

12 March 2021

Department of Planning, Industry and Environment
Western Sydney Aerotropolis Precincts Submission
Locked Bag 5022,
Parramatta NSW 212

Dear Sir/Madam

WESTERN SYDNEY AEROTROPOLIS DRAFT PRECINCT PLAN – NORTHERN GATEWAY PRECINCT

2143 – 2157 Elizabeth Drive, Luddenham

This submission has been prepared in response to the Department of Planning, Industry and Environment's (DPIE) release of the Western Sydney Aerotropolis Draft Precinct Plan (Draft Precinct Plan). We are the owners of the property at 2143 – 2157 Elizabeth Drive, Luddenham. As landowners we have a strong interest in the evolution of the land use planning for the Western Sydney Aerotropolis as it directly impacts on our decision making for the short, medium and long term.

Our Property

The site is located north of Elizabeth Drive on Luddenham Road within the Penrith Local Government Area (LGA). The site is approximately 13km south-east of Penrith CBD, 45km west of Sydney CBD, and approximately 550m to the north of the Western Sydney International Airport (WSIA) which is currently under construction. The property is within the Northern Gateway Precinct of the Aerotropolis and within an area designated as a "second priority area" under the Precinct Plan. The location of the site within its surrounding context is shown at the figure overleaf. The site's area is approximately 8 hectares. Its north western boundary fronts Luddenham Road and the rear of the site adjoins Cosgroves Creek.

The site was rezoned as part of the gazettal of the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP) and was zoned primarily Environment and Recreation as well as Enterprise.

We have reviewed the Draft Precinct Plan and have identified significant concerns with the documentation and the impact of the plans on our property and business that require clarification or reconsideration prior to finalisation.



Level of Detail in the draft Precinct Plan

From the outset, the Draft Precinct Plan is a lengthy and overly confusing document. Much of the terminology used in the plan is not in plain English and can be difficult to understand for landowners who do not have a background in planning or land development. The Draft Precinct Plan frequently utilises technical terminology which is easily understood by the development and planning industry however not by residents and small landowners. The documents are very lengthy with significant repetition in terms of the principles, objectives and requirements. In terms of our property, frustratingly much of the detail in the draft Precinct plan is obscured by a map label ("Cosgroves Creek") making it difficult to interpret the impact of the various requirements for future development. We would request that the final Precinct Plan include simplified language and clear maps and plans at a scale that enables easy interpretation.

It is our understanding that the purpose of a precinct plan is to establish the strategic vision and general objectives for future development and set in place an overall structure to guide future development. Instead, the Draft Precinct Plan as exhibited is highly prescriptive and locks in landowners to a set development outcomes, with no flexibility for them to develop alternative arrangements for their land which may still meet the vision for the Precinct and broader Aerotropolis.

Lack of Evidence-based Planning

The Draft Precinct Plan has been feted as a 'design led' process by Government. It is not however an evidence-based process. As long-term landowners in the precinct, it is clear that the Draft Precinct Plan outcomes have not been ground-truthed. It does not have due regard to on-the-ground realities such as topography, existing vegetation and land ownership patterns. The proposed neatly designed grid that is being imposed on the Northern Gateway Precinct as the only outcome may be an attractive in design terms, but it ignores the on-the-ground reality of the Precinct and will significantly limit the ability for small landowners to develop their land.

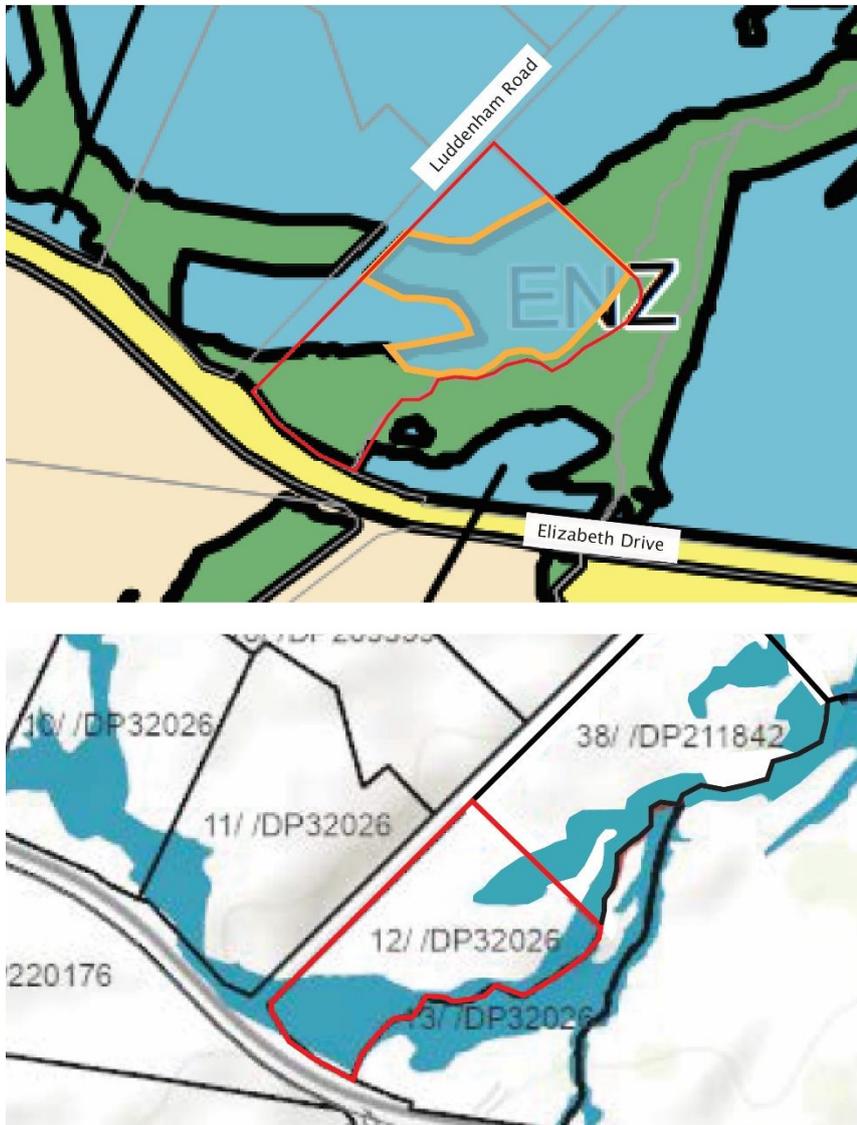
The Precinct Plan provides no flexibility for landowners to prepare alternative development plans which may still deliver the Precinct principles and objectives. This is great concern to us. A rigid set of development requirements, based around an architectural scheme that has not been informed by technical studies or ground truthing of the properties concerned, has the potential to deadlock logical future development outcomes and may ultimately require a complete review of the Precinct Plan in the future. Clearly flexibility is needed for landowners to propose alternative solutions where site specific environmental and technical studies demonstrate that the mandated design in the Draft Precinct Plan is not optimal or even possible.

As drafted, the Precinct Plan will force small landowners to jointly plan and develop their land with their neighbours. This is problematic where neighbours may have different development aspirations and timeframes. This will place greater stress on the community and potentially undermine relationships between neighbours. It is understood that there may be the potential for variations to the Precinct Plan, where a master plan is prepared. This mechanism is however only available to sites with a minimum 100 hectares which rules it out for small landowners and places us at a disadvantage to the large developers.

Open Space Zoning Anomalies

This issue is of primary concern to us. The majority of our property was zoned for Environment and Recreation under the Aerotropolis SEPP in 2020. We understand that this zoning was based on flood modelling undertaken for the locality and was supposedly aligned with the 1 in 100 year flood event on the land. However, the extent of the Environment and Recreation zone on our land in the SEPP is not consistent with 1 in 100 year flood mapping for our land provided by the Planning Partnership. The figures below show the discrepancy with the Environment and Recreation zone extending from the flood affected areas of Cosgroves Creek through our property to Luddenham Road and across it (circled in the below figure).

