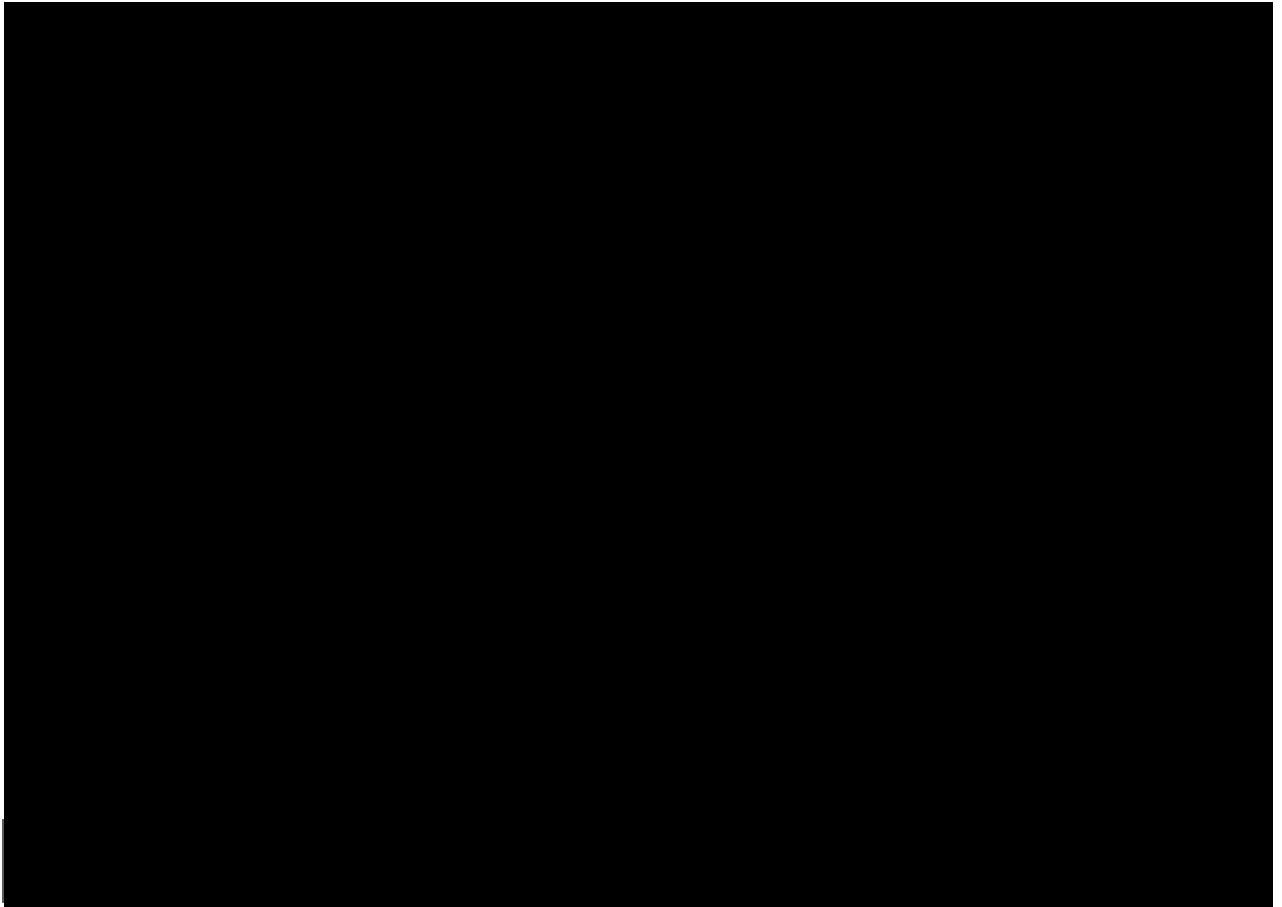
Existing Penrith Local Environmental Plan 2010 Controls

- 1.1 The subject site is zoned RU4 Primary Production Small Lots. The approved use, being a plant nursery, is permissible within the RU4 zone.
- 1.9 The subject site is not heritage listed but is in close proximity to the following heritage item:
- Item 657 – Water Reservoir at 197-207 Castle Road, Orchard Hills
- 1.10 The site has not been identified as being within the flood planning area, as such Clause 7.2 does not apply.
- 1.11 Clause 7.5 of the PLEP 2010 applies to certain parcels of land within the LGA that require protection of the scenic character and landscaped values.
- 1.12 There are no other provisions in the plan relevant to the site, including any maximum height and/or FSR controls.

Draft Cumberland Plain Conservation Plan

- 1.13 On the 26 August 2020, The Department of Industry and Environment exhibited the draft CPCP and the exhibition ends Friday 9 October 2020.
- 1.14 This submission has been prepared in response to the draft CPCP.
- 1.15 A review of the Departments' exhibition documents has determined that the subject site has been included in the draft CPCP area and is nominated as containing the following NSW Threatened Ecological Communities on the subject site:
- *River-Flat Eucalypt Forest; and*
 - *Cumberland Plain Woodland.*
- 1.16 In addition, the south-western corner of the site has been nominated to be rezoned to an E2 Environmental Conservation Zone.
- 1.17 The majority of the site is zoned as 'certified-urban capable', which is pleasing to our client. However, the quality of the current environment at the south-western corner has diminished in recent times along with the quality of the natural environment within the adjoining property to the south, known as Lot 107 DP1224009.

- 1.18 As shown in the image the area shaded in the colour teal, is the approximate areas proposed to be rezoned to E2 Environmental Conservation Zone in the vicinity of the dam:



- 1.19 Based on the current condition of this area and impacts from The Northern Road upgrade it is recommended that the part of the site, identified to be rezoned to E2 Environmental Protection, be removed and reconsidered under the draft CPCP and the existing RU4 zone retained.
- 1.20 The draft CPCP, associated SEPP and future structure and precinct plans will unreasonably place constraints on the site when the current environmental condition, within the proposed E2 zone, is unlikely to warrant this level of protection.
- 1.21 In addition, the adjoining site to the south appears to have very little environmental quality and from a recent site inspection appears to have much of the topsoil removed and is a very barren allotment with even less natural environment in existence.
- 1.22 Unfortunately, there has been insufficient time to engage a suitably qualified Ecologist to peer review the proposed draft CPCP and current environmental conditions across the site and adjoining site to the south, before the end of the exhibition period. Should this be required our client would be more than happy to provide further supporting documentation.

Recommendation

- 1.23 Our client is supportive of the exhibited draft CPCP and the natural environmental improvements that will arise with its implementation.
- 1.24 However, it is requested that the Department reconsider the rezoning of the south-western corner of the site and retain the existing RU4 Primary Production Small Lots.
- 1.25 We acknowledge that the intention to rezone the south-western corner of the site would be the Departments preferred option, however, based on a recent site inspection the decreased quality of the natural environment in recent times the existing zoning should be retained.
- 1.26 We would welcome the opportunity to work with the Department to investigate the removal of the proposed rezoning and maintaining the existing RU4 Primary Production Small Lots zone.
- 1.27 We appreciate The Departments commitment to progressing the draft CPCP and look forward to future correspondence on this matter.
- 1.28 Thank you for the opportunity to provide comments on the Draft Cumberland Plain Conservation Plain and supporting documents.

Should you wish to discuss this matter further please contact Larissa Brennan on [REDACTED]
[REDACTED]

Yours sincerely

[REDACTED]

Larissa Brennan
Director
LJB Urban Planning Pty Ltd