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**Penrith**

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Penrith NSW 2750

Our Reference: 20408

**Date:** 2<sup>nd</sup> November 2020

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

To Whom It May Concern:

**Subject Site:**

[REDACTED]  
[REDACTED] Cobbitty

**Planning Context:** Submission to the Draft Cumberland Plain Conservation Plan

EPlanning provides this submission to the Draft Cumberland Plain Conservation Plan out of Concern of its unfavourable impact to the Land Owner at Lot [REDACTED] Cobbitty and that the draft Plan Does Not reflect those environmental conditions onsite.

The draft Plan was on public exhibition from 26<sup>th</sup> August to 9<sup>th</sup> October 2020. It is considered that for the stakeholders to provide an adequate response to such a significant Planning Instrument change in such little time frame is objectionable, and it is requested that Notice be Afforded to the land holders that additional time be provided to formulate a more detailed response.

The Draft Cumberland Plain Assessment Report – Summary Report states that’-

*The commitments relating to the protection of land for conservation under the Plan will be delivered within Strategic Conservation Areas (SCAs). SCAs were identified through an independently peer-reviewed process and represent the areas in the Cumberland subregion that are considered most likely to be viable in the long-term and to maximise ecological function and connectivity across the landscape.*

*In determining the location of the SCAs, priority was given to including the largest, best condition and best-connected areas of native vegetation remaining in the subregion.*

It is contended that the “best condition and best-connected areas of native vegetation remaining in the subregion” is not located at the subject site of Lot [REDACTED] in DP [REDACTED] Cobbitty, as this land has been operated for working Agricultural purposes for many years and vegetation is not only sparse but holds little environmental value.

This is reinforced by the following that is to be read in conjunction with this submission by Environmental Consultants, “gunninah”, who in summary acknowledge that:-

*“ 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 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). “*

Based on this analysis and conclusion, the SCA proposed to be encompassed on the site does not fulfill any purpose and does not reflect to the true account on the current environmental conditions of the land and therefore further analysis of the Draft Cumberland Plain Conservation Plan must be undertaken.

**In conclusion**, the SCA proposed and the rationale for the mapping of individual portions of land is unsatisfactory at this point in time, with further detailed analysis / study required.

Sincerely

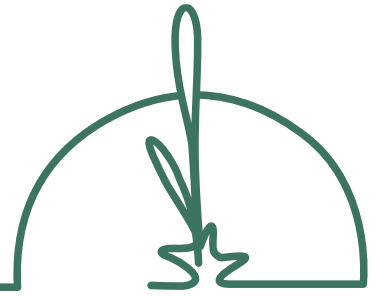
**EPlanning Pty Ltd**

[REDACTED]

[REDACTED]

[REDACTED]

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 [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 2010* with a small portion in the northeast zoned SP2 – Infrastructure Educational pursuant to *Liverpool Local Environmental Plan 2008*.

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 fertiliser 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.

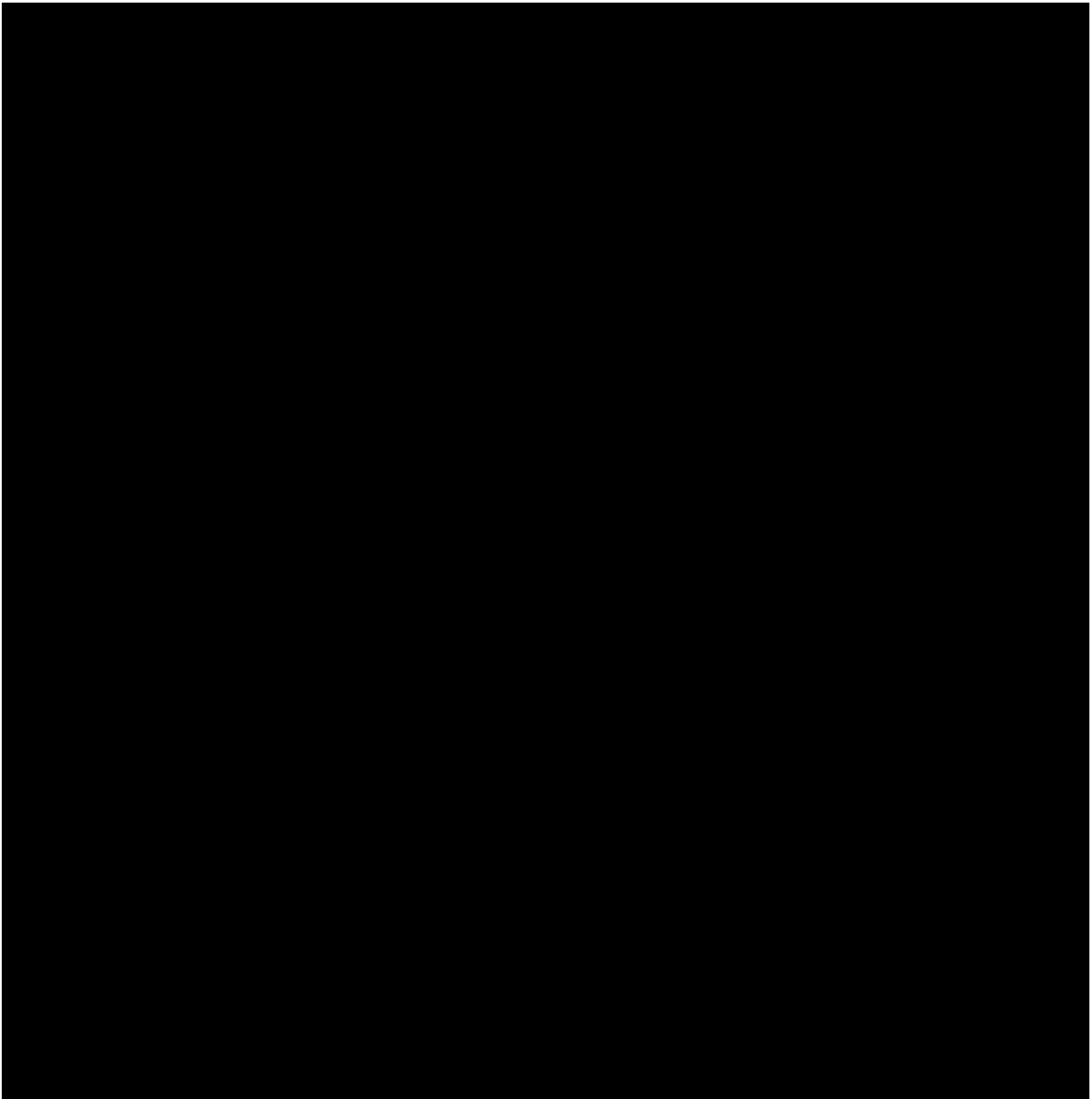


Figure 1 The subject land at Cobbitty

## 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 Figure 4 (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 5 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

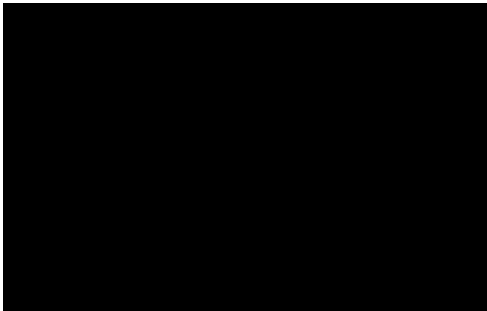
of individual portions of land has not been provided in 'The Plan' or in the *Cumberland Plain Assessment Report* (Biosis 2020).

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.



  
Gunninah