

Our Ref: 321147_LE001_Final

2 November 2020

Department of Planning, Industry & Environment
Green & Resilient Places Division
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Sir / Madam

SUBMISSION TO EXHIBITION OF DRAFT CUMBERLAND PLAIN CONSERVATION PLAN 2020-2056 ('DRAFT CPCP') – [REDACTED] COBBITTY [REDACTED]

Premise has been engaged by [REDACTED], owner of the subject property, to prepare this letter in response to the public exhibition of the Draft CPCP. We ask, on Greg's behalf, that it be taken into consideration in finalising the draft plan.

The NSW Government and the Department are congratulated for their efforts to implement a Cumberland Plain Conservation Plan. It is a much-needed, critical piece of environmental policy and legislation that supports both the long-term growth of Western Sydney while protecting important biodiversity in the region. Our client appreciates the resourcing required for the preparation of a plan of this scale. We trust that the submissions here will assist the Department in producing a better, more knowledge based and practical final plan.

The Subject Property

[REDACTED] Cobbitty is a 162ha (approximately) rural property currently used for extensive agriculture (cattle farming) purposes. The property has a long history of rural based land use centred on cattle farming. It has been historically cleared for agricultural purposes across the bulk of the site. Several farm dams and minor 'streams' traverse the property.

The Draft CPCP

The spatial viewer forming part of the Draft CPCP exhibition package identifies small patches of *Native Vegetation* (being part *Cumberland Plain Woodland*) within the property. We note that the Draft CPCP is not proposing to apply an environmental conservation (E2) zoning for these areas as they do not contain high-value vegetation.

Notwithstanding its present state of extensively cleared farmland, the Draft CPCP proposes that the majority of the site be included as part of a *Strategic Conservation Area* ('SCA').

The Draft CPCP exhibition package, in discussing the proposed SCAs, outlines:

- The proposed SCAs represent the best opportunities to deliver biodiversity outcomes and support the Cumberland subregion's ecological function.
- Approximately 28,300 ha of land in the Plan Area has been identified and mapped as SCA.
- Not all of the mapped SCA will be established as conservation land under the Plan. However, it is estimated that around 11,000 ha of land will need to be protected to meet the draft Plan's offset target of 5,475 ha of native vegetation. The 11,000 ha takes into account non-target vegetation communities, cleared areas to accommodate recreational and visitor facilities, and lots that may be needed to meet boundary configurations necessary for efficient management of a public reserve or national park.
- New conservation lands will be acquired on a voluntary basis, in consultation with landowners. Compulsory acquisition is proposed to be used in limited circumstances to acquire land that is critical for creating a proposed conservation reserve when voluntary acquisition has not been otherwise successful.
- Identifying suitable conservation lands from the SCA will continue over the life of the Plan to ensure that potential sites are appropriate, can be implemented and are based on the best available information and data. This includes a review of the SCA mapping, in line with proposed five-yearly reports.

Comments

The Strategic Assessment report that underpins the Draft CPCP is a large scale assessment covering nearly 200,000ha of land. Given this scale, the level of detail/ecological data collected for the assessment is high level and has not been as extensively ground-truthed as a normal more 'localised' assessment would be. It appears that regional scale vegetation mapping / databases have been relied on to a major extent. Our client is unaware of any field-based survey of the subject property that has been used to inform the Draft Plan.

We have been provided with a copy of a submission prepared Gunninah Environmental Consultants dated October 2020 which considers the mapping on which the Draft CPCP is based ('the Gunninah Submission'). We note that the Gunninah Submission was prepared on a basis that included a site visit on 28 October 2020. We understand that the Department has been provided with a copy of the Gunninah Submission separately. In summary the Gunninah Submission outlines:

- In its view, the mapping of native vegetation relied on by the Draft CPCP package is clearly not based on ground-truthing.
- Many of the identified patches of native vegetation consist of either (a) scattered trees within an artificial grassland or (b) where there is a patch of woodland, the understorey is entirely or predominantly of weeds and introduced plants. It is neither *native vegetation* or a *threatened ecological community* ('TEC').
- None of the native vegetation on the subject land is in good or moderate condition or satisfy the definitions for TECs under the *Environment Protection & Biodiversity Conservation Act 1999*.
- None of the mapped patches of vegetation and/or TECs satisfy the *avoidance criteria* contained in Appendix B of the Draft CPCP.
- The mapping of SCAs on this basis is flawed. The SCA mapping is arbitrary and inconsistent, as adjacent lands with either identical features / vegetation or having vegetation stands in as good or better condition have not been included in the SCA.

With the benefit of the information contained in the Gunninah Submission we submit the following on our client's behalf:

- (i) The Draft CPCP, insofar as it is based on the exhibited vegetation mapping for the subject property is flawed.
- (ii) Its identification as an SCA does not represent the best opportunities to deliver biodiversity outcomes and support the Cumberland subregion's ecological function.
- (iii) Given that some 28,000ha of land has been mapped as SCA, its exclusion from the SCA will not compromise the Draft CPCP goal to protect 11,000 ha of land to meet its offset target of 5,475 ha of native vegetation.
- (iv) The landowner is not intending to voluntarily seek the inclusion of the identified SCA as conservation lands.
- (v) It is clearly not critically required for conservation purposes given its condition.

On this basis our client considers there is no basis or benefit in identifying any SCA on the property.

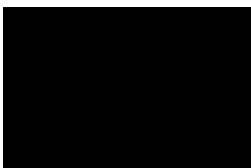
Conclusion

In summary:

- The NSW Government and the Department are supported in its efforts to enable the long-term growth of Western Sydney and protect important regional biodiversity.
- It is recommended that in respect to the subject property:
 - That the mapped extent of native vegetation / TECs in the exhibition documents be revised to reflect the 'on-ground' situation.
 - That the SCA nomination over it be removed as the land serve no strategic purpose in the finalised plan

Thank you for considering our submission. If you wish to do so or have any questions, please don't hesitate to contact us.

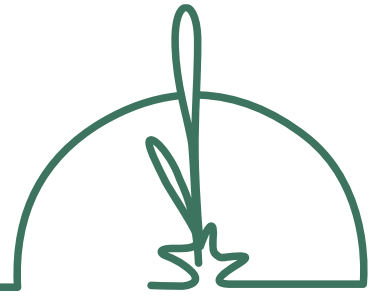
Yours sincerely



PAUL HUME
Senior Town Planner

Attachment: Submission by Gunninah Environmental Consultants, October 2020.

gunninah



[Redacted]
[Redacted] Cobbitty

Draft Cumberland Plain Conservation Plan

Submission

[Redacted]
[Redacted]

October 2020

CUMBERLAND PLAIN CONSERVATION PLAN

SUBMISSION

[REDACTED]
31 October 2020

1 THE SUBJECT LAND

The “*subject land*” for the purposes of this *Report* is Lot 11 in [REDACTED] [REDACTED] Cobbitty Road (Figure 1). The subject land is approximately 167ha in area; and is currently principally zoned RU1 – Primary Production pursuant to *Camden Local Environmental Plan XXX* with a small portion in the northeast zoned SP2 – Infrastructure Educational pursuant to *Liverpool Local Environmental Plan XXX*.

The subject land is now and has long been a rural and agricultural property used for grazing of cattle and horses. Most of the subject land has been cleared of native vegetation and is now occupied by introduced grasslands and pasture; with high levels of introduced pasture weeds. Management activities on parts of the subject land have included fertluser application and pasture improvement measures.

2 SCOPE of THIS REPORT

This *Report* has been prepared by the undersigned to address the application and impacts of the *Draft Cumberland Plain Conservation Plan* (‘The Plan’) as documented in the *Draft Cumberland Plain Conservation Plan Viewer* (the ‘Plan Viewer’) on the subject land at Cobbitty.

The report also reviews the mapping of “*native vegetation*” and of ‘*Threatened Ecological Communities*’ (TECs) and the mapping of *Strategic Conservation Area* on the subject land.

3 INFORMATION BASE

The undersigned visited the subject land at Cobbitty (on 28 October 2020).

In addition, the undersigned has reviewed the mapping of the subject land on the ‘Plan Viewer’; as well as aerial photography of the subject land and a series of aerial photographs taken using a drone.