This zoning outcome has meant that significant areas of our site have been zoned for Environment and Recreation without justification. Apart from the significant loss of developable land, those sections of our site that have been zoned Enterprise are fragmented and discontinuous, and this will prevent the orderly development of our land in accordance with the draft Precinct Plan. The split in the developable area of our property into two parcels will hinder orderly future development, particularly if direct access to Luddenham Road is denied for the parcel closest to the Elizabeth Drive intersection. In contrast, the draft Precinct Plan identifies a single combined development footprint across our site.



The top figure above identifies the area in question (orange boundary). We contend that this area has been incorrectly zoned for two reasons. Firstly, a third order stream has been identified in the planning documents as traversing this section of the site and connecting the property to the west (across Luddenham Road) with Cosgroves Creek. We strongly dispute this. We engaged the services of Gunninah ecological consultants to undertake an Ecological and Riparian Assessment of our property (**Attachment A**). The assessment has provided a detailed comparison between the Department's environmental mapping and the existing state and environmental quality of the site. Gunninah's work has found that the 3rd order stream identified on our property, as mapped in the draft Precinct Plan, is incorrect as the on-site inspection has revealed that there is no watercourse of that category at the location.

Secondly, the small, isolated area shown as flood liable on the bottom map (provided by the Planning Partnership) corresponds to a man-made farm dam structure which we would contend that, if removed, the natural land would not be subject to the 1 in 100 year flood event.

We are also concerned with the extent of the Environment and Recreation zoned along our Elizabeth Drive frontage. This area, while identified as flood liable, is primarily a backwater and of low flood risk. Further, we have been advised by the Roads and Maritime Services that this area is likely to be impacted by future road upgrades associated with Elizabeth Drive. This is likely to significantly change flood behaviour in this location and we request that the zoning in this area be reviewed should this be the case.

Additionally, the assessment undertaken by Gunninah found that the majority of the vegetation identified on the site in the Draft Cumberland Plain Conservation Plan contains virtually no native vegetation as it is dominated by introduced pasture grasses and weeds. There are smaller patches of native vegetation located on the site however the assessment found that these areas contained low biodiversity conservation value or potential. This confirms the fact that there is little ecological value to the site.

Given the above, we request that when the Precinct Plan is finalised, a review of the zone boundaries on our property be undertaken to correct this clear error which will have a serious impact on quantum of developable land on our site as well as the orderly development of our land, consistent with the draft Precinct Plan objectives, in the future.

Traffic and Proposed Road Networks

The *Western Sydney Aerotropolis Transport Planning and Modelling Stage 2 Report* appears to be nothing more than a very high-level attempt to validate the design led Draft Precinct Plan's outcomes on the basis of mode share targets and assumptions and learnings from other local and international precincts. It does not appear to include any detailed traffic modelling of the proposed local street networks which will be non-negotiable at the future development phase. There is a risk that the mandated street layouts will fail when subjected to comprehensive traffic modelling. Again, the detailed local road network should be indicative only and landowners should be able to devise alternate solutions that are subject to detailed traffic modelling and are demonstrated to be workable.

Of particular concern is the proposed treatment of Luddenham Road. This road, which provides frontage and direct access for our property is proposed to be a Primary Arterial Road under the Draft Precinct Plan. While this is to be expected, given its current role in the local and regional traffic context, the numerous local road intersections with Luddenham Road proposed in the draft Precinct Plan will render the road cumbersome and inefficient. The local roads will cause safety issues on Luddenham Road in our locality, particularly given the close proximity to the major intersection with Elizabeth Drive. A review of the local road network in this regard is strongly supported. As it stands, the prevalence of local roads proposed for our land under the Draft Precinct Plan coupled with the Environment and Recreation zoned land will effectively mean that we will be left with approximately one quarter of our property after roads and local open space are subtracted. This is a completely unacceptable outcome and needs to be reviewed accordingly.

Economic Impacts

The planning process related to the Aerotropolis is already causing landowners, including ourselves, considerable financial and emotional stress. The planning for the Aerotropolis has been a strenuous, long and uncertain process which has made any sort of conversations with potential future development partners nearly impossible.

Many small landowners in the Luddenham area have been impacted by changes in the unimproved capital value (UCV) of our land as calculated by the Valuer General's Office. This has led to significant increases in Council rates and land tax requirements - a cost we are required to bear with no certainty of development outcomes at this stage. Compounding this, the draft Precinct Plan is vague with regard to the future ownership of the significant areas designated as open space, the timing and process of acquisition and whether there will be a fair and equitable acquisition process.

You will be well aware that other landowners in the Aerotropolis have seen the value of their land effectively reduced to zero as a result of their entire properties being designated as open space in the draft Precinct Plan, despite being zoned Enterprise. There is significant community anger in relation to this issue as it is grossly unfair.

Many landowners find themselves in limbo as a result of these uncertainties. There should be a moratorium on rate or land tax increases until the Planning Partnership has resolved all outstanding issues which will provide clarity as to the real UCV's and market values of properties.

We hope that the matters raised in this letter are seriously considered in the post-exhibition review of the draft Precinct Plan. As drafted, the documents will severely impact on small landowners in the Aerotropolis, including ourselves.

Please let me know if you have queries about my property and/or this submission via phone on 0408 280 334 or by email at ssasptyltd@gmail.com.

Yours sincerely

Felix Demanuele

gunninah



Lot 12 in DP 32026
2143-2157 Elizabeth Drive, Luddenham

Northern Gateway Precinct Plan

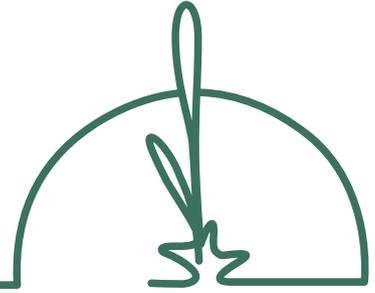
Ecological & Riparian Assessment Report

F Dominic Fanning

Gunninah

March 2021

gunninah



Lot 12 in DP 32026
2143-2157 Elizabeth Drive, Luddenham

Northern Gateway Precinct Plan

Ecological & Riparian Assessment Report

F Dominic Fanning
Gunninah

March 2021

This document and the intellectual material it contains have been prepared by the author (Mr F Dominic Fanning) for the specific purposes described herein.

It has been prepared in cognition of Division 2 Part 31 of the *Uniform Civil Procedures Rules* (UCPRs) and the *Expert Witness Code of Conduct* contained in Schedule 7 to the UCPRs – as practised *inter alia* in the NSW Land & Environment Court.

Any interpretation of this *Report* or any extraction from it are subject to the approval of the author.

LOT 12 in DP 32026
2143-2157 ELIZABETH DRIVE, LUDDENHAM

NORTHERN GATEWAY PRECINCT PLAN

ECOLOGICAL & RIPARIAN ASSESSMENT REPORT

March 2021

1 INTRODUCTION

1.1 Background

The NSW Department of Planning, Industry & Environment (DPIE) has released a *Draft Precinct Plan* for the Northern Gateway Precinct in western Sydney; associated with the Western Sydney Aerotropolis (see plans in Attachment A).

The *Draft Northern Gateway Precinct Plan* is contained in Part 4 of the *Northern Gateway Urban Design and Landscape Plan* prepared for the Western Sydney Planning Partnership by Hill Thalys Architecture + Urban Projects Pty Ltd (dated October 2020).

As discussed in detail below, the *Draft Northern Gateway Precinct Plan* relies in part on the *Draft Cumberland Plain Conservation Plan* which has been prepared by the NSW government – as there is no separate dedicated ecological or riparian assessment *Report*.

1.2 Purpose of This Report

The subject land for this *Ecological & Riparian Assessment Report* is Lot 12 in DP 32026 at 2143-2157 Elizabeth Drive, Luddenham (Figure 1 below; Attachment B).

The subject land is bound by Luddenham Road (along its northwestern boundary), Cosgroves Creek (along its southeastern boundary), Elizabeth Drive (to the southeast) and Lot 38 in DP 211842 (to the northeast).

The *Draft Precinct Plan* for the Northern Gateway Precinct identifies a number of purported '*Existing Constraints*' on the subject land – involving real and/or alleged "*Endangered Ecological Communities*" (EECs); an alleged '*3rd Order Stream*' and real and/or supposed '*riparian zones*'; as well as unjustified and inaccurate '*Cumberland Plain Conservation Plan Avoided Lands*'.

