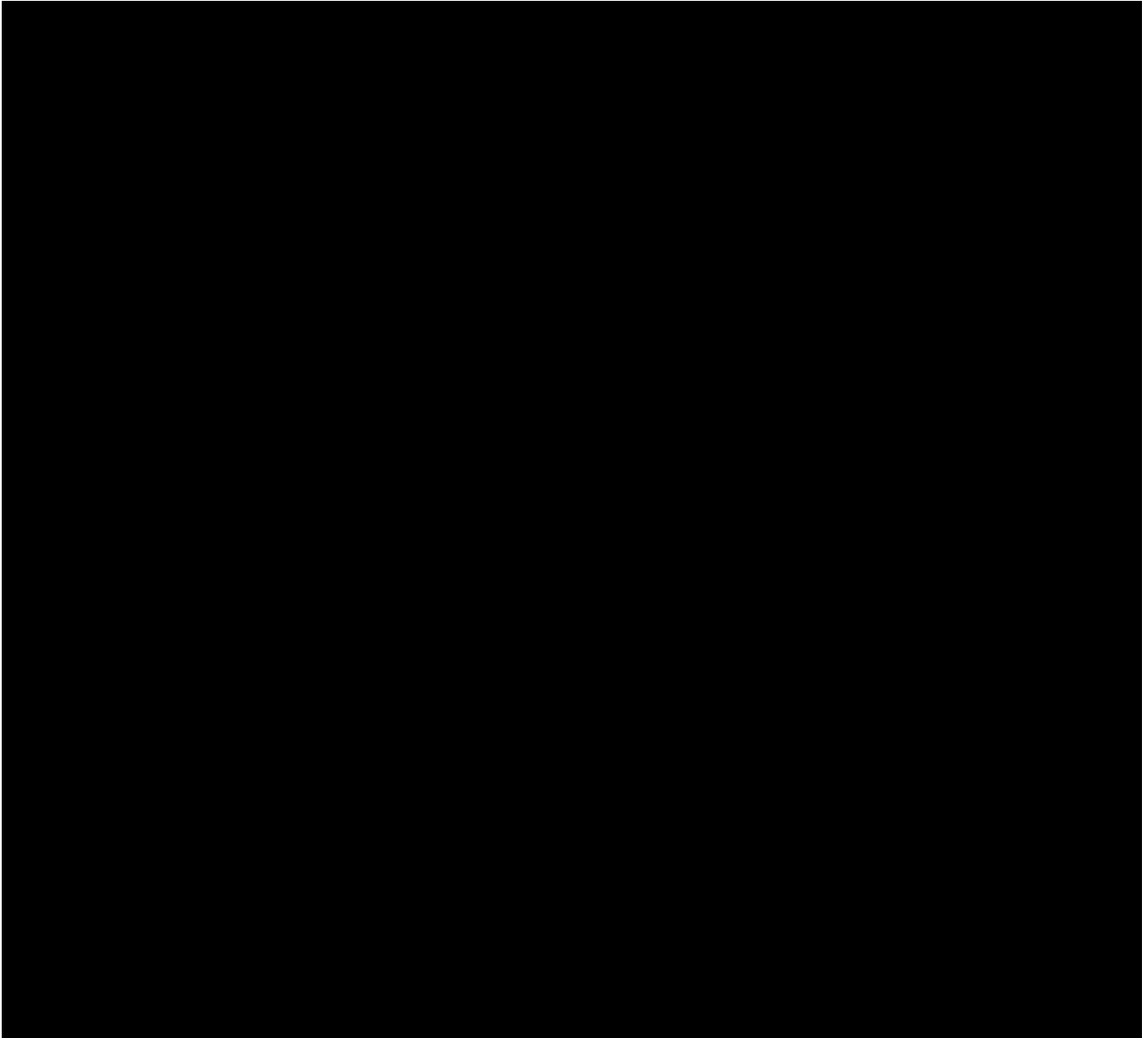


DRAFT CUMBERLAND PLAIN CONSERVATION PLAN

Submission – Objection to the (E2) Zoning – Environmental Conservation:
[REDACTED] Orchard Hills 2748



**Prepared by - [REDACTED]
30th of October 2020 – Rev 2**

Scope of Submission:

On the 26th of August 2020, the NSW Department of Planning, Industry and Environment wrote a letter advising that the Draft Cumberland Plain Conservation Plan was on public exhibition.