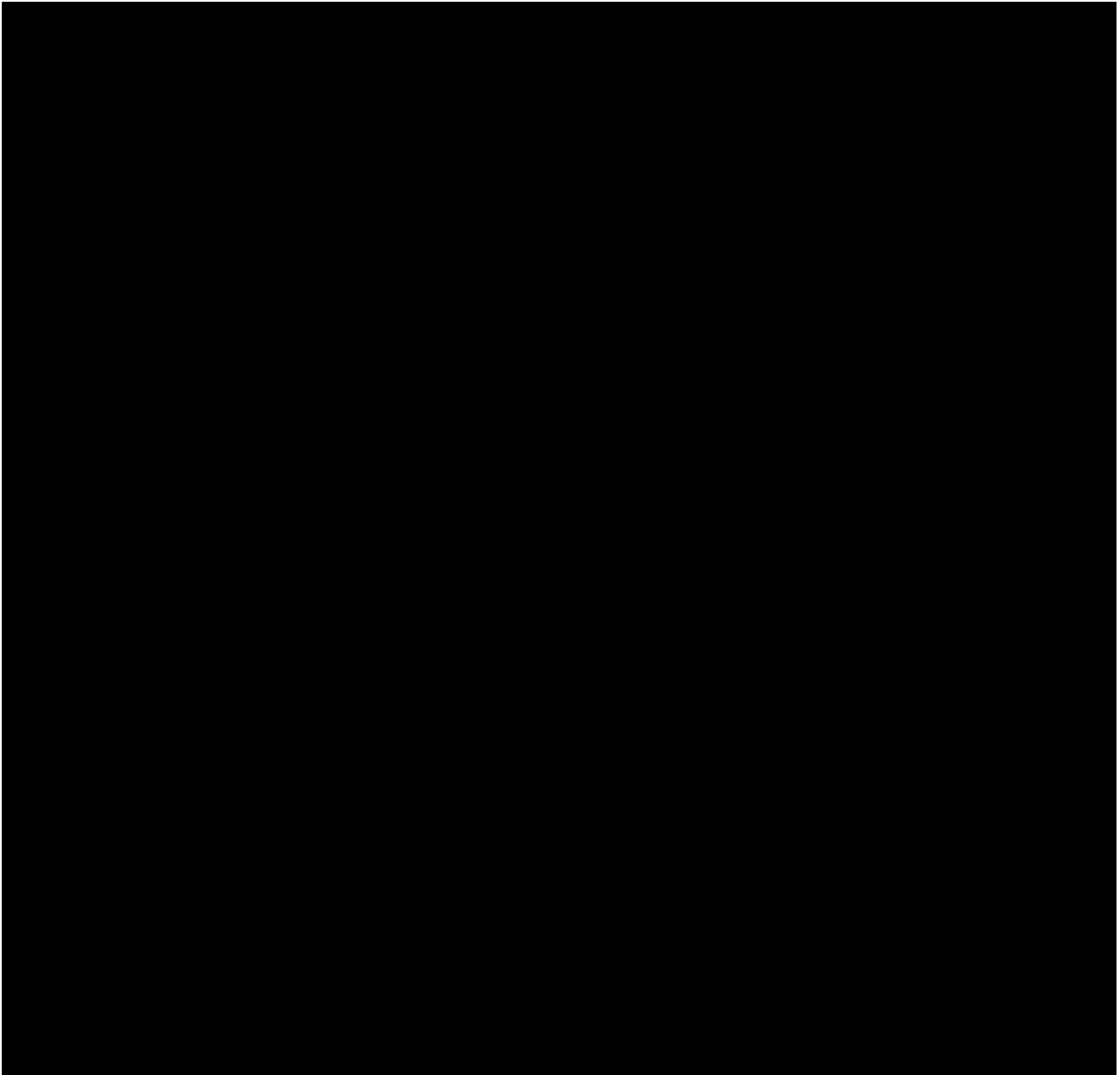


Figure 1 The subject land at Cobbitty

4 ISSUES

4.1 Mapping

The *Draft Cumberland Plain Conservation Plan Viewer* (the 'Plan Viewer') identifies the subject land at Cobbitty in the following terms.

- A number of patches mapped as "*native vegetation*" (Figure 2 in Attachment A).
- Those patches are also mapped as '*Threatened Ecological Communities*' (TECs) on the subject land (Figure 3 in Attachment A).
- Most of the subject land is mapped as "*strategic conservation*" (see discussion in Chapter 4.2)

The mapping of "*native vegetation*" and TECs on the subject land at Cobbitty has clearly not been ground-truthed during preparation of 'The Plan'. The mapping (Figures 2 and 3 in Attachment A) shows patches of alleged native vegetation and TECs at various locations on the subject land.

However.

Many of those alleged patches consist merely of scattered trees within an artificial grassland or, where there is a patch of woodland, the understorey is entirely or predominantly of weeds and introduced plants (see Photographic Essay in Attachment B).

It is to be noted that none of the native vegetation on the subject land is in good or even moderate condition. Furthermore, none of the purported TECs on the subject land would satisfy the definitions for TECs in the *Environment Protection & Biodiversity Conservation Act* (EPBC Act).

Further, none of the mapped patches of native vegetation and/or TECs on the subject land at Cobbitty would satisfy the '*Avoidance Criteria*' contained in Appendix B of 'The Plan'.

The areas of actual native vegetation and/or TECs on the subject land at Cobbitty are identified in Figures 4 and 5 (in Attachment A). Most of the mapped native vegetation and/or TECs on the subject land contained in 'The Plan' is neither "*native vegetation*" or a TEC.

It is further noted that 'The Plan' does not provide any mechanism to review the mapping on which it relies on a site by site basis; thereby embedding flawed and incorrect mapping as the base of 'The Plan'.

4.2 Strategic Conservation Area

The *Draft Cumberland Plain Conservation Plan* proposes the imposition of a *Strategic Conservation Area* layer over large parts of 'The Plan' area; including over most of the subject land at Cobbitty (Figure 6 in Attachment A).

However.

The mapping of the *Strategic Conservation Areas* in 'The Plan' is flawed - given that it is based on highly flawed, incorrect, inconsistent and inaccurate mapping discussed above; and cannot be justified on the basis of any data or information provided in 'The Plan'. Further, the basis and rationale for the mapping

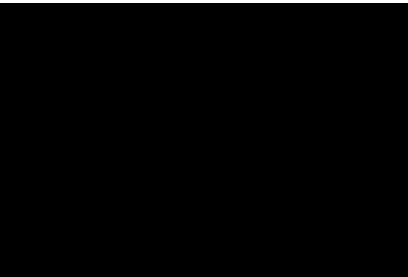
of individual portions of land has not been provided in 'The Plan' or in the *Cumberland Plain Assessment Report* (Biosis 2020).

In addition, the mapping of *Strategic Conservation Area* in 'The Plan' is arbitrary and inconsistent. Whilst the subject land is burdened with a substantial *Strategic Conservation Area* layer, adjacent lands with identical features and vegetation remain unburdened. Indeed, there are adjoining stands of vegetation in as good or better condition than those on the subject land that are not burdened by the *Strategic Conservation Area* layer.

4.3 Conclusions

The mapping of "native vegetation" and TECs on the subject land at Cobbitty in the *Draft Cumberland Plain Conservation Plan* is significantly inaccurate and flawed; and cannot be justified.

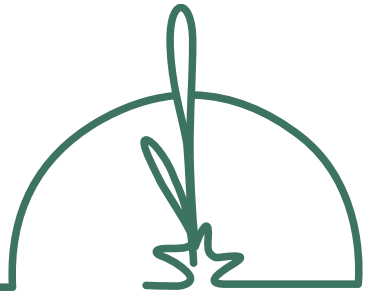
Further, the imposition of a *Strategic Conservation Area* layer over most of the subject land at Cobbitty in the *Draft Cumberland Plain Conservation Plan* cannot be justified.