This *Report* has been prepared at the request of the landowner of the subject land to review the mapping of various alleged '*constraints*' on the subject land and to identify those portions of the land that contain actual development constraints (ecological and/or riparian) and those portions of the land that would be available for development purposes.



Figure 1 The subject land at 2143-2157 Elizabeth Drive, Luddenham

2 INFORMATION BASE

The undersigned conducted a walked survey of the subject land on 17 February 2021 – inspecting the vegetation present, taking photographs and observing the topography of the land (see Photographic Essay in Attachment C).

The following documents were reviewed by the undersigned.

- The *Draft Northern Gateway Precinct Plan* (Part 4 of the *Northern Gateway Urban Design and Landscape Plan* prepared for the Western Sydney Planning Partnership by Hill Thalix Architecture + Urban Projects Pty Ltd - dated October 2020).
- The *Draft Cumberland Plain Conservation Plan* (DPIE - dated August 2020).
- WSPP. November 2020. *Overview of the Northern Gateway Precinct Plan*. Western Sydney Planning Partnership.
- WSPP. November 2020. *Draft Aerotropolis Precinct Plan. Technical Support Summaries*. Western Sydney Planning Partnership.

As noted above, there is noted that there is no specific or dedicated ecological or riparian assessment *Report* for the *Northern Gateway Precinct* on the Department of Planning website. The undersigned has been advised that the *Northern Gateway Precinct Plan* relies *inter alia* on the *Draft Cumberland Plain Conservation Plan* with respect to riparian and ecological issues.

This is, as discussed below, a significant problem - compounded by the extremely poor and inaccurate mapping contained in the *Northern Gateway Precinct Plan*.

3 PRECINCT PLAN MAPPING

The *Draft Northern Gateway Precinct Plan* (as identified above) has mapped alleged or purported “*Existing Constraints*” with respect to ecological and riparian issues on the subject land (Lot 12 in DP 32026) at 2143-2157 Elizabeth Drive, Luddenham (see Figure 2 below; map in Attachment B).

The mapping provided in the *Draft Northern Gateway Precinct Plan* of purported or alleged ‘constraints’ on the subject land at Luddenham (as noted above) is **coarse, inaccurate, incorrect and inappropriate**.

In the first instance, the lines used in the mapping are up to 20 metres in width. For a significant planning document, this is simply **unacceptable**.

Second, the lines are **inaccurate** and **incorrectly** placed (in part at least). For example, the dark green lines which purportedly define ‘*Cumberland Pain Conservation Plan Avoided Lands*’ identify an area substantially greater (approximately 120m in width) along Cosgroves Creek than those depicted in the *Draft Cumberland Plain Conservation Plan* (the ‘*Plan*’) – see Chapter 4 below). The mapping in the *Draft Northern Gateway Precinct Plan* is simply **inaccurate** and **incorrect**.

Further, the mapping of an alleged 3rd Order ‘Stream’ through the northern central part of the subject land is based on the **flawed** and **inaccurate** ‘Hydroline’ mapping of watercourses (see Chapter 5 below). There is no watercourse of any type at this location (see Photographic Essay in Attachment C); and this alleged ‘constraint’ simply **does not exist**.

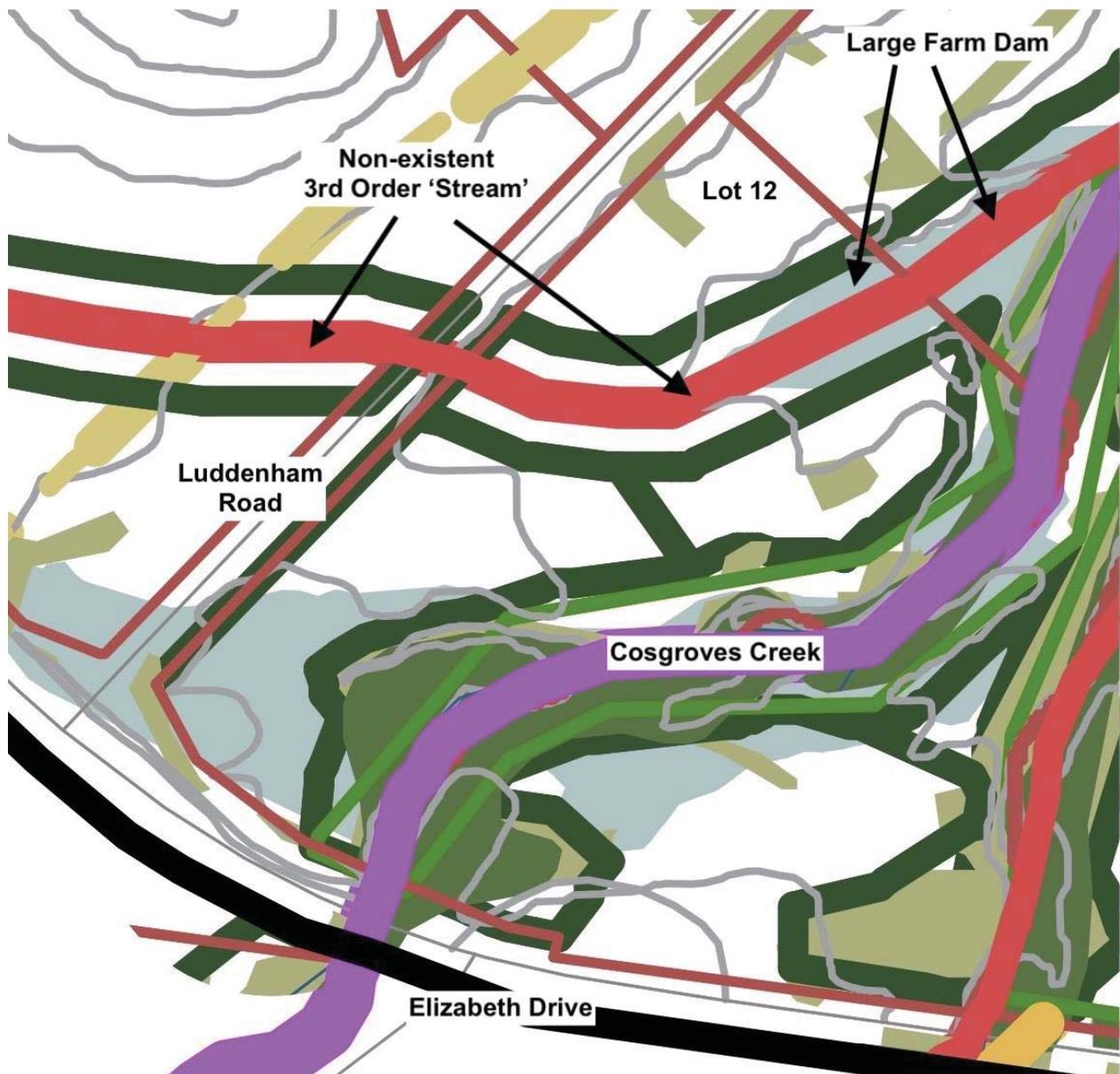


Figure 2 The mapping of purported 'Existing Constraints' on the subject land at 2143-2157 Elizabeth Drive, Luddenham – contained in the *Draft Northern Gateway Precinct Plan*

Dark Green Lines	Purported 'Cumberland Plain Conservation Plan Avoided Lands'
Red Line	Purported 3 rd Order Stream
Purple Line	4 th Order Stream (Cosgroves Creek)

As discussed above, the *Draft Northern Gateway Precinct Plan* mapping is **coarse, inaccurate, incorrect and inappropriate** – and **incorrectly** identifies the extent and/or presence of alleged 'Existing Constraints'.

The whole area occupied by the "Incorrectly mapped 3rd Order 'Stream'" in the extract from the *Draft Northern Gateway Precinct Plan* (Figure 2 above) is B – given that there is no watercourse of any type at this location (see Figure 1; Photographic Essay in Attachment C).