The letter stated that to develop the plan “Ecologists undertook surveys of the vegetation and wildlife habitat” on properties such as mine.

The letter also stated that the plan was to ensure that the strategic conservation plan was to ensure that conservation was planned over the next 36 years to the year 2056 and was being designed to protect local biodiversity.

It stated that “my land had been identified” as an area proposed for environmental conservation (E2) Zoning. The letter also stated that this (E2) zoning was “consistent with the strategic plan and vision for my area”.

The letter also stated, “the proposed (E2) zoning will **NOT** affect current uses of the land, and landholders can continue to live on their land, using their properties as they did before the plan commenced”.

I wish to strongly object to the (E2) Zoning and reject the above statements as I have researched the effects of the proposed (E2) Zoning on my land and contrary to the letter sent to me by the department assuring me that it will **NOT** affect my land – I find that it will affect the use of my land.

Development aspects and Complying Development Applications **Cannot** be undertaken on (E2) Zoned land ... future development potential **Will be affected by having an (E2) Zoning.**

I believe the land has been wrongly zoned as (E2) Environmental Conservation as the evidence has **NOT** been provided by the NSW Department of Planning, Industry and Environment, detailing what plant or animal species and riparian water ways they are trying to conserve.

I purchased this land from the day the land was subdivided and sold. I remember the use of the land prior to the subdivision and it was used as a pig farm with grazing paddocks for livestock. There was NO biodiversity when the land was used for farming and definitely **No** biodiversity from the day my husband and I purchased the land. Stormwater flows from adjoining land had never entered my property until Council approved structures were built on adjoining land.

The land has from the time that I have owned it been mowed and kept as a rural residential property, well maintained and **No** clearing undertaken what so ever. The land was a bare paddock, as was many other properties around me. Many trees were planted by the land owners to provide the property shade and aesthetic value, **NOT a result of a wildlife corridor.**

The purpose of an (E2) Environmental Conservation would be to conserve critical habitat / endangered species or provide planning protection measures to riparian waterways from disturbances due to development. None of these factors are relevant to my lot as described in my points above.

Submission – Objection to the (E2) Zoning – Environmental Conservation:

The proposed Draft Cumberland Conservation Plan Letter stated a number of points which I wish to strongly reject.

- **“Ecologists undertook surveys of the vegetation and wildlife habitat” on properties such as mine.**

There were never any ecologists – to my knowledge coming on to my property to survey the vegetation and wildlife.

The reason I know this is because it is clear that my property and the properties around me are well maintained and kept mowed. It does not take an Ecologist to see that there is no more biodiversity on our properties which differ from any other residential property in the Orchard Hills or Penrith area.

I doubt there was ever a field study undertaken – further, if there was, I would like the opportunity to have the documentation reviewed by an independent consultant to determine the validity of the information.

- **The plan was to ensure that the strategic conservation plan was to ensure that conservation was planned over the next 36 years to the year 2056 and was being designed to protect local biodiversity.**

As indicated above – I strongly reject the assumption that my property has any additional or special biodiversity present more than any other residential lot in Penrith.

The attached aerial photos will demonstrate that the proposed data used by the Department is not accurate, but also that my property and others around me have no “Special” or additional biodiversity than any other residential RU4 / R5 zoning.

The area of land nominated by the Department is a series of stormwater overflows from landscaped areas and storage dams. My property has none of these features (as shown on the attached pictures) and has never had any of these features.

To suggest that my property is subject to a conservation zoning suggests that a desktop investigation based on out of inaccurate maps with arbitrary lines drawn on it for the purposes of Council determining stormwater drainage patterns for development control.

This land should be zoned as residential R5 and permitted to allow small Rural residential type dwellings to continue as per the Vines estate in which my boundary shares on two sides.

- **“the proposed (E2) zoning will NOT affect current uses of the land, and landholders can continue to live on their land, using their properties as they did before the plan commenced”.**

(E2) Environmental Conservation has significant impacts on the use of land. This comment is very deceiving to those that do not understand this.

This zoning prohibits certain uses on the land and development controls are required to be implemented when this zoning is in place.

