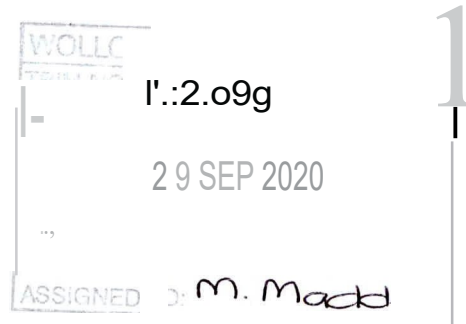


WILTON NSW 2571

4 September 2020

Mr Matthew Deeth  
Mayor  
Wollondilly Shire Council  
PICTION NSW 2571



Dear Mr Deeth

**Re: Impact of, and Objection to Draft Cumberland Plain SEPP and Proposed Rezoning, and effect on landowners who will be affected**

We wish to make a submission with regards to the Draft Cumberland Conservation Plan which will affect our property.

We have had ownership of Lot [REDACTED] for over 30 years. It has a dam and some cleared area. In 2017 we applied for a Development Application (DA) to build a dwelling and shed with three (3) phase power and town water supply which is currently connected. There is provision for future phone connection. The DA [REDACTED] was subsequently approved and we have since built a shed according to approved specifications at a cost of approximately [REDACTED]. The shed includes a 22,500 litre water storage tank according to the mandatory requirement capacity of 20,000 litres as well as the fittings in accordance with the current NSW Rural Fire Service and Wollondilly Shire regulations. The shed also includes a shower and toilet and we have also recently had an envirocycle system installed at significant cost. It is our intention to now proceed with building of the dwelling.

In respect to the proposed rezoning from RU2 Rural Landscape to E2 as per the Draft Cumberland Conservation Plan we wish to raise the following issues:-

**1. THE SUBJECT PROPERTY – LOT 87 DP751297**

As stated, the current zoning for this land is RU2 Rural Landscape under Wollondilly LEP 2011. Our land, will be affected by this rezoning. The land and other land on the eastern side of Peel Street was subdivided into small allotments for dwelling purposes for well over 100 years. These allotments also act as a buffer between the more naturally vegetated land east in the creek valley.

The subject property has an approved Development Application for a dwelling and shed, the shed having been erected in 2019 (see above opening paragraph). We (Peter and Annick Leach) have owned this land for over 30 years. The land has been used for agricultural purposes for over 70 years and we have also used the land for this purpose for much of the time of our ownership. We have maintained this land throughout this time with thought to the surrounding ecology (eg eradicating weeds) whilst ensuring that we minimise the risk of bush fires which have been prevalent in this vicinity for many many years. By rezoning the land from its current RU2 Landscape to E2, there appears to be 100% thought to the ecological value placed on the land and 0% to the current human use, occupation and heritage.

## **2. CURRENT MARKET VALUATION BY A LOCAL REAL ESTATE AGENT**

We have obtained a valuation by a local Real Estate Agent which indicates a value of the property at [REDACTED]

## **3. OBJECTION TO THE PROPOSED ZONE OF E2**

### **a. Personal and human value of the property**

Despite your department's best intentions for Conservation and Biodiversity there are other significant factors that must be considered, such as human life, existing development patterns, existing infrastructure such as the power lines through the Sydney Water Corridor. This property (Lot [REDACTED] is an allotment of the original property (of which there were four allotments) owned by Annick's parents who purchased the land in 1953. This family were akin to pioneers having migrated from France in 1952, purchasing this land and owner-building a house (on Lot [REDACTED] which we believe should be of heritage value having been constructed in the 1950's. Three of these allotments were subsequently purchased by two of the children in later years, with Annick's brother and wife building a dwelling and associated outbuildings on Lot 86.

Annick and Peter have owned and cared for this allotment (Lot [REDACTED] for over 30 years. Therefore there is a strong personal attachment to this land. We have preserved this land, and mitigated bushfire risk in an area prone to bushfire to such a degree it is now deemed 'critical habitat'. This maintenance was not carried out by Council, or Government, or Landcare or by any environmental consultants. It was us, the landowners, who have respected and still respect the local fauna and flora in this locality. This land is our heritage.