In addition, the mapping of the alleged 'constraint' along Cosgroves Creek is **excessive** and is **not consistent** with the *Draft Cumberland Plain Conservation Plan* (see discussion below).

4 DRAFT CUMBERLAND PLAIN CONSERVATION PLAN

4.1 Background

The *Draft Cumberland Plain Conservation Plan* (the ‘*Plan*’) has been prepared by the DPIE to provide strategic planning and biodiversity outcomes in western Sydney – specifically to support the delivery of the ‘*Western Parkland City*’ (including the Western Sydney Aerotropolis).

Relevantly, the ‘*Plan*’ states *inter alia* that it “*will identify and protect **important** biodiversity in the nominated areas*” (emphasis added). The ‘*Plan*’ also states that it “*identifies strategically **important** biodiversity areas within the Cumberland subregion*” (emphasis added).

On the basis of the detailed considerations documented below, the ‘*Plan*’ has clearly **failed** in both regards with respect to the subject land at Luddenham.

4.2 Vegetation Mapping Issues

The *Draft Cumberland Plain Conservation Plan Viewer* (the ‘*Plan Viewer*’) has mapped parts of the subject land at Luddenham (see Figure 3 below and in Attachment B) in the following terms.

- Patches of vegetation are mapped as a “*threatened ecological community*” (TEC) –
 - Cumberland Plain Woodland (CPW) – a small patch in the north of the subject land adjacent to the dwelling.
 - Swamp Oak Forest - along Cosgroves Creek.
 - River-flat Forest in three small patches – close to Cosgroves Creek.
- A band (approximately 40m wide) along Cosgroves Creek and in the southwest of the subject land as “*strategic conservation*”.

However.

The mapping of vegetation contained in the ‘*Plan*’ **does not** adequately or accurately reflect the existing circumstances on the subject land at Luddenham (see Figure 1 above and aerial photograph in Attachment A; Photographic Essay in Attachment C).

The vegetation along Cosgroves Creek is indeed dominated by casuarinas – and may constitute Swamp Oak Floodplain Forest (a TEC); although the *Casuarina* species has not been verified. The small patches of alleged River-flat Forest in the southeast of the subject land (near Cosgroves Creek) are actually stands of *Casuarina cunninghamiana* or *Casuarina cunninghamiana/glauca*. This is not a TEC.

The patches of alleged CPW in the north of the subject land are trees which were planted by the landowners over the last 60+ years – noting that some of the trees planted are species of the CPW community (albeit of unknown provenance and therefore not appropriately identified as a TEC).

These plantings are clearly **artificial**; and **do not** constitute the TEC. In addition, there is **virtually no** native understorey or groundcover – noting the presence of a dwelling with gardens and associated features, sheds, previously cleared lands, substantial stockpiles of equipment and materials, fences and tracks, non-native vegetation, extensive weeds and introduced plantings, and other artificial elements (see Photographic Essay in Attachment C).

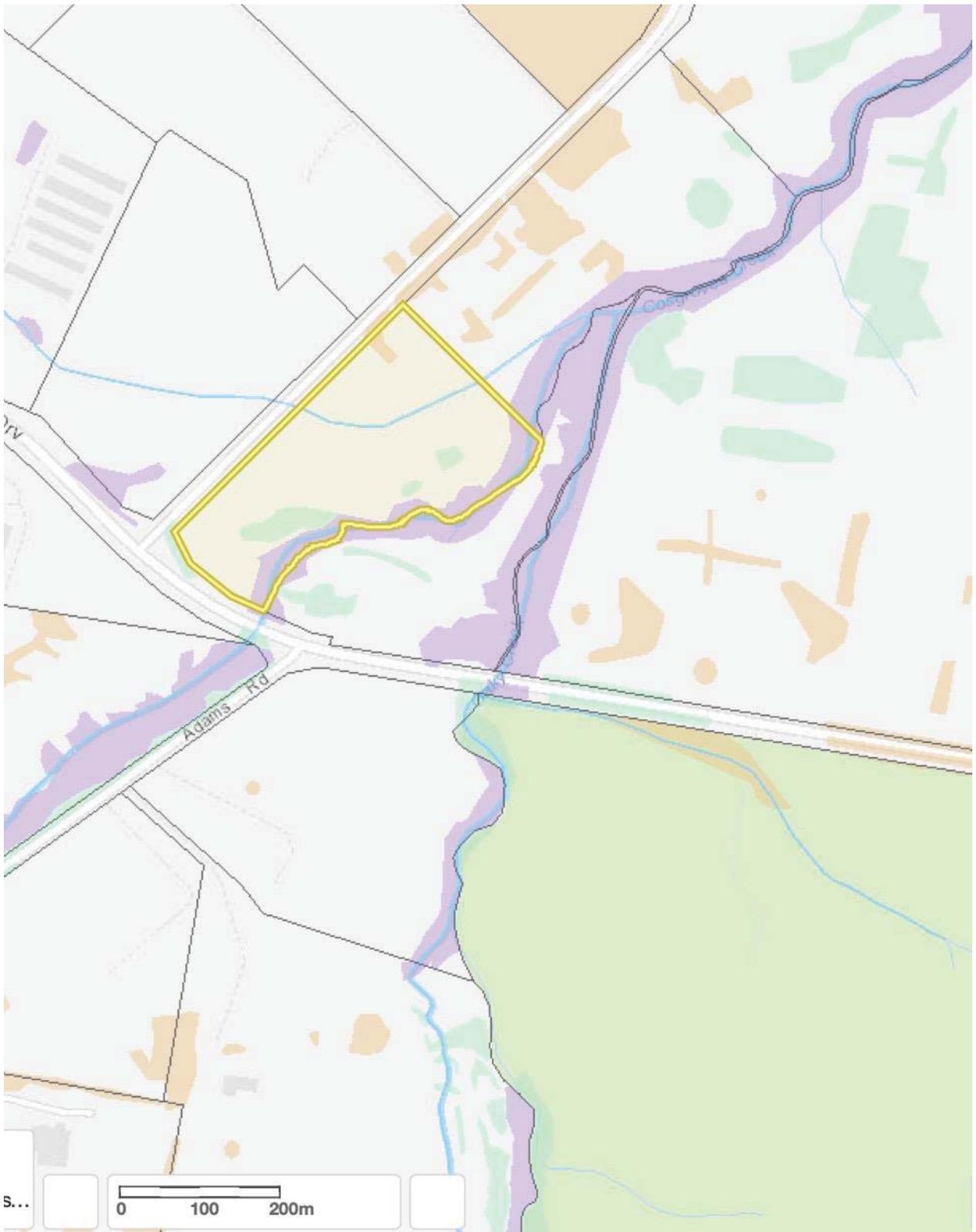


Figure 3 The mapping of purported TECs on the subject land at 2143-2157 Elizabeth Drive, Luddenham – in the *Draft Cumberland Plain Conservation Plan*

- | | |
|--------------|---------------------------|
| Light Orange | Cumberland Plain Woodland |
| Light Green | River-flat Forest |
| Light Purple | Swamp Oak Forest |

There is **no evidence** that the mapping of any of the purported TECs on the subject land has been based on any site investigations. Indeed, given the inaccuracies documented above, it is clear that no proper verification of the vegetation on the subject land has been undertaken.

The mapping of TECs on the subject land at Luddenham is therefore **hypothetical** and **unverified**; and **cannot reasonably constitute a satisfactory basis** for precluding development on the land.

It is further noted that ‘The Plan’ **does not** provide any mechanism to review the mapping on which it relies; thus embedding **flawed** and **incorrect** mapping as the base of ‘The Plan’.

4.3 Environmental Zoning Issues

The *Proposed Environmental Zoning* of the subject land contained in the Plan Viewer’ (Figure 4 below; Attachment A) is based primarily (it would seem) on the **faulty** ‘Hydroline’ mapping of watercourses; as discussed below in Chapter 5.

The mapping of an approximately 40m wide *Proposed Environmental Zone* along Cosgroves Creek is potentially appropriate – given the riparian issues discussed in Chapter 5 below.

However.