This zoning prohibits Complying Development applications to be applied to my land and would mean a Development Application, subject to ***Environmental Planning and Assessment Act 1979 No 203 - Part 4 Development assessment and consent.***

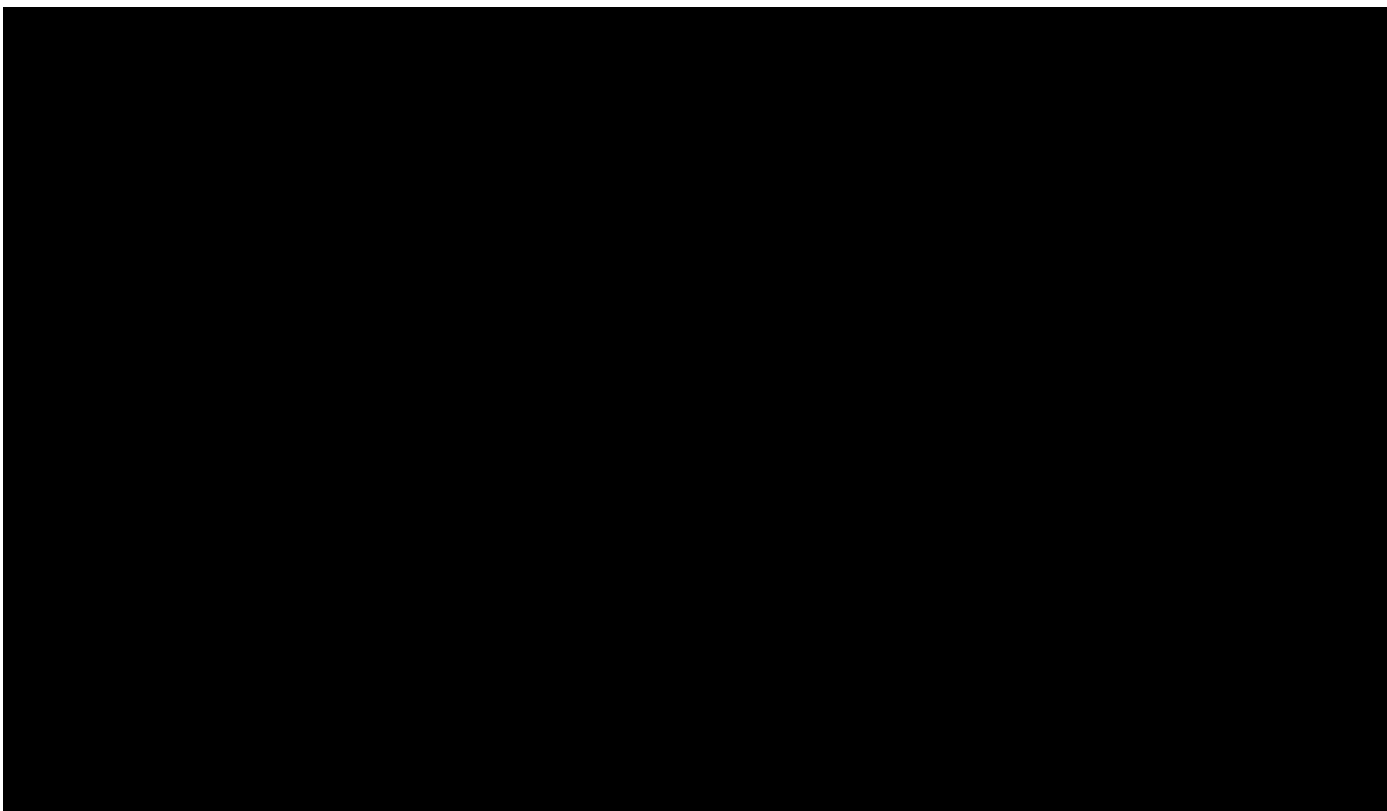
The Act requires specific functions of Council to be undertaken for development proposed in a mapped (E2) Zoning area and even though the rest of the land would not be mapped (E2) – this does not preclude the considered impact of future development on the (E2) portion.

This is a clear restriction on future uses of my land which currently has permissible uses under the RU4 zoning. **This WILL change the future use of my land.**