[Redacted]

Gunninah

gunninah



[Redacted]
[Redacted] Cobbitty

Draft Cumberland Plain Conservation Plan

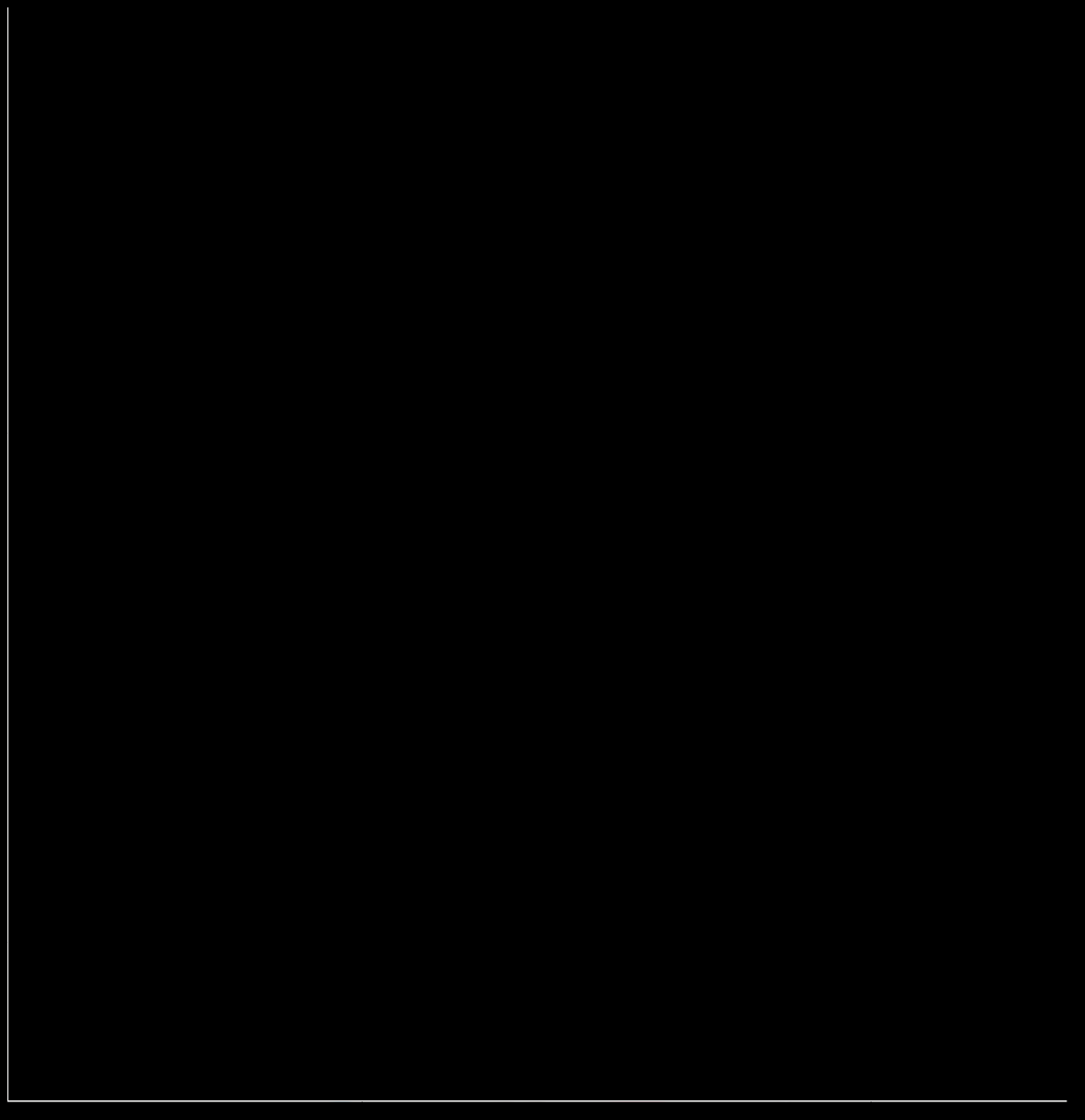
Submission

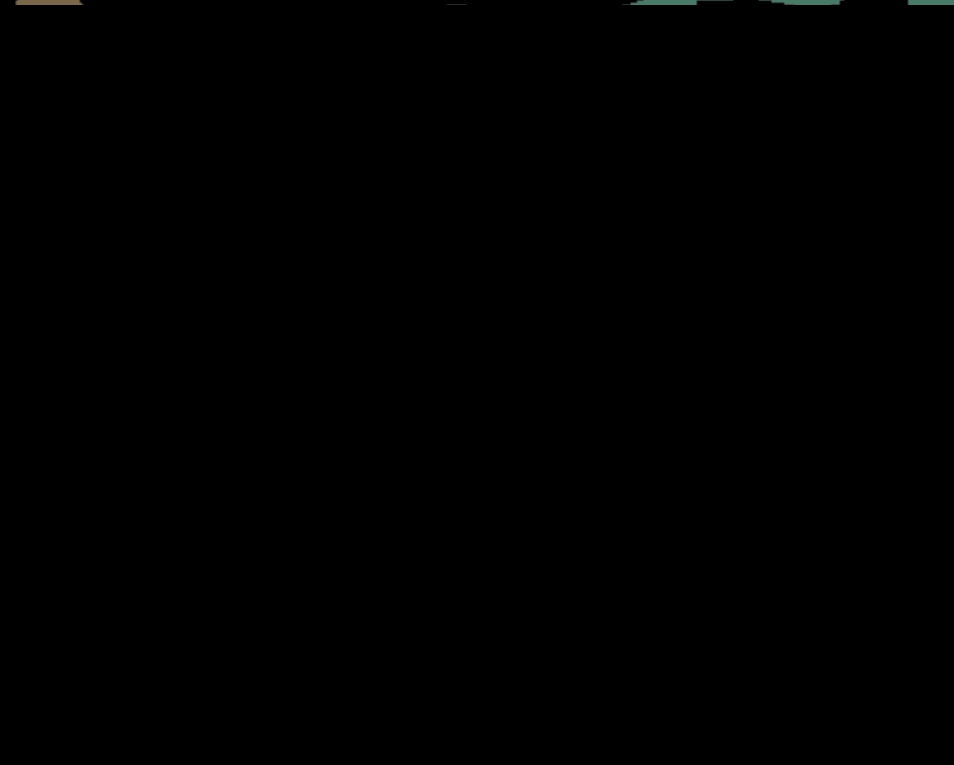
Attachment A
Relevant Maps and Plans

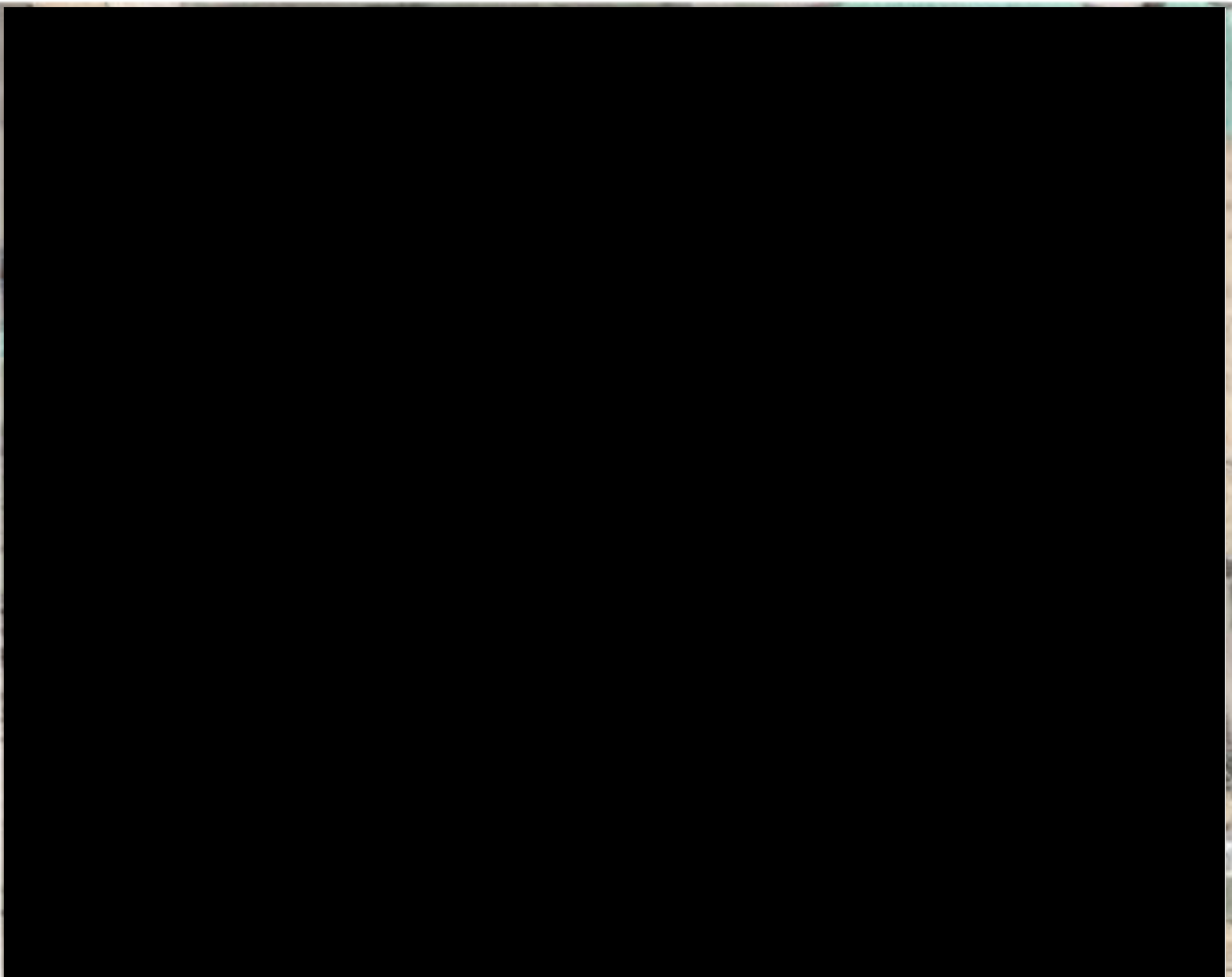
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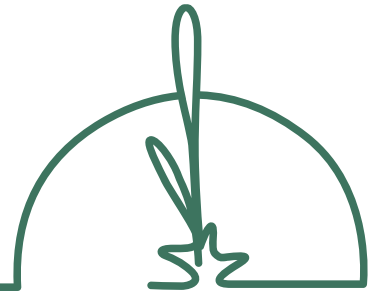