The mapping of a purported *Proposed Environmental Zone* along the non-existent purported 3rd Order ‘watercourse’ from the northwestern boundary of the subject land at 2143-2157 Elizabeth Drive, Luddenham through the centre of the land is **entirely inappropriate**.

As discussed in detail below (Chapter 5), there is **no** such ‘watercourse’ (or ‘creek’ or ‘stream’) at this location (see Figure 1 above and in Attachment A; Photographic Essay in Attachment C). This is merely an overland flow path (with no channel or even a simple invert) and a large farm dam; surrounded by a paddock of introduced pasture grasses and weeds. There is **no native vegetation** at this location on the subject land.

There is **no conceivable justification** for this portion of the purported *Proposed Environmental Zone* on the subject land at Luddenham as mapped in the *Draft Cumberland Plain Conservation Plan* - on ecological or riparian grounds.

Similarly, the patches of ‘vegetation’ on the subject land identified as “*Non Certified - Avoided for Biodiversity*” (see Figure 4 below: Attachment A) are **completely unjustifiable** on ecological grounds.

The larger patch between Cosgroves Creek and the **non-existent** ‘watercourse’ (from the northwestern boundary of the subject land) contains virtually **no** native vegetation – being dominated by introduced pasture grasses and weeds (see Figure 1 above and in Attachment A; Photographic Essay in Attachment C). The smaller patch is partly (although not accurately) coincident with small stands of *Casuarina cunninghamiana* or *Casuarina cunninghamiana/glauca* – of very **extremely low** biodiversity conservation value or potential.

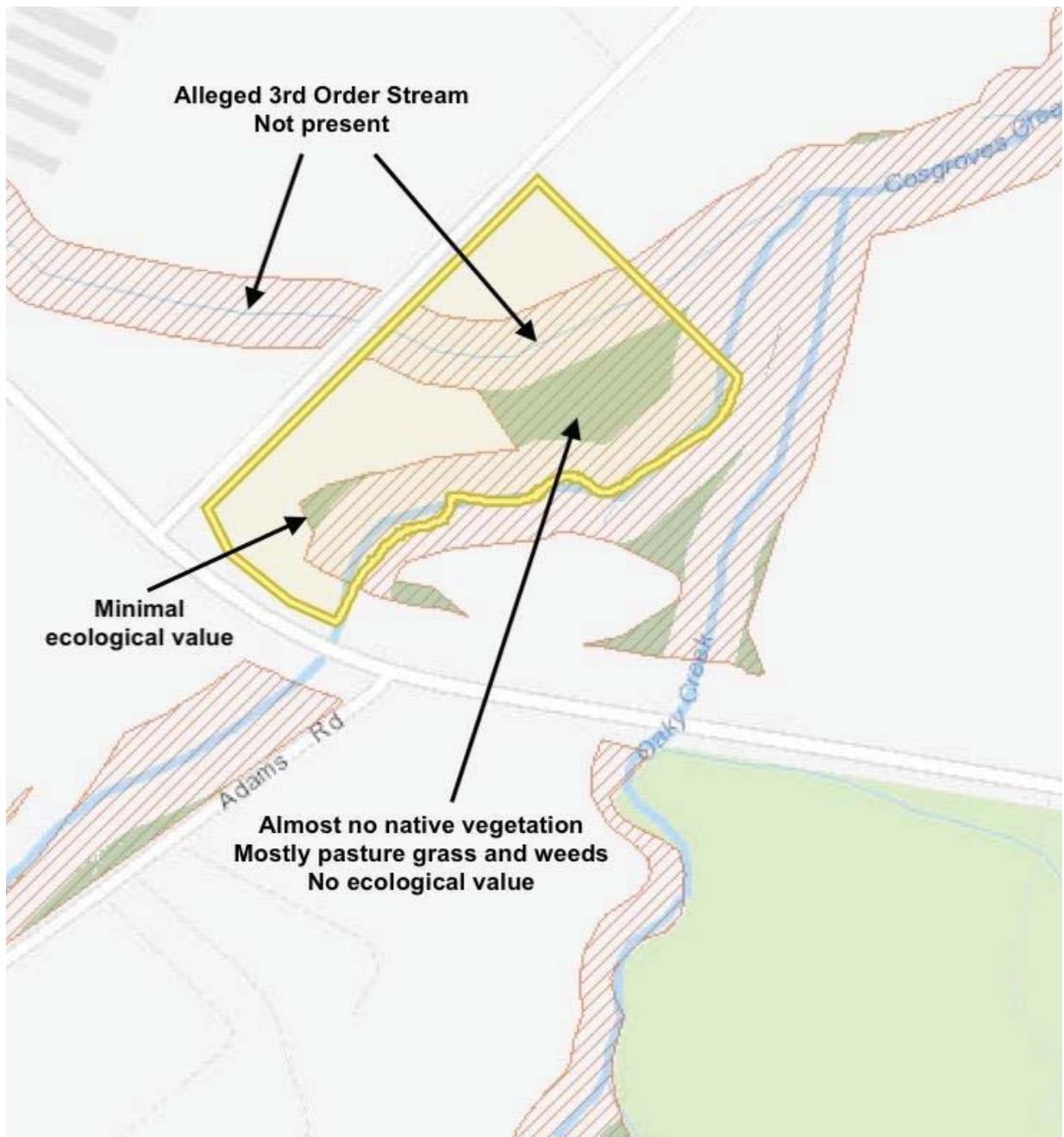


Figure 4 The mapping of ‘Proposed Environmental Conservation’ on the subject land at 2143-2157 Elizabeth Drive, Luddenham – in the *Draft Cumberland Plain Conservation Plan*

- | | |
|----------------|---|
| Orange Shading | Proposed Environmental Conservation area – despite the criticisms documented above |
| Light Green | Identified “ <i>Non Certified - Avoided for Biodiversity</i> ” – despite the lack of any biodiversity values in this area |

5 RIPARIAN ASSESSMENT of the SUBJECT LAND

5.1 Cosgroves Creek

Cosgroves Creek, which forms the southeastern boundary of the subject land, is clearly a “*river*”; and has been mapped as a Strahler 4th Order Stream. The Creek has a well-defined ‘bed and banks’; and is incised 3 – 5 metres into the landscape (see Photographic Essay in Attachment C). On that basis, there would be an expectation (NB **not** a ‘requirement’) from the NRAR of a 40 metre wide ‘Vegetated Riparian Zone’ (VRZ) along Cosgroves Creek; as identified in the *Draft Cumberland Plain Conservation Plan*. It is also relevant to note, however, that a 40m wide VRZ is **not** mandated by the *Water Management Act 2000* and that incursions of up to 50% into the VRZ are possible.

Whether or not Cosgroves Creek is actually an actual 4th Order Stream is not the subject of this *Report*; but it is noted by the undersigned that the overwhelming majority of the Hydroline mapping within the Sydney metropolitan area is incorrect – because many purported ‘streams are not actually present.

The identification of a ‘Riparian Zone’ 120m wide or more along Cosgroves Creek (*ie* including at least 60 metres on the subject land) in the “*Existing [riparian] Constraints*” mapping contained in the *Draft Precinct Plan* (see Figure 2 above and map in Attachment A) is **unjustified, inappropriate and unreasonable**. That mapping is also **inconsistent** with the mapping in the *Draft Cumberland Plain Conservation Plan*.

5.2 Other Watercourse

There is no other watercourse, other than an unformed overland flow path, present on the subject land at Luddenham (see Figure 1; maps in Attachment A).

The “*Existing [riparian] Constraints*” identified on the subject land, as mapped in the *Precinct Plan*, includes a purported Strahler 3rd Order Stream flowing in a northeasterly direction from the northwestern boundary (see Figure 2; Attachment A) - according to the **faulty** and **unvalidated** Hydroline mapping provided by the NSW government.

There is **no** such ‘Stream’ or ‘Creek’ present at this location on the subject land (Figure 1; Photographic Essay in Attachment C). Rather, at its lower end there is a large artificial farm dam; upstream of which on the subject land there is no formed ‘Stream’ or ‘Creek’ or other watercourse.

The application of an approximately 100m ‘riparian zone’ along this **non-existent purported** watercourse – in accordance with the **flawed** ‘Hydroline’ mapping and the *Draft Cumberland Plain Conservation Plan* - is **unjustifiable** on ecological, riparian, statutory and logical grounds.