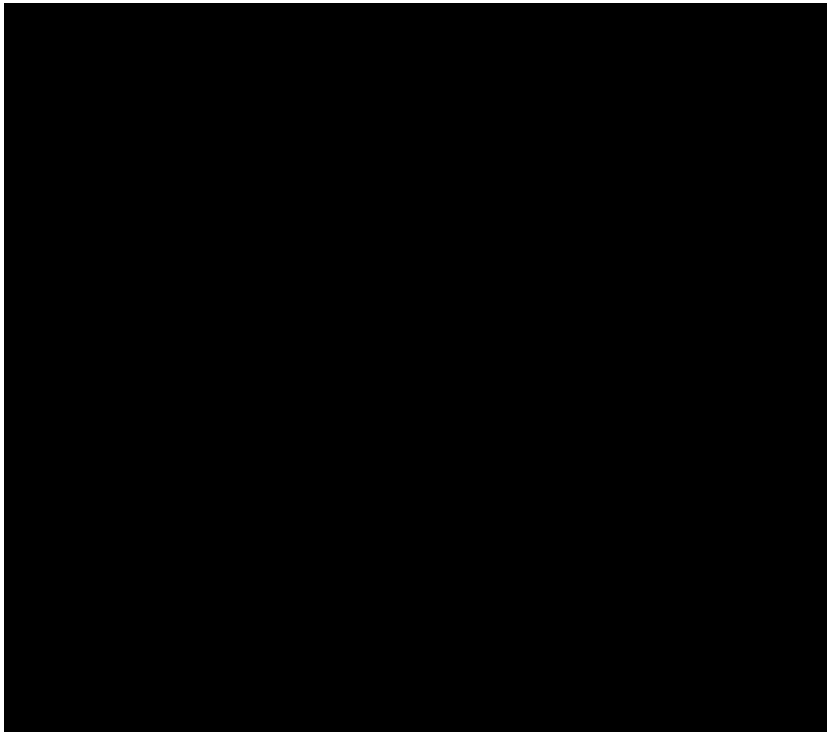
Proposed Mapping of Orchard Hills

The Department has provided the following map of the proposed (E2) Zoning. From the map – it is clear that no field survey was undertaken as the lines on the map, do not represent an accurate account of what actually occurs on the ground.

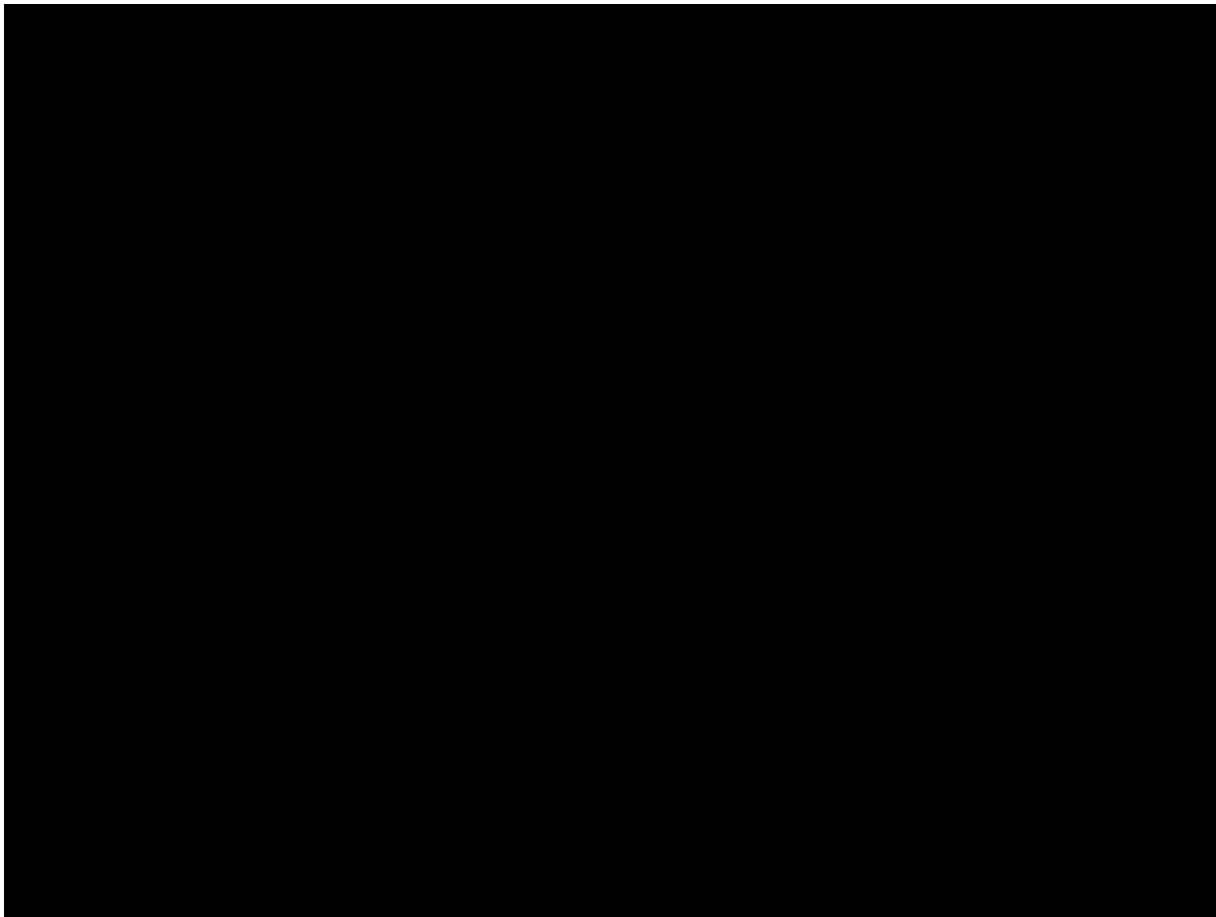
Note:- Look at the area proposed to be zoned (E2) Environmental conservation. The lines traverse along a large portion of my land at the rear?