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[REDACTED]
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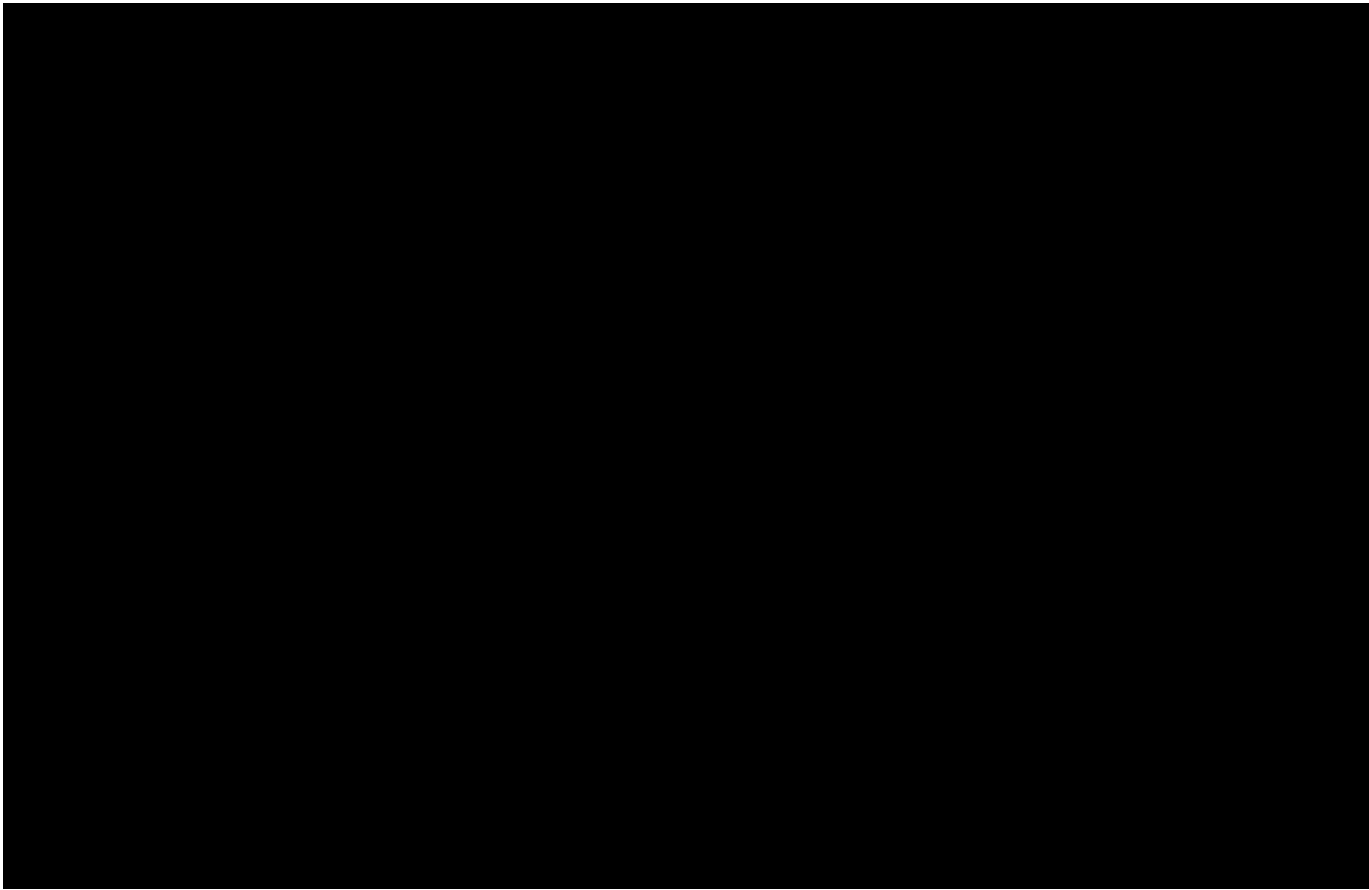
Draft Cumberland Plain Conservation Plan