5.3 Conclusions

The imposition of a ‘Riparian Zone’ of up to 40m width along Cosgroves Creek along the southeastern side of the subject land at 2143-2157 Elizabeth Drive, Luddenham may possibly be appropriate.

However, there is **no** watercourse in the southwestern part of the land. There are **no** statutory or appropriate riparian constraints to any future potential development of this portion of the subject land at Luddenham.

6 ECOLOGICAL ASSESSMENT of the SUBJECT LAND

6.1 Circumstances

The subject land has been cleared of native vegetation and has been used intensively for an array of **agricultural and rural purposes** for a very long time (at least 60 years by the previous landowner's family *pers comm*) – including the for agistment and grazing of horses and cattle (see Photographic Essay in Attachment C).

The paddocks on the subject land are characterised almost entirely by introduced grasses and pasture weeds (see Photographic Essay in Attachment C). There are virtually no native groundcover plants throughout the subject land; other than occasional individual plants at scattered locations (predominantly along Cosgroves Creek).

Cosgroves Creek, as discussed above, is a moderate sized watercourse – with a riparian woodland dominated by casuarinas; but with a highly weed-infested understorey (see Photographic Essay in Attachment C of this *Report*).

6.2 Ecological Considerations

The mapping of alleged “*Existing [ecological] Constraints*” on the subject land, as contained in the *Draft Northern Gateway Precinct Plan* (see Figure 2 above and in Attachment A) is coarse, inaccurate, incorrect and predominantly **inappropriate**.

The mapping of small patches of alleged River-flat Forest on the land is **incorrect**. Whilst there are small stands of disturbed she-oak forest on the land – they are characterised by *Casuarina cunninghamiana* or *Casuarina cunninghamiana/glauca* of very extremely low biodiversity conservation value or potential.

Similarly, the small patch of alleged Cumberland Plain Woodland (CPW) on the subject land consists of canopy trees which have been planted by the landowner's over a long period. As noted above, these are of unknown provenance and cannot reasonably be considered an example of CPW.

The purported “*Existing [ecological] Constraints*” on the subject land as mapped in the *Precinct Plan* (see map in Attachment A) are predominantly, if not entirely, **inappropriate, unreasonable and unjustified**.

6 CONCLUSIONS

The *Draft Northern Gateway Precinct Plan* (Part 4 of the *Northern Gateway Urban Design and Landscape Plan* prepared for the Western Sydney Planning Partnership by Hill Thalys Architecture + Urban Projects Pty Ltd - dated October 2020) has mapped alleged or purported “*Existing Constraints*” with respect to ecological and riparian issues on the subject land (Lot 12 in DP 23026) at 2143-2157 Elizabeth Drive, Luddenham.

The mapping provided in the *Draft Northern Gateway Precinct Plan* of purported or alleged ‘constraints’ on the subject land at 2143-2157 Elizabeth Drive, Luddenham in the *Draft Northern Gateway Precinct Plan* is **coarse, inaccurate, incorrect and inappropriate**.

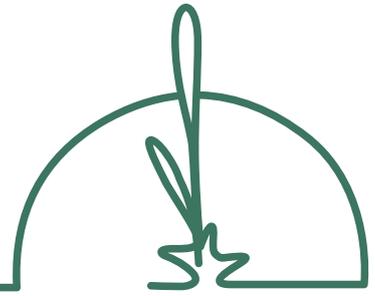
Similarly, the mapping of an alleged 3rd Order stream on the subject land in the *Draft Cumberland Plain Conservation Plan* is **incorrect**. There is part of a large farm dam at this location; and there is no watercourse upstream of the farm dam to the west.

The information and mapping provided in the *Draft Northern Gateway Precinct Plan* and in the *Draft Cumberland Plain Conservation Plan* is **entirely and utterly insufficient** to constrain the potential development of the subject land. The alleged “*Existing Constraints*” (other than the band of vegetation along Cosgroves Creek) **cannot be justified** on the basis of any **objective or scientific** analysis, relevant statute or any *Planning Policy*.

**F Dominic Fanning
Gunninah**

A handwritten signature in blue ink, appearing to read 'F Dominic Fanning', with a stylized flourish at the end.