The proposed zoning will cover over half the rear boundary of my property, which is protecting ??? well I don't know, and no-one has told me – it is a mowed residential land with a stormwater drainage overflow going through the property at the rear.

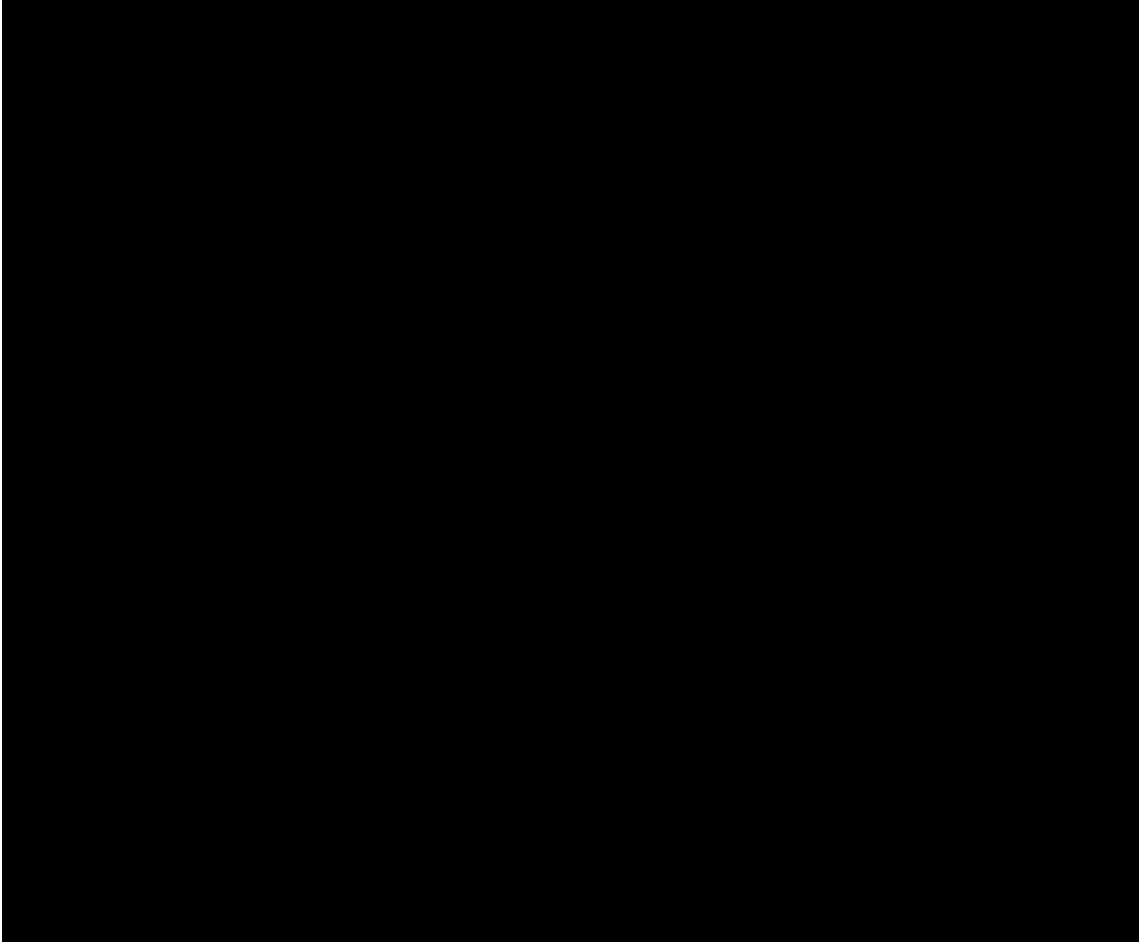


Assumed – water course traversing Lot [REDACTED]