Submission

Attachment B
Photographic Essay

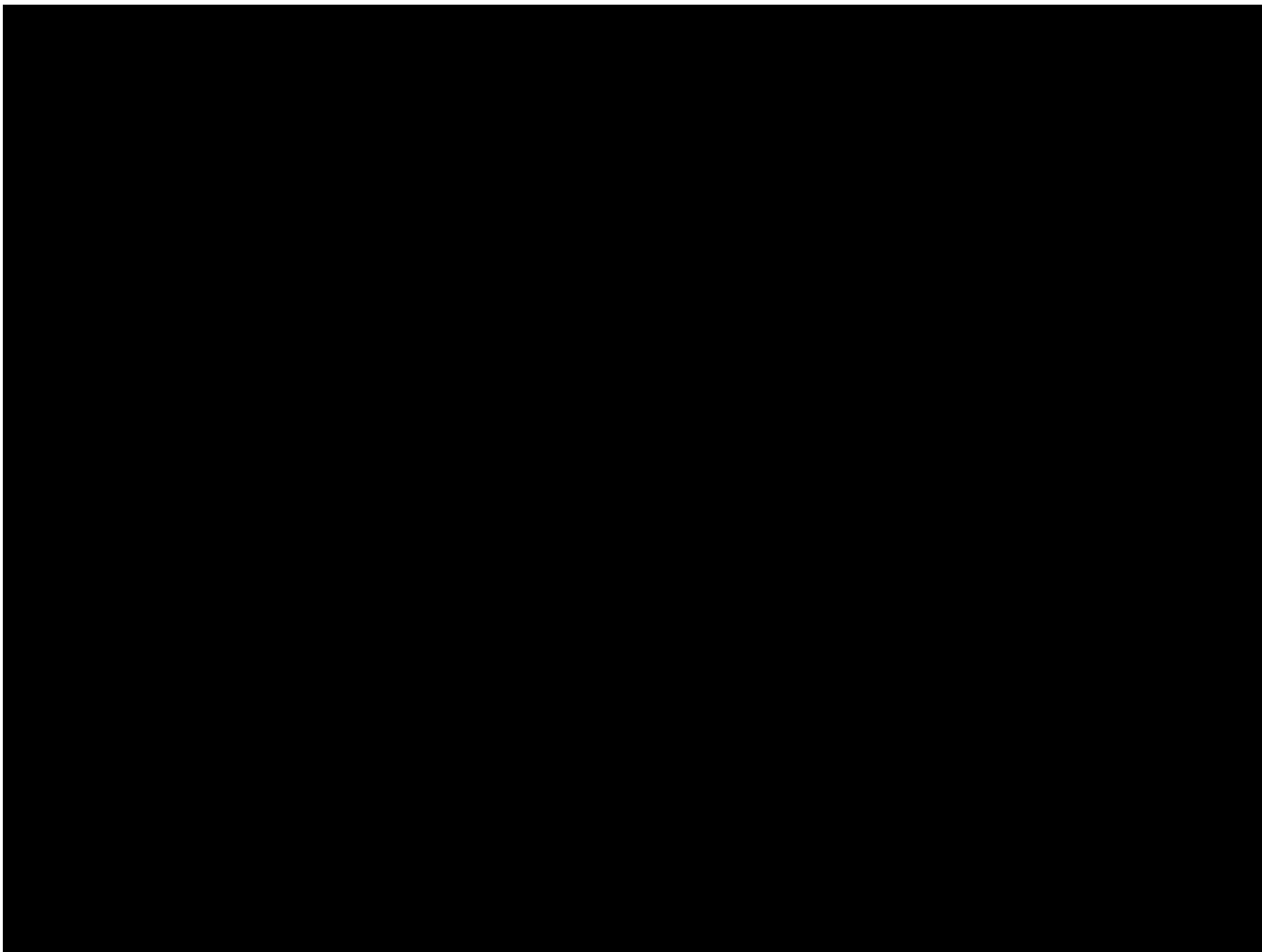
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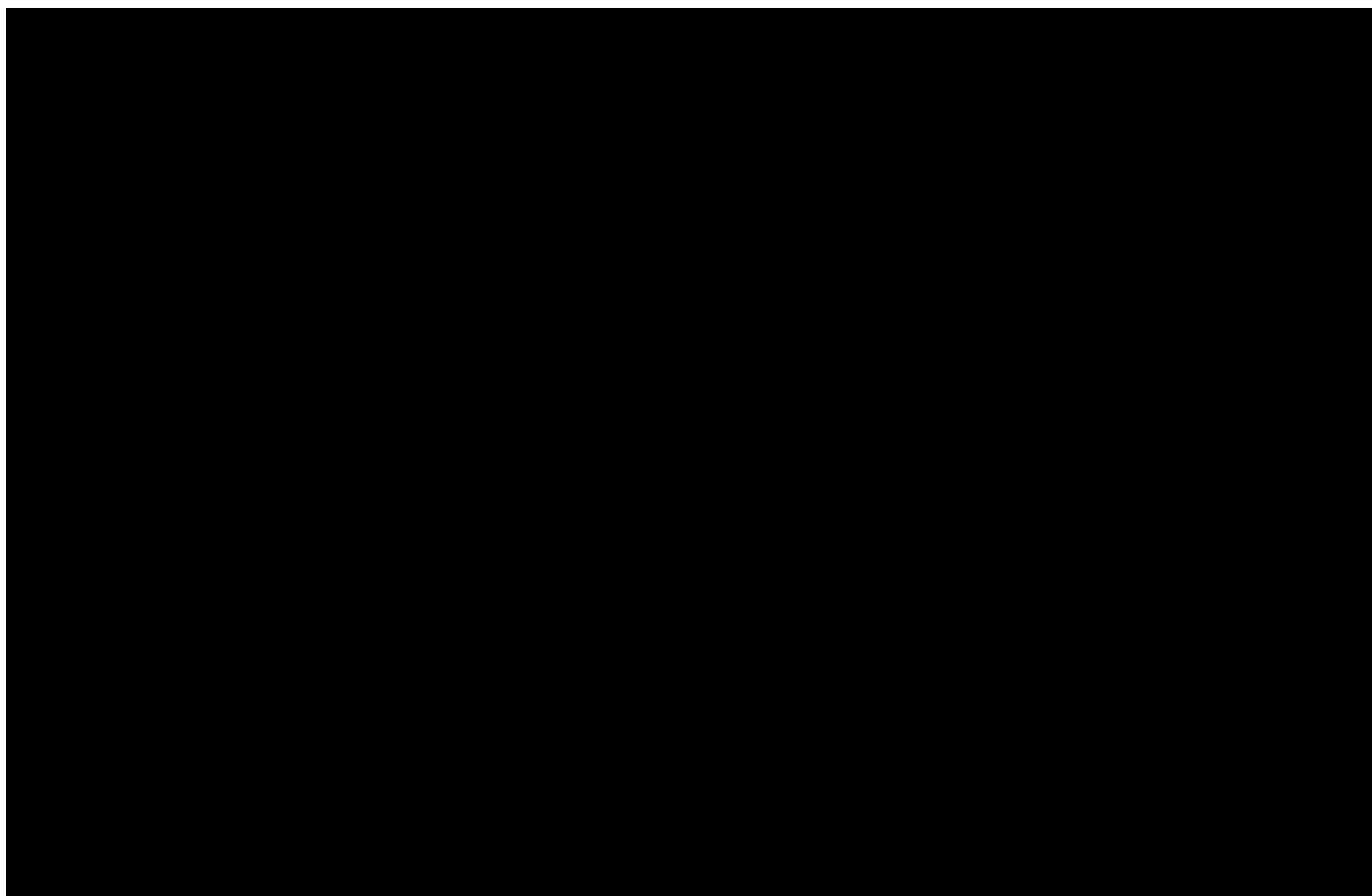


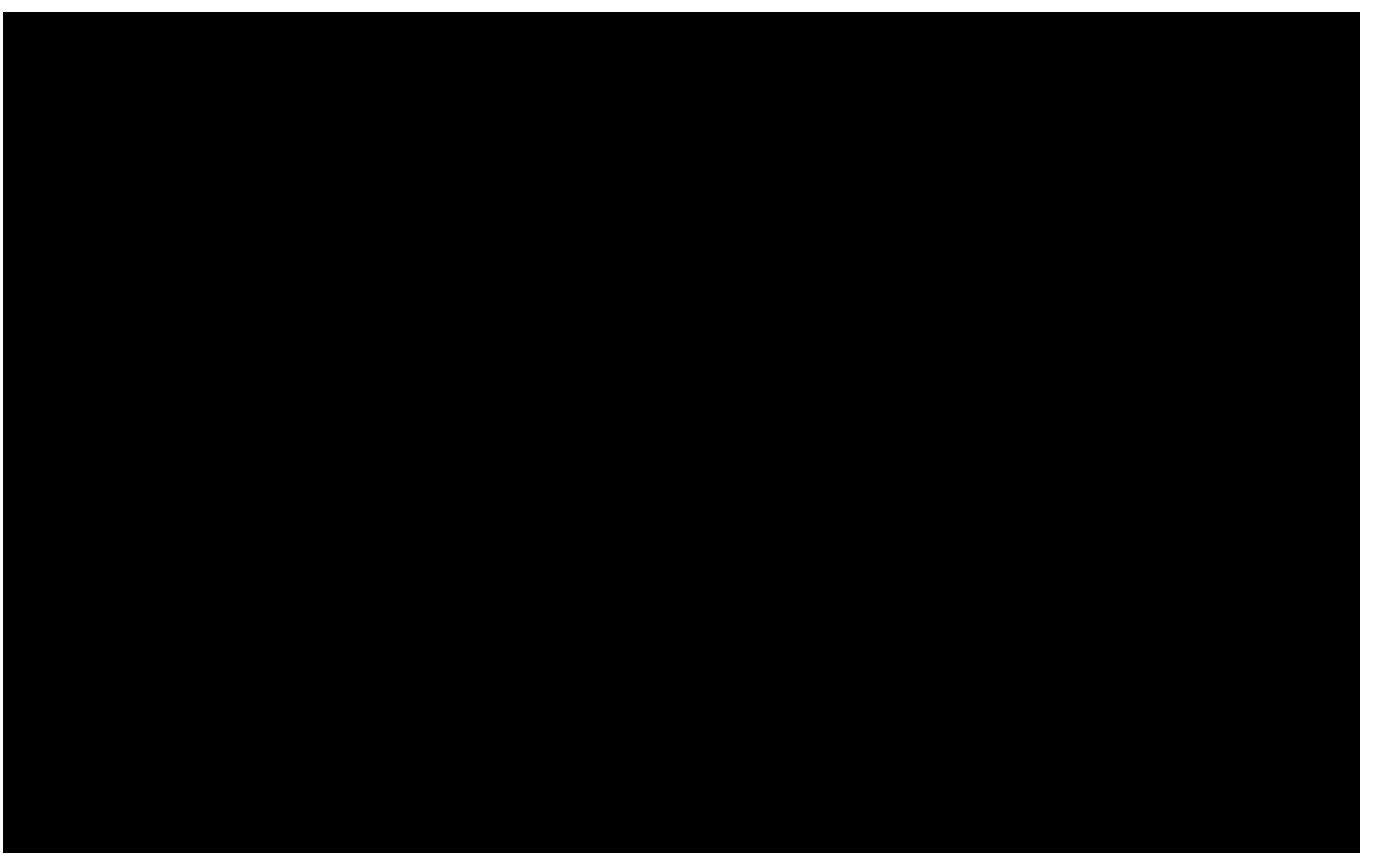
Native vegetation (just tree canopy; no native understorey) in the centre of the subject land. This vegetation does not satisfy the criteria for any Threatened Ecological Community at either NSW or Commonwealth level