gunninah



Lot 12 in DP 32026
2143-2157 Elizabeth Drive, Luddenham

Northern Gateway Precinct Plan

Ecological & Riparian Assessment Report

F Dominic Fanning
Gunninah

March 2021

Attachment A
Relevant Maps and Plans



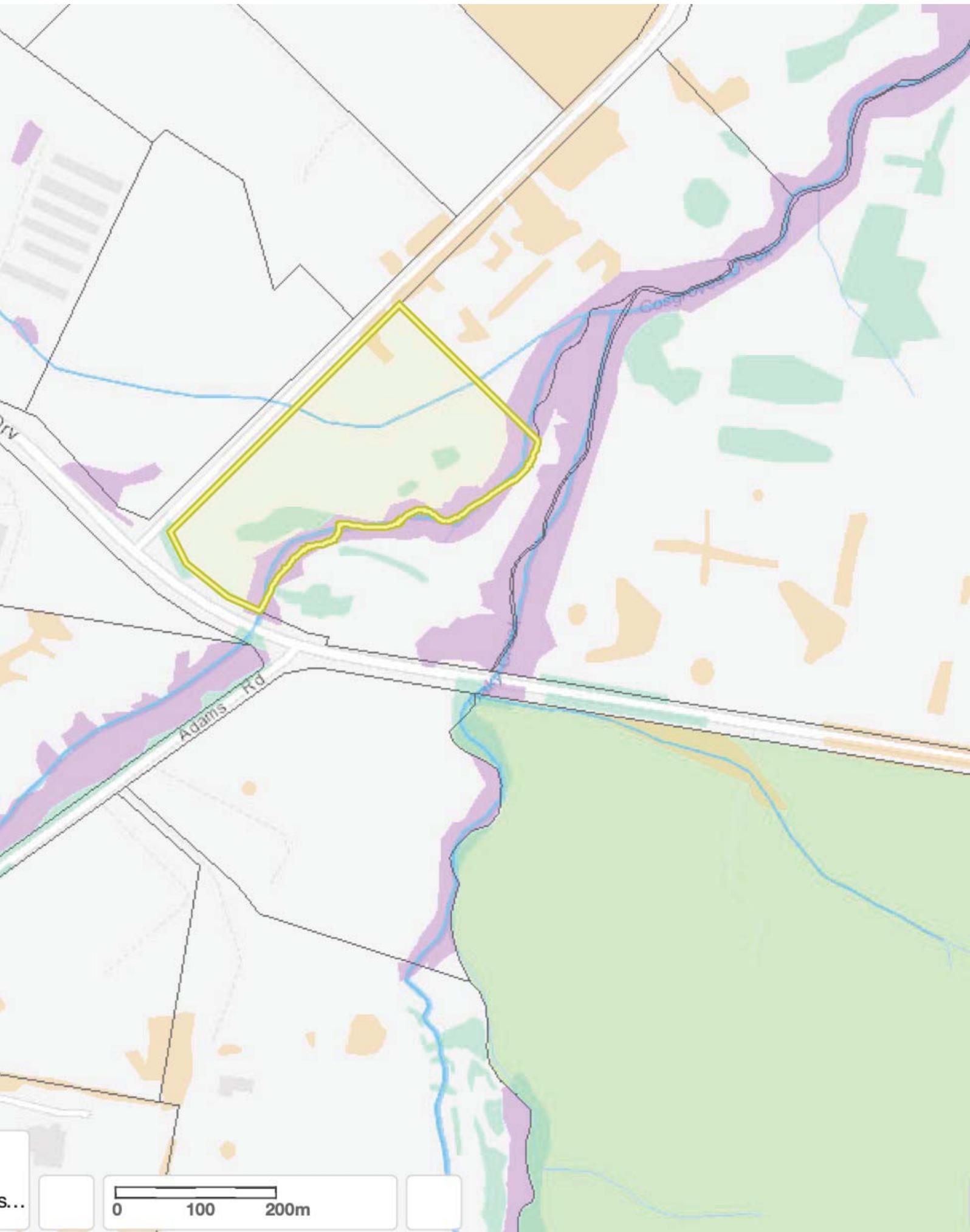
Advanced Search

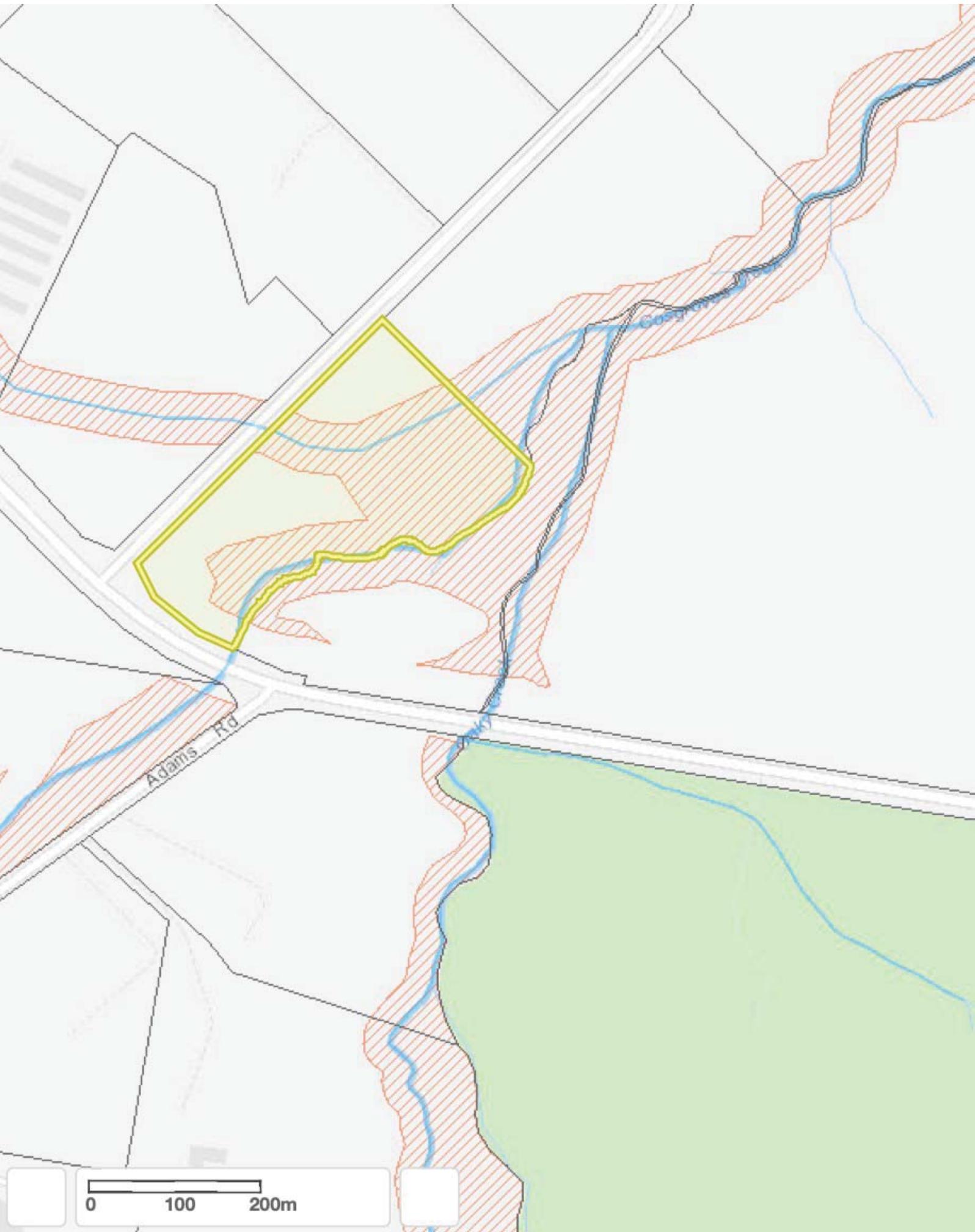


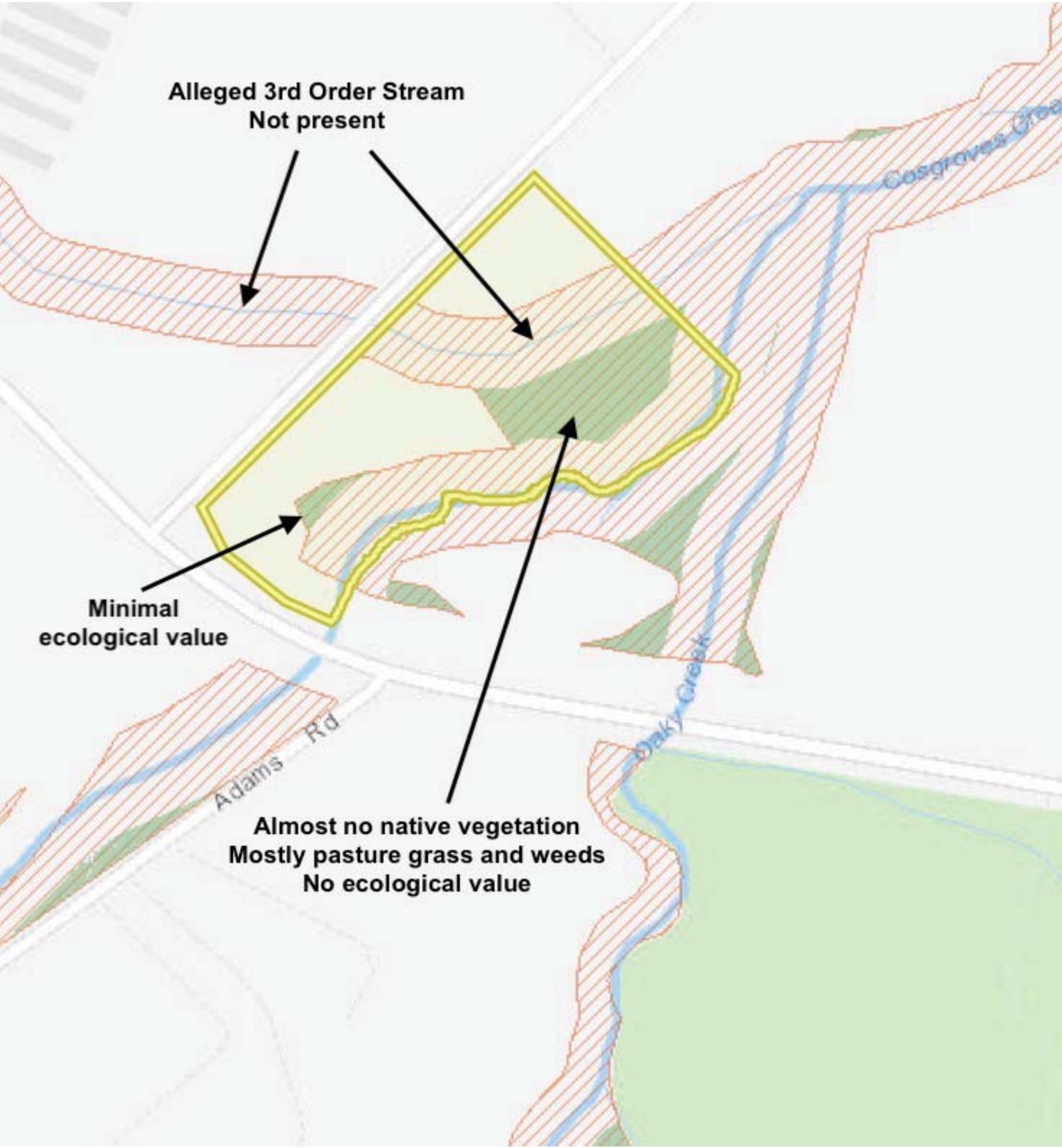
1:4,514

0 50 100m









**Alleged 3rd Order Stream
Not present**

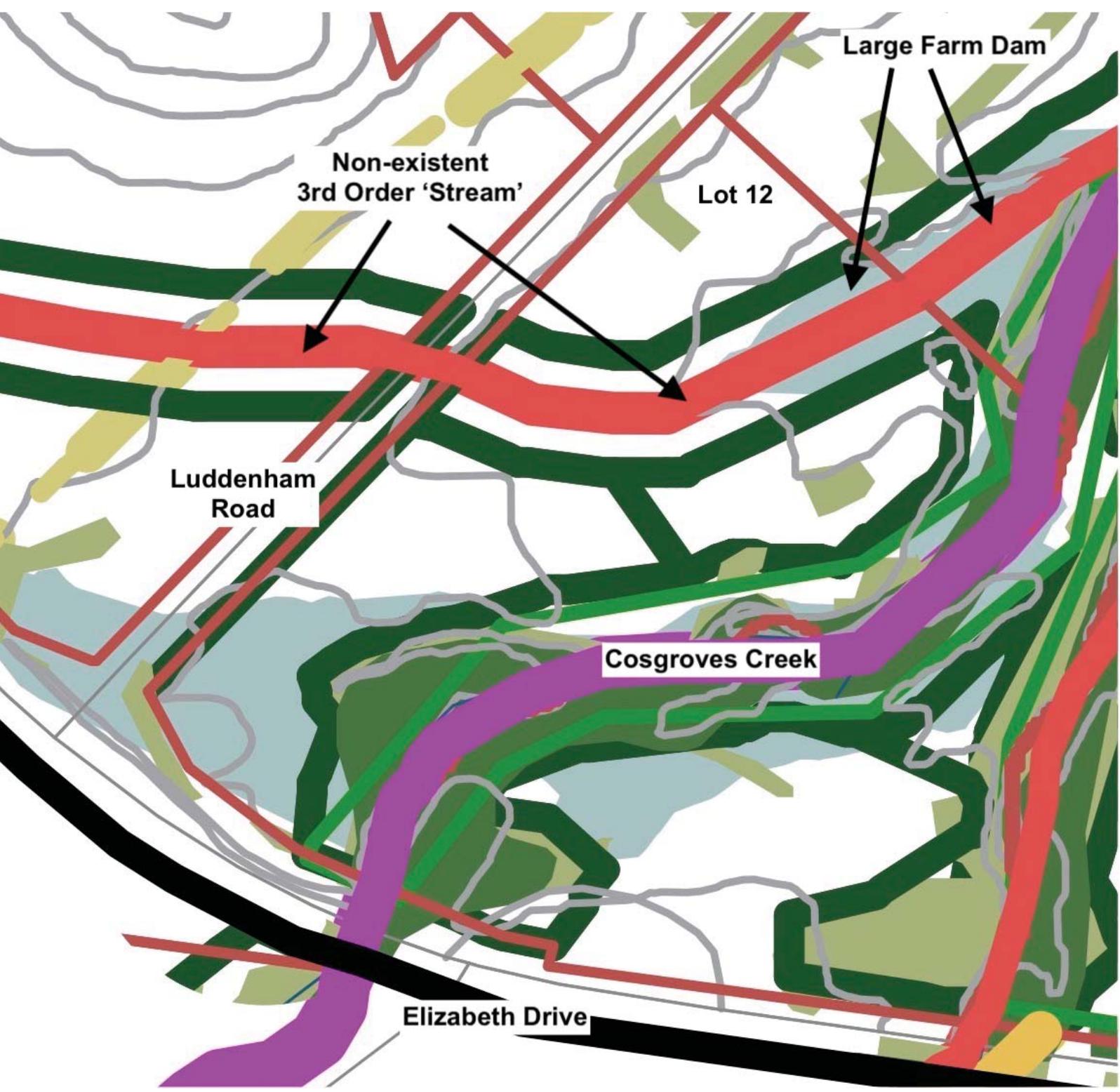
**Minimal
ecological value**

**Almost no native vegetation
Mostly pasture grass and weeds
No ecological value**

Adams Rd

Cosgroves Creek

Dinky Creek



Non-existent
3rd Order 'Stream'

Large Farm Dam

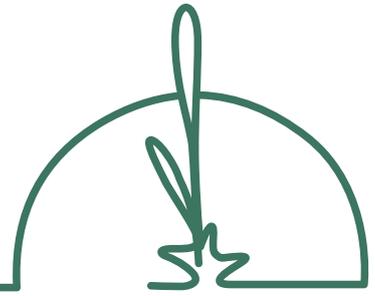
Lot 12

Luddenham
Road

Cosgroves Creek

Elizabeth Drive

gunninah



Lot 12 in DP 32026
2143-2157 Elizabeth Drive, Luddenham

Northern Gateway Precinct Plan

Ecological & Riparian Assessment Report

F Dominic Fanning
Gunninah

March 2021

Attachment B
Statutory Maps and Plans

Existing Constraints



- | | |
|--|-------------------------------|
| — Cadastre | — 3km wildlife buffer zone |
| ■ 1% AEF | — 8km wildlife buffer zone |
| ■ Existing Endangered Ecological Communities (EEC) | — Strahler Fourth Order Creek |
| □ Cumberland Plain Conservation Plan Avoided Lands | — Strahler Third Order Creek |
| ■ Other Vegetation | — Strahler Second Order Creek |
| ≡ 2m contours | — Strahler First Order Creek |
| — ANEC 35 Contour | — OLS Chart Line |
| — ANEC 30 Contour | — Proposed Metro alignment |
| — ANEC 25 Contour | □ OSO/Freight rail corridor |
| — ANEC 20 Contour | ■ M12 corridor |

0 500 1000 M



The Precinct Plan



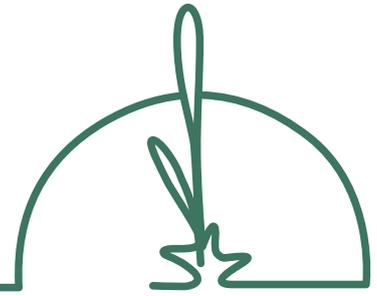
- Sydney Science Park Boundary
- Cadastre
- Precinct Boundary
- Proposed Riparian Park
- Proposed Ridgetop/Hill Top Park with district park facilities
- Proposed Urban/local Park
- Proposed Nature Park
- Endangered Ecological Communities(EEC)-Nature parks where substantial EEC exist