Actual – No water course traversing Lot [REDACTED]

Source:- Aerial photo Nearthmaps – 1/10/2020



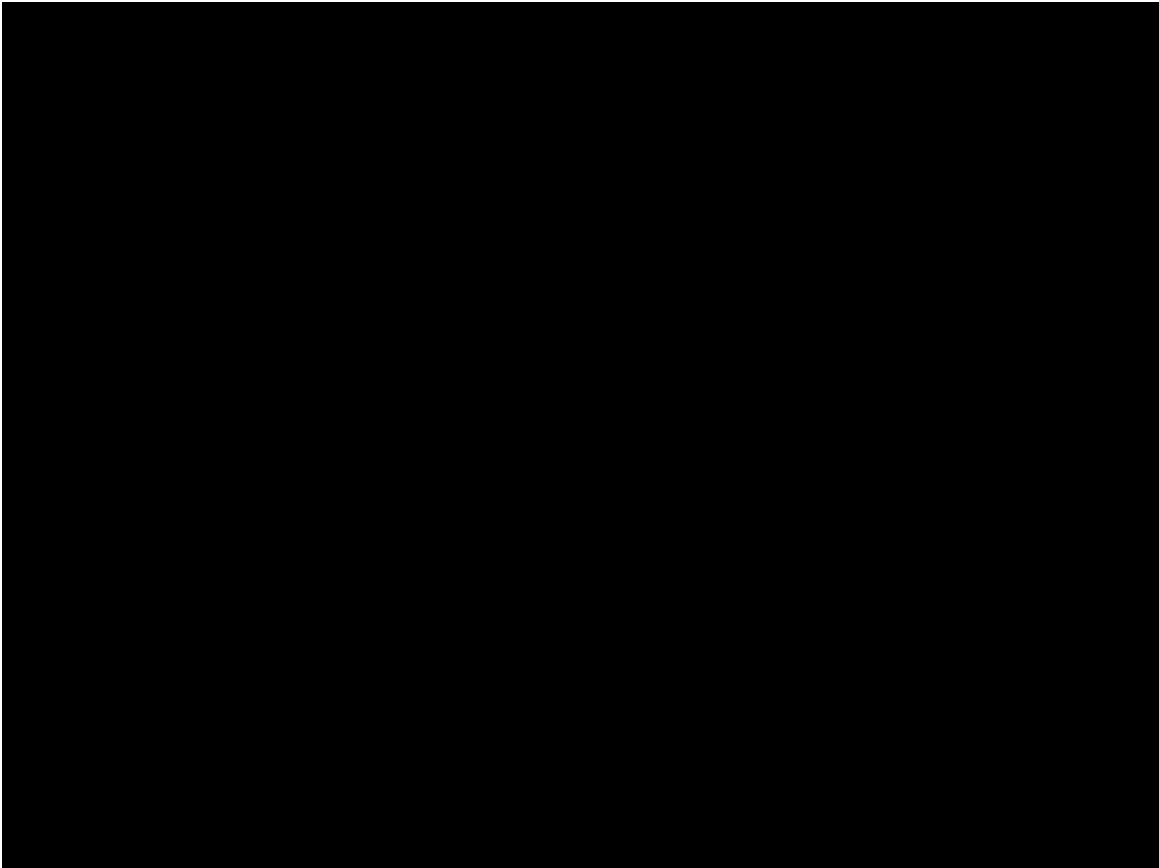
Source:- Aerial photo Nearmaps – 20/10/2009



NOTE: ALL DIMENSIONS AND AREAS ARE APPROXIMATE
ONLY AND ARE SUBJECT TO FINAL SURVEY

PREPARED BY JOHN LEVEN
LAND ENGINEERING & SURVEYING
153A QUEEN ST. ST. LEONARDS NSW

Deposited Plan received in 1988



Source:- Nearmaps **22-2-2010** – *Pre rear properties shed construction*

It is clear from the aerial photos that the property has not had any biodiversity which would require an (E2) Environmental Conservation Zoning.

