


## Susan Thomson

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**From:** Polina Gurash <Polina.Gurash@planning.nsw.gov.au>  
**Sent:** Monday, 14 January 2019 9:32 AM  
**To:** Polina Gurash  
**Subject:** 9729 Cumberland Plain Conservation Plan: Fwd: Online Submission from company Deerubbin Local Aboriginal Land Council (org\_comments)  
**Attachments:** 303171\_DLALCCLBP201619at030417.pdf; 303171\_DLALCGSClettertoChiefCommSOT1304171adv2.pdf

 [Activity entry](#) made by Polina Gurash for for [9729 Cumberland Plain Conservation Plan](#)

**Time Logged:** 01m **Class:** Organisation Comments **Priority:** Medium **Visibility:** All

----- Forwarded message -----

From: Stephen Wright <SWright@deerubbin.org.au>

Date: Thu, Jan 03, 2019 at 15:06:24 PM

Subject: Online Submission from company Deerubbin Local Aboriginal Land Council (org\_comments)

Dear Secretary

This is the initial submission of the Deerubbin Local Aboriginal Land Council (DLALC) in relation to the 'Draft Terms of Reference for the Strategic Impact Assessment Report for the Cumberland Plain Conservation Plan' (TofR).

The DLALC reserves the right to make further submissions about the TofR and the Cumberland Plain Conservation Plan (CPCP) generally.

The DLALC is an Aboriginal Land Council constituted under the Aboriginal Land Rights Act 1983 (NSW) (ALRA). The TofR and the CPCP must ensure consistency with the rights and duties created by the ALRA.

The DLALC is one of the largest, if not the largest private landowners in the CPCP study area. The TofR and the CPCP must appreciate this fact.

Outcomes of the Strategic Impact Assessment and the CPCP must not adversely affect the property and land use rights of the DLALC without the DLALC's informed and lawful consent.

The DLALC is currently engaged in a range of land use and planning matters with the Australian government, the NSW government and Local government that are directly relevant to the TofR and the CPCP. The DLALC will provide further information about these matters in due course.

In brief:

\* The DLALC is a member of the DPE 'CPCP Community Reference Group'

\* The DLALC is engaged in a wide ranging strategic land use planning process with the DPE and the Greater Sydney Commission

\* The DLALC is engaged in a formal strategic land use and social planning process with the Penrith Sydney Council.

All 3 of these process are directly relevant to the TofR and the CPCP.

The DLALC reserves the right to challenge legally or administratively any proposal or outcome of the TofR or the CPCP that adversely affects its rights and interests.

The relevance of the DLALC's land holdings in the CPCP study area (predominantly in the northern half) to the future development of Western Sydney has been a matter of conflict and tension between the Crown and the DLALC for many years.

Public and civil society conservation interests have often objected to the DLALC's acquisition of land in the CPCP area because their view was that the land should be reserved for nature conservation uses only. These views are inconsistent with Australian law, principally the ALRA and the Racial Discrimination Act 1975 (Cth).

The DLALC acknowledges the legitimate jurisdiction of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) and the Biodiversity Conservation Act 2016 (NSW).

The TofR and the CPCP must change the trajectory of the DLALC's engagement with the Crown in relation to these issues if they are to have any lasting, positive impact on the biodiversity conservation of Western Sydney.

The DLALC is not disinterested in biodiversity conservation, however its rights and duties pursuant to the ALRA mean it must take a nuanced approach to these matters.

The DLALC is open to good faith negotiations about these matters.

Attachment

1. DLALC 'Community Land and Business Plan 2016-2019'
2. DLALC submissions to the Greater Sydney Commission's draft district plans Dec 2017

**Polina Gurash**

*Business Operations Coordinator*

NSW Department of Planning

P:

E: Polina.Gurash@planning.nsw.gov.au

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