

Sarah Ng

From: [REDACTED]
Sent: Monday, 2 November 2020 10:19 AM
To: DPE PS Biodiversity Mailbox; Frances Douglas
Subject: [REDACTED] Wilton

I write to confirm anearlier request for a review of the planning nesw determination of land use type on the above property as per pg 92 of appendix A to to draft cpcp as I have a site specific BAM assessment completed by a suitably qualified person.

Regards.

[REDACTED]
Director
Scafell Property

Sarah Ng

From: [REDACTED]
Sent: Monday, 2 November 2020 10:24 AM
To: DPE PS Biodiversity Mailbox; Mikhael Dib
Subject: 105 Marcus St Wilton

I request a review as per pg 92/93 of appendix B to the CPCP as I have a BAM report from a suitably qualified person.

Thank you.

[REDACTED]

██████████ Wilton site specific rebuttal of the Planning NSW E2 zoning

1. The property is in the West Wilton precinct of the Wilton Growth Area (WGA).
2. The property is zoned Rural Use Two (RU2). Prior to subdivision in 1984 the property was part of a dairy farm. The property has a 150 year history of cattle and horse grazing history and likely a pre colonisation history of 'fire stick' management.
3. 60% of the property located north of the creekline is mapped by the NSW Government SEED (a partner of Planning NSW) as *Residential/Farm Infrastructure/Horticulture*. The 40% south of the creek is mapped by SEED as *Grazing*. SEED does not identify any conservation land on the property. See Attachment One.
4. As at October 2020, the property was not included in BioNet mapping as *potential biobanking and or biodiversity stewardship land*. Similarly in a 2015 Planning NSW funded Eco Logical Australia Pty Ltd report commissioned to inform the Wilton 2040 plan, the property is excluded from the *priority conservation lands* in the DECCW Cumberland Plain Recovery Plan. See Attachment Two.
5. The first time the property was shown as being of some conservation value was in the Wilton Junction Gateway submission 2015, a document prepared by the developers of the other three precincts at Wilton.
6. The developer's Gateway submission as it pertains to West Wilton was not informed by studies, ground truthing or physical investigation of the land. As such it was less than indicative of what was on the ground at the time and subsequently. Despite this fact, Planning NSW adopted and continues to defend the developer's 'guess work' as the start point for the CPCP in the WGA.
7. In the past 150 years the original native vegetation has been extensively modified and in parts removed all together. Much of the vegetation on the property is regrowth of less than 50 years in age and thus not original in form or composition to and/or not the original vegetation assemblage.
8. The vegetation is a 'monoculture' of three eucalypt species and both native exotic pasture grasses/weeds (few of which are endemic). Less than 10% of the 122 flora species in a shale sandstone transition forest (SSTF) are present on the land
9. There is no evidence for or known history going back forty years of koala use on the property or the adjoining properties within a 1.5 km radius.
10. The dominant soil is medium to course quartz sandstone with minor shale and laminate lenses (Geological Series Sheet 9029 -9129 Ed 1 1985 NSW Dept of Mineral Resources) which supports feed trees unfavoured by koala due to the taste.

11. OEH 2000/2013/2016 1:25000 topographical maps show the vegetation on the block as open grassland with scattered copses of shale sandstone transition forest (SSTF) canopy in a tx (low quality condition) of less than 10% canopy cover.
12. The small patch of regrowth in front of the largest dam has secondary canopy and ground cover mapped as Upper Georges River Gully Forest. It's existence is due to seepage from the dam wall (sunk in the 1960s), as upstream and beyond 80m downstream of the dam there is no evidence of a similar forest assemblage.
13. There is unchallengeable evidence that the soil, vegetation and topography of the property has been legally modified by bush fire, planned fire regimes, bulldozers, excavators, regular slashing, clearing, under scrubbing, cut and fill, possible fill dumping, effluent disposal, grazing, pasture improvement and farming infrastructure.
14. The property does not resemble the Google image used by Planning NSW. That image clearly shows extensive shadowing has been wrongly interpreted as vegetation and thus the presence of canopy is both exaggerated and distorted.
15. Legal modifications since the image was taken include pasture improvement, asset protection zone creation, removal of dead and diseased trees, creation of laneways, boundary fence line clearing, new permanent internal fencing and water points, fire pumps installed and the building of artificial habitat in the creeklines.
16. The current condition of the vegetation is as it is depicted in the OEH 2000/13/16 topographic map when the SSTF in the area was assessed by Benson and Howell as Tx low quality condition, <10% canopy cover. See Attachment Three.
17. Since 2017 there has been significant pasture improvement and selected land clearing compliant with Schedule 5A of the Local Land Services Act (NSW) 2013.
18. 80% of the property has >5 degrees of slope which compounds the significant bushfire threat to the existing residential, commercial and firefighting infrastructure.
19. Due to bushfire threat, asset protection zones (APZs) of between 80 to 100 m width have been established to protect key infrastructure on two hectares at the front centre of the property. At the rear of the property the certified urban capable land identified by Planning NSW to the south of the property will also require an APZ.
20. The current APZs consist of grazing land with scattered canopy tree cover and NO understorey, secondary canopy or undergrowth other than grass. These APZ's cover 4.5 hectares and will not be allowed to revegetate beyond their current form as they must be regularly maintained by thinning the vegetation, an existing rights landuse which is incompatible with an E2 zoning.

21. The construction of a road and services corridor to access the urban capable pocket to the south of the creekline will require clearing an additional 1.5 hectares.
22. The attempt to identify potential conservation land on the property by Google Maps instead of more appropriate and informative GIS software and then not ground truthing the result, has produced an unworkable mess.
23. 2.2km of koala fencing will be required by the CPCP for the fencing of the asset protection zone, the external boundaries and along the driveways and access ways. The erection, maintenance and the removal of tree overhangs as required by the fencing will remove another 1 hectare of vegetation on the property.
24. The certified urban capable land, asset protection zones, roadways and clearing for fencing will consume 8.4 hectares of the 10.1 hectare property, leaving just 1.7 hectares of grazing with scattered tree cover in four isolated pockets as E2.
25. In 2018 a full Biodiversity Assessment Methodology (BAM) report was conducted over a nine month period on the property. The BAM report consisted of six quadrats and other flora and fauna surveys by day and night over three seasons and included both drought and non drought conditions. The BAM was provided to Planning NSW. Despite the existence of this site specific BAM, Planning NSW has chosen to adopt instead a one day 5 and a bit quadrat study conducted on 700 hectares as the source of the E2 mapping of the entire precinct.

Summary

26. Planning NSW has ignored industry benchmark standards for GIS survey tools, the legislated Biodiversity Assessment Methodology process, the NSW Government mapping resources of OEH (OEH 1;25000 2000/2013 and 2016), the DECCW, the Cumberland Plain Recovery Plan and Planning, Industry and the Environment to arrive at incomplete, inadequate and inaccurate guess of what privately owned land could and should not be forcibly rezoned as conservation land so as to assist large developers to escape paying their way to clear 12,000 hectares in Western Sydney.

Suggested remedies

27. The following remedies are suggested: to Planning NSW
 - Adopt and use industry best practice GIS tools for assessing the WGA,
 - Apply the historical mapping resources developed by previous iterations of Planning NSW,
 - Avoid using any mapping resources provided by the large developers in the WGA for land they do not own, and
 - Avail itself of the numerous offers by the private landowners to validate all the mapping of E2 in the WGA by ground truthing