Surely, as a lay person if I can see clearly that this is the case – the Department can also see that the properties were part of the normal rural residential subdivisions relative to the Ru4 and R5 zonings that are currently in place.

The Departments proposed zoning does not include any Lots west of my fellow neighbours and around the Calverts Road area **Nor** does it consider protecting the Lot immediately behind my property in Muscatel Way? This small narrow band of conservation only affects a select few properties, which **Cannot be considered to contain biodiversity** which requires an (E2) Environmental Conservation Zoning, due to the minor nature of the area itself.

I strongly wish the Department would re-consider the zoning on my Lot and wish to make the following statements in Objection to the proposed (E2) Environmental Conservation Zoning.

Objection to the (E2) Zoning – Environmental Conservation:

1. There were never any ecologists – to my knowledge coming on to my property to survey the vegetation and wildlife.

The reason I know this is because it is clear that my property and the properties around me are well maintained and kept mowed. It does not take an Ecologist to see that there is no more biodiversity on our properties which differ from any other residential property in the Orchard Hills or Penrith area.

I doubt there was ever a field study undertaken – further, if there was, I would like the opportunity to have the documentation reviewed by an independent consultant to determine the validity of the information.

2. The attached aerial photos will demonstrate that the proposed data used by the Department is not accurate, but also that my property and others around me have no “Special” or additional biodiversity than any other residential RU4 / R5 zoning.

The area of land nominated by the Department is a series of stormwater overflows from landscaped areas and storage dams. My property has none of these features (as shown on the attached pictures) and has never had any of these features.

To suggest that my property is subject to a conservation zoning suggests that a desktop investigation based on out of inaccurate maps with arbitrary lines drawn on it for the purposes of Council determining stormwater drainage patterns for development control.

My land should be re-zoned as residential R5 and permitted to allow small Rural residential type dwellings to continue as per the Vines estate in which my boundary shares two sides and surrounds my property.

3. This zoning prohibits certain uses on the land and development controls are required to be implemented when this zoning is in place.

This zoning prohibits Complying Development applications to be applied to my land and would mean a Development Application, subject to ***Environmental Planning and Assessment Act 1979 No 203 - Part 4 Development assessment and consent***.

The Act requires specific functions of Council to be undertaken for development proposed in a mapped (E2) Zoning area and even though the rest of the land would not be mapped (E2) – this does not preclude the considered impact of future development on the (E2) portion.

This is a clear restriction on future uses of my land which currently has permissible uses under the RU4 zoning. **This WILL change the future use of my land.**

4. The proposed zoning will cover over half the rear boundary of my property, which is protecting ??? well I don't know, and no-one has told me – it is a mowed residential land with a stormwater drainage overflow going through the adjoining property at the rear, which intersects the corner of my north / west boundary.

5. No studies have been produced verifying the flora and fauna species found on my and surrounding properties.
6. Insufficient community consultation was undertaken. At no point were my husband or myself interviewed / questioned or spoken with, to determine the current and previous use of the land and describe any environmental protection concerns required.
7. Drainage and stormwater management systems are **Not** inherently ear marked as important environmental conservation areas, particularly when associated with rural activities – This would mean that every dam in NSW would be regarded as being a precious biodiverse environment – which is clearly not the case.

The idea that a riparian water course flows through my property is inaccurate. Council have approved structures and landscaping features on my neighbour's properties directly adjoining the stormwater overland flow paths. If the area in question was considered conservation worthy, these structures and features would Not have been approved and the area protected.

8. This attempt by the department to put in place an arbitrary zoning based on insufficient and ill prepared research makes the NSW department look very unprofessional in this context.
9. Areas considered riparian zones generally have protection measures which prohibits activity within 40m each side of the water course. The Protection of the Environment Operations Act prohibits placing material in position which may be considered to pollute a water way. Therefore, the simple act of mowing my lawn spreading lawn clippings / top dressing my grass could constitute a strict breach of this legislation. This is unacceptable.

I wish to advise that I wish to take this matter further, if required. I have spoken to my fellow neighbours and we all agree that this is a mistake on behalf of the NSW department of planning.

We are prepared to seek further legal advice if this matter continues and will strongly object to any re-zoning occurring on our properties with a view to take the matter further to the Courts.

Please provide the departments intentions in this matter, with due notice, so that my fellow neighbours and I may be able to take any further steps necessary to resolve this matter in a court of law.

Yours sincerely,