- Unprotected existing vegetation-Nature parks where substantial remnant vegetation exists
- Proposed Streetscape Open Space

- WSUD and detention basin investigation areas (indicative only)
- 1% AEF
- 2m contours

0 500 1000 M



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Lot 12 in DP 32026
2143-2157 Elizabeth Drive, Luddenham

Northern Gateway Precinct Plan

Ecological & Riparian Assessment Report

F Dominic Fanning
Gunninah

March 2021

Attachment C
Photographic Essay



Photo 1 The central part of the subject land looking southeast across the paddock of introduced pasture and weeds towards the Swamp Oak Forest vegetation along Cosgroves Creek



Photo 2 The southern part of the subject land looking south across Elizabeth Drive with introduced pasture and weeds; and a narrow band of she-oaks this side of Cosgroves Creek



Photo 3 Narrow band of She-oaks (*Casuarina cunninghamiana* or *Casuarina cunninghamiana/glauca*) in the southeastern part of the subject land. No watercourse is present



Photo 4 The northeastern part of the subject land looking northeast – with the casuarina forest along Cosgroves Creek (in background) and extensive introduced pasture and weeds. The alleged **non-existent** 3rd Order Stream is located through the centre of the photograph. There is no such stream nor any native vegetation of any sort present



Photo 5 The central part of the subject land looking north towards Luddenham Road - with introduced pasture and weeds across the alleged **non-existent** 3rd Order Stream is located through the centre of the land. There is no such stream nor any native vegetation of any sort present



Photo 6 Pasture grassland and pasture weeds characteristic of the majority of the subject land – including the alleged **non-existent** 3rd Order Stream



Photo 7 Cosgroves Creek on the subject land – incised into the landscape



Photo 8 Swamp Oak Forest along Cosgroves Creek on the subject land – with high levels of weed infestation in the groundcover layer