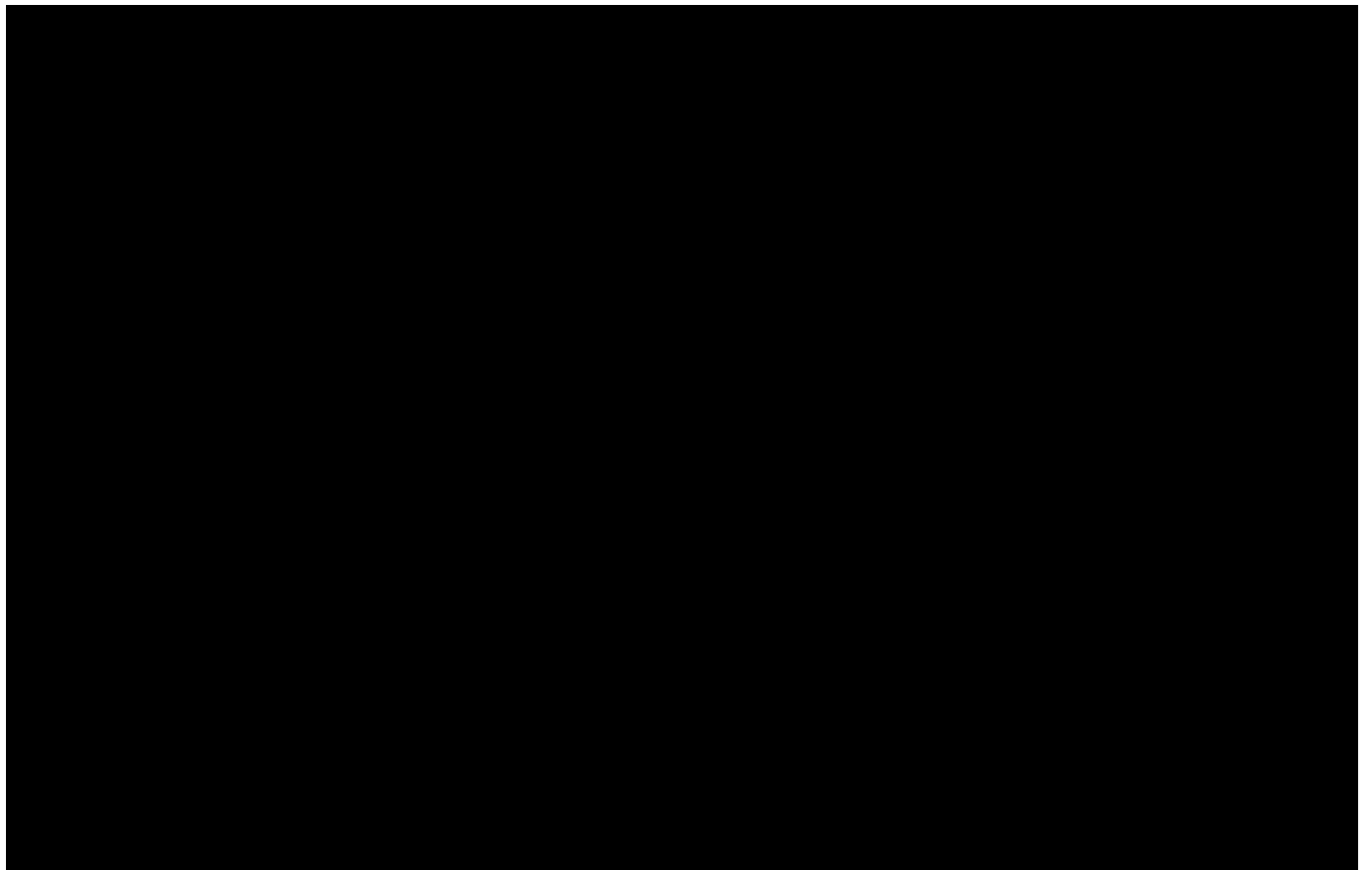


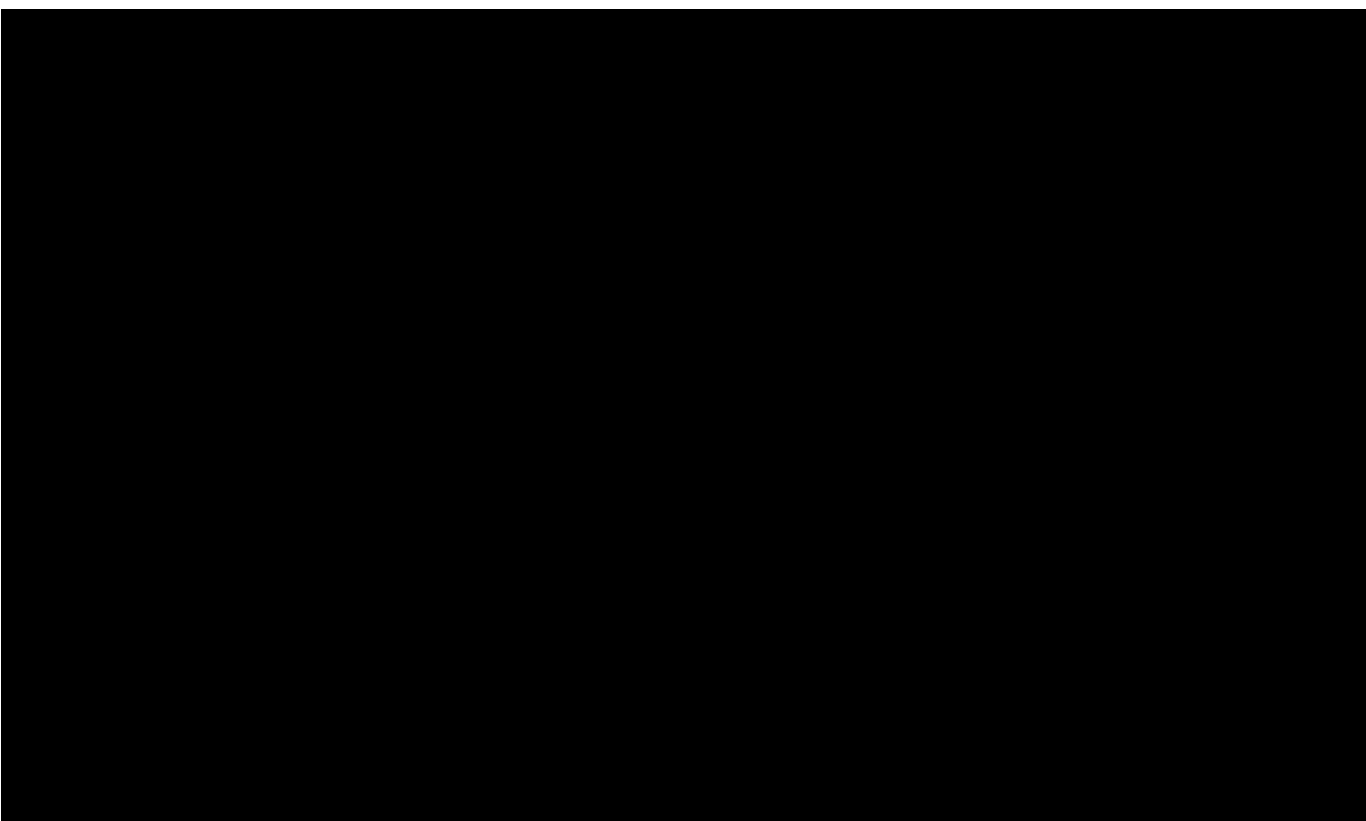
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