### **b. Historical value**

This land is part of the historic Wilton township and which was part of a grant taken up by the famed explorer Major Mitchell. The town was established in 1840, originally to control local bushrangers, a public school was built in 1871 and a post office in 1872. Wilton had sufficient population in 1885 to be declared a town due to the influx of workers on the Upper Nepean water supply scheme. Part of this engineering feat was the construction of a tunnel about 8 kilometres long which passes under Wilton and joins weirs at Pheasant's Nest and Broughton Pass towards Appin from whence water is carried through another tunnel eventually linking up to Prospect Reservoir. The sandstone vents which pass by a neighbouring allotment to ours are historic indicators of its existence.

We have found items such as old bottles, jars, horseshoes etc on our property which we believe may have belonged to people who inhabited the land at the time the tunnel was being constructed, and who may have had a workers cottage on the property at the time when workers who were associated with the building of the water tunnel lived close to the work.

The development of Wilton was historically, as boundaries on maps of the township show, drawn up to allow land ownership for the purpose of dwelling and light agricultural purposes. We believe that this can continue in a controlled manner where environmental values can be maintained and any agriculture minimised. Thus, we believe rezoning to E4 rather than E2 is more appropriate.

### **c. Bushfire risk**

This allotment, as is the surrounding allotments are in a designated fire prone area. In the 70 years our family has lived in Wilton, this area has suffered many bushfires, with our having been evacuated from our family home [REDACTED] several times when bush fires

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came up through Allen's Creek to the back of the family sheds and home. Our land has a dam which was put in by the family owning Lot [REDACTED] in the 1950s, and has been useful in past years for providing water to assist in fighting these fires. It has also provided shelter for wildlife driven up from the creek at these times.

The RFS 10-50 rule was introduced in recent times due to bush fire risk. We have taken our obligations towards mitigating bushfire risk seriously. Peter has, with approved permits from Wollondilly Shire Council, regularly carried out hazard reduction on the property due to this risk, as have our neighbours. Peter was an active and experienced member of the Wilton Rural Fire Service (RFS) for over 34 years. The proposed E2 will effectively prevent the RFS from adequately protecting our property. Given the increased risk of fire due to climate change, and the recent catastrophic fires that raged through Buxton, Bargo, Couridjah, Colo Vale etc late last year/early this year, the proposed E2 zoning will only exacerbate the threat of uncontrolled vegetation coming right up to the town fringe on the opposite side of Peel Street, and which has recently seen increased dwellings on smaller parcels of land.

#### **4. SUGGESTED ZONE FOR LOT [REDACTED] AND OTHER LANDS IN PEEL STREET WILTON UNDER DRAFT SEPP**

The proposed rezoning of the eastern side of [REDACTED] from RU2 Landscape to E2 will effectively 'lock up' the land. By limiting the use of the land under 'existing use rights' the land will eventually become unmanaged vegetation.

Taking into consideration the recent devastating personal and economic cost from the local bushfires over the last December/January period, the Department's proposed new zone and 'critical habitat' classification will deprive the current land owners from availing themselves of the Rural Fire Services 10-50 rule which applies to other RU2 land, but not here. This will effectively prevent the land owners on the eastern side of Peel Street of protection against bushfires and in turn protecting residential zoned land on the opposite side.

We urge the Department to consider an approach that will investigate and determine the merit of reviewing the Plan. Our suggestion is that :-

- a. The land on the eastern side of [REDACTED] be zoned **E4 – Environmental Living**, with a minimum allotment of 1ha. This will not encourage significant development potential and will encourage ongoing conservation of the site.
- b. Allow residential development in a Controlled manner within the town footprint, rather than a 'lock out' which will have serious impact from bushfire hazards.

By adopting these suggestions a rural living zone that has a focus on environmental protection can be maintained where landowners are not deprived of their principal asset but there is a continued demonstration of an ability to maintain the land collectively in a highly effective and sustainable manner.

We trust that Wollondilly Council will make representations on ours and other landowners behalf in the Wilton South Eastern Precinct to the Department of Planning, Industry and Environment. We would appreciate an early response to this submission.

Yours faithfully

**Peter and Annick Leach**