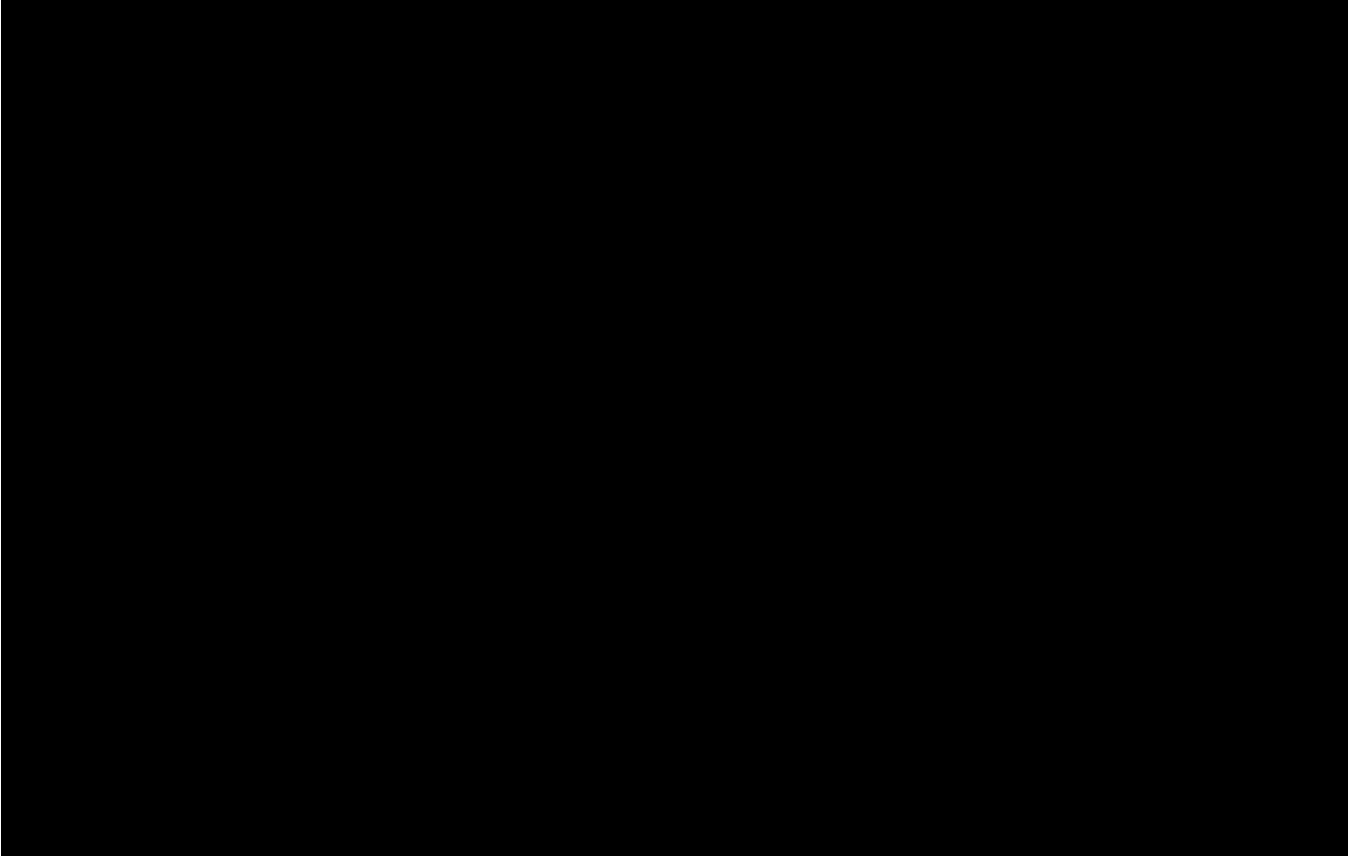
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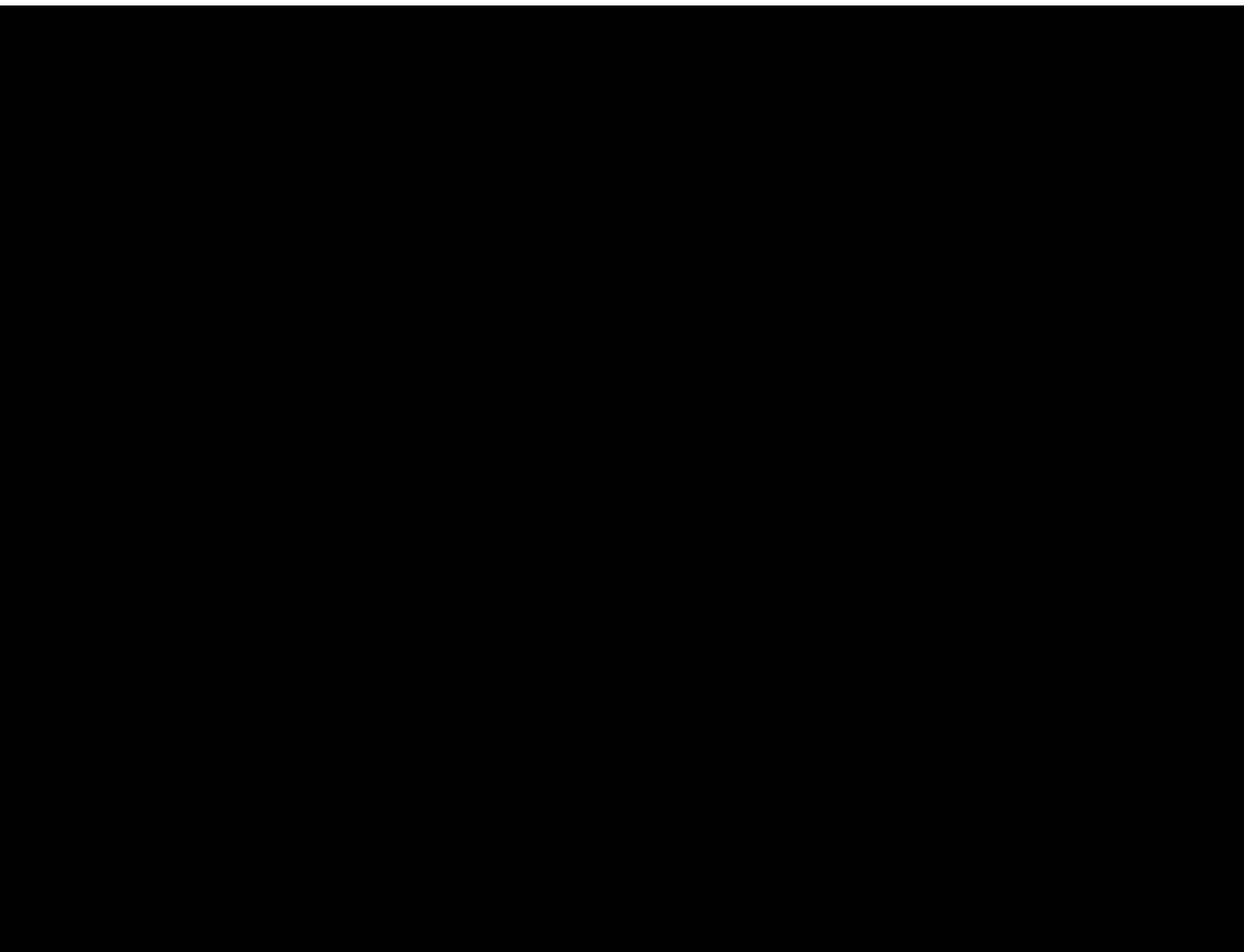


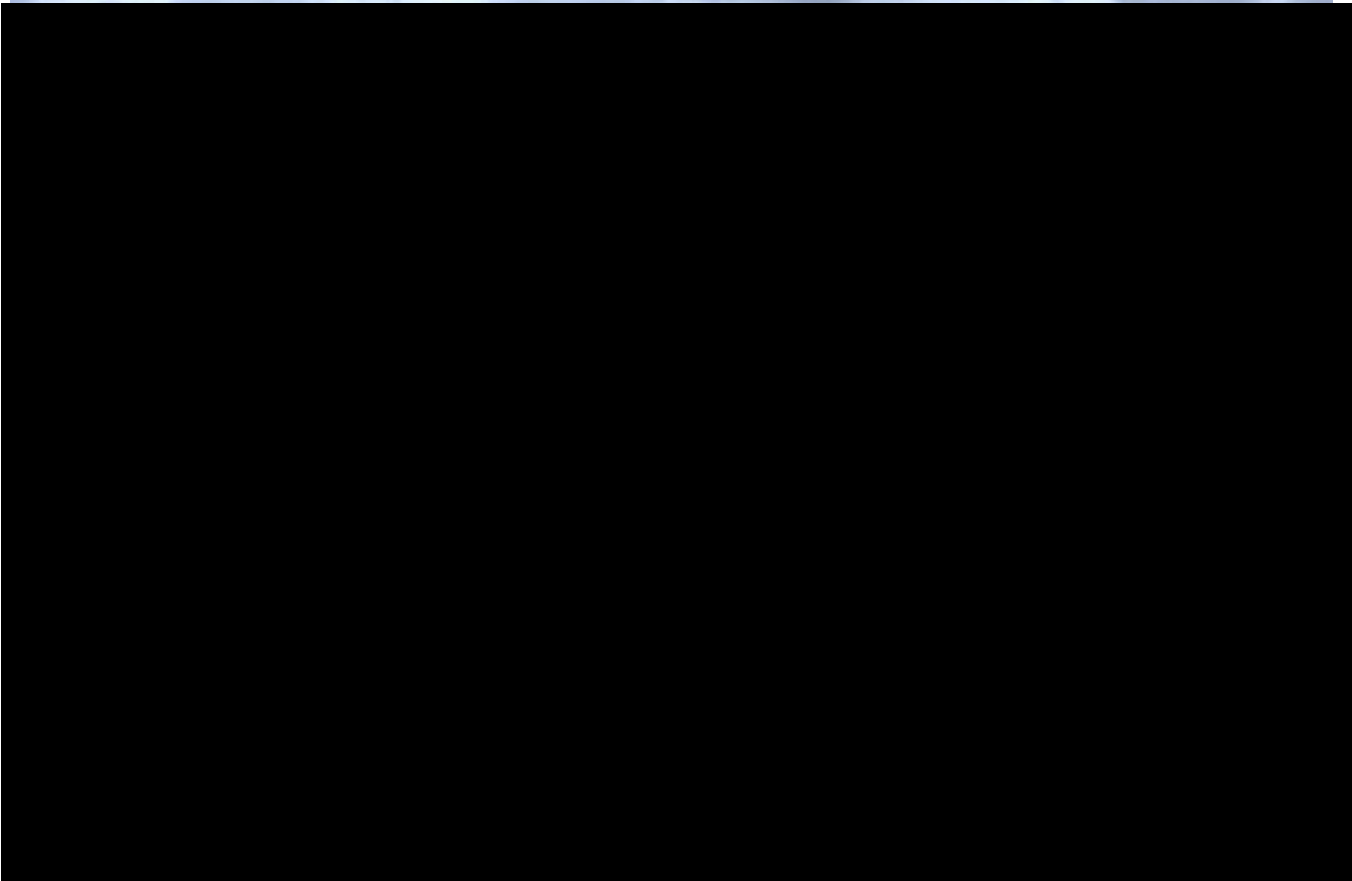
Patch of 'native vegetation' on a knoll in the southeastern corner of the subject land. Poor quality woodland of CPW trees with an almost 100% weed and introduced plant understorey



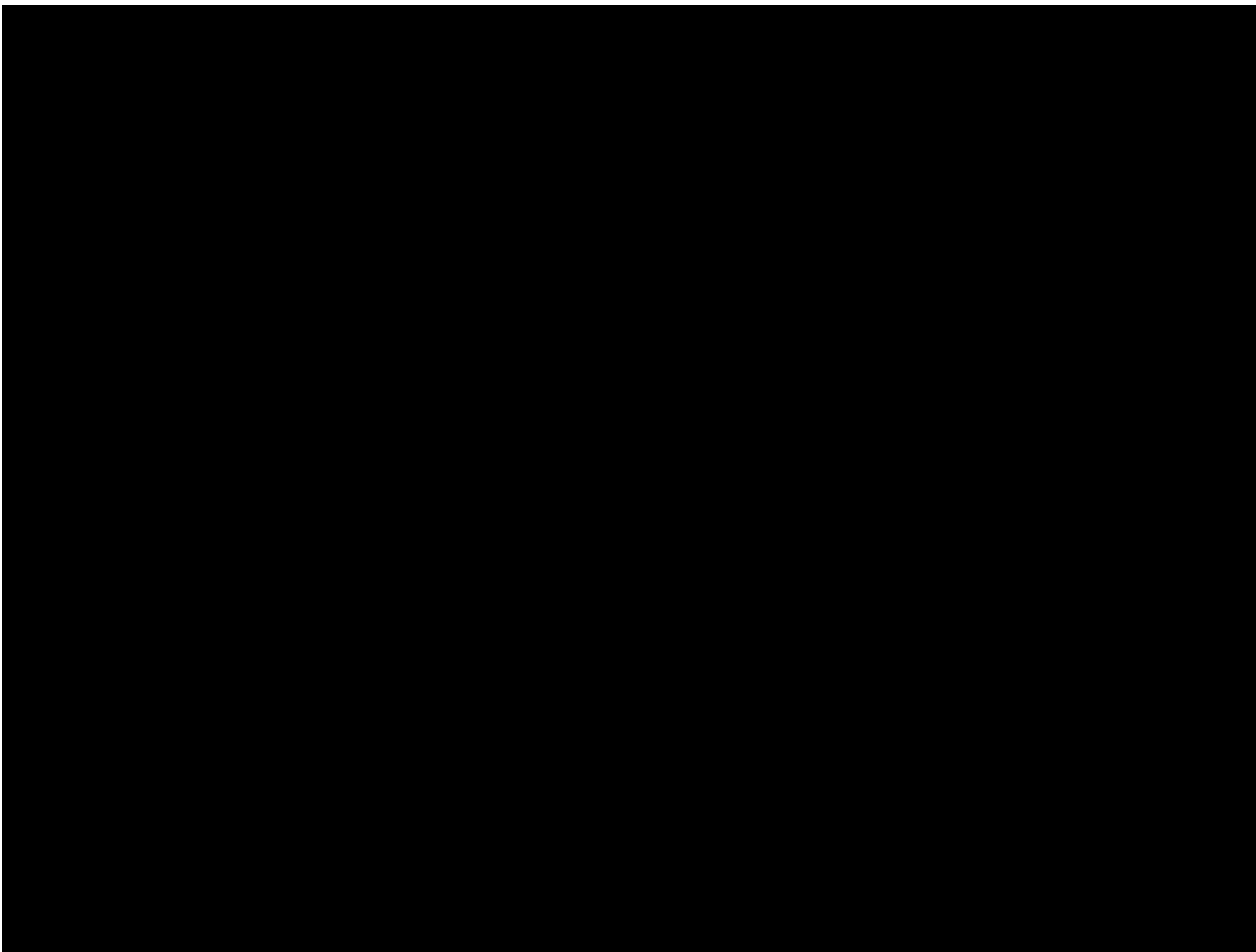


Patch of 'native vegetation' on a knoll in the eastern part of the subject land. Poor quality woodland of CPW trees with a predominantly weed and introduced plant understorey





Typical introduced grassland on the subject land – characteristic of most of the ‘Strategic Conservation Area’





Narrow band of degraded woodland along a watercourse in the south of the subject land

