

Sarah Ng

From: Anthony Tavella on behalf of DPE PS ePlanning Exhibitions Mailbox
Sent: Thursday, 1 October 2020 2:26 PM
To: DPE PS Biodiversity Mailbox
Subject: FW: Webform submission from: Draft Cumberland Plain Conservation Plan
Attachments: cumberland-plan-final-submission-hartman-kervroedan-leach.docx

From: noreply@feedback.planningportal.nsw.gov.au <noreply@feedback.planningportal.nsw.gov.au>
Sent: Thursday, 1 October 2020 12:26 PM
To: DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>
Subject: Webform submission from: Draft Cumberland Plain Conservation Plan

Submitted on Thu, 01/10/2020 - 12:20
Submitted by: Anonymous
Submitted values are:
Submission Type: I am making a personal submission
First Name: Yvonne
Last Name: Hartman
Name Withheld: No
Email: [REDACTED]
Suburb/Town & Postcode: Girards Hill 2480
Submission file:
[cumberland-plan-final-submission-hartman-kervroedan-leach.docx](#)

Submission: Address for correspondence: Yvonne Hartman [REDACTED] Girards Hill NSW 2480 Email: [REDACTED]
[REDACTED] Mr Yves Kervroedan Email: [REDACTED] Mrs Annick Leach Email: [REDACTED] 1 October, 2020 GROUP SUBMISSION Objection to impact of Draft Cumberland Plain Conservation Plan SEPP on [REDACTED] Wilton [REDACTED] 1. Background My brother, sister and myself are the joint owners of the property [REDACTED] Wilton, referred to in the Draft Plan as Lots [REDACTED] I write this submission on behalf of all three of us. I was born in Camden Hospital in 1956 and was raised in Wilton. My parents and brother and sister migrated to Australia from France in 1950. My father acquired the land – originally a plot of 10 acres - in the early 1950s, and planned and built our home in [REDACTED] with only the aid of my mother. The home is very solid and is an excellent example of mid-20th century domestic architecture. Despite being an arid area in terms of rainfall, my parents proceeded to plant gardens and selectively clear and fence the land, leaving many trees, but eliminating dry scrub that provides fuel for bushfires. Most of this work was done without the aid of power tools. The property therefore may have heritage value at some point in the future if preserved. The house is currently occupied by a very satisfied tenant. The land originally also contained the ruins of several huts or shanties, which may have been occupied by workers on the adjacent underground pipeline, that has been designated as having heritage value. My father originally owned the four 2.5 acre lots of land, three of which are now owned independently by my brother and sister-in-law, sister and brother-in-law and Mr Darryl Warry. The fourth lot, on which my parents' house stands, was bequeathed to us by my father, and we have maintained the house and grounds in good condition. 2. Structure and content of Draft Cumberland Plain Conservation Plan The Draft Cumberland Plain Conservation Plan (CPCP) is extremely difficult to navigate: the information presented is not sequential or linked in logical or meaningful ways, and we were not able to gain a full understanding of its implications for us. Thus, landholders cannot be sure if their interpretation of the material is correct and so are disadvantaged in attempting to assess how the plan will affect them. One of us is a qualified mining engineer, another has a Master's degree in social policy whilst the third holds a PhD in social science. If it is difficult for us to understand the plan, it cannot be said to be easy for anyone not qualified in the relevant areas of expertise. Furthermore no timeframe is provided for the proposed changes, making it impossible to plan for the future. Hence this Plan lacks transparency and cannot be said to constitute a valid or genuine consultation with all those affected by its proposals. It would have been most helpful to refer us to the previous 2018 Wilton 2040 Plan, completed by your Department. We wonder why you did not do this. Was it because the Wilton 2040 Plan does not designate our land as slated for E2 zoning? I refer you to the Wilton Interim Land Use and Infrastructure Implementation Plan, Wollondilly Shire Council (<https://s3.ap-southeast-2.amazonaws.com/dpe-files-production/s3fs-public/dpp/254074/Land%20Use%20Plan.pdf>) We would be very interested to know how you arrived at the new zoning and why you did not inform affected landholders. Once again, we argue this lack of transparency fatally compromises any kind of valid consultation process. As a result, we would like to see what kind of biodiversity conservation data - in respect of native vegetation plots and species surveys - you collected in order to arrive at your new zoning classification. We note that the Cumberland Plain Assessment Report suggests there are limitations to the data and methods used in the CPCP and that actual habitat may be greatly overpredicted, as the quote below demonstrates: Key limitations of the assessment include: •Native vegetation plots and species surveys were only undertaken within the nominated areas and were restricted to sites where access was granted by landholders. Access was not possible over all areas of land •Species surveys were not always able to be undertaken in accordance with EES survey guidelines due to the very large scale of the Plan Area and limited access to land at the appropriate

survey season •Only potential habitat for species was able to be mapped due to the very large scale of the Plan Area. The species maps are therefore likely to be precautionary and greatly overpredict actual habitat (https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00+-+CPCP/Summary+Assessment+Report) This lack of transparency on your behalf is highly regrettable, and we ask that you provide us with the data we have requested, as well as an explanation of the evidence and reasons for changing the zoning, which is not in accordance with the Wilton 2040 Plan. 3. Intent to rezone Despite the difficulties in navigating and grasping the full implications of the plan and the subsequent research that was necessary, we understand that our land and indeed that of the whole of the eastern side of [REDACTED] will be rezoned from RU2 Rural Landscape to E2, an environmental zone that appears to suggest no changes can be made to the affected properties without consent. It also appears that the land is to be returned to native vegetation and it is unclear whether the current buildings will eventually become overgrown and left to rot. The Wollondilly Shire Council describes this zone as being: Used for the National Parks within Wollondilly. E2 Environmental Conservation Used to zone private land for environmental conservation. Very restrictive and does not allow for a dwelling. Used where developers have agreed to “lock up” land for conservation. (www.wollondilly.nsw.gov.au › assets › Guidelines-Controls) One of the current owners of a portion of that land bought it with planning permission to build a house which would become his residence. He is now in a most difficult position with regard to his future. We submit that it is unjust for developers to choose land that does not belong to them to “lock up” and which in any case is insignificant in terms of how much “conservation” will be achieved. We are surprised that Government planners would endorse such a cynical strategy. 4. Concerns related to rezoning to E2: Loss of equity We are concerned that the suggested rezoning of the land to E2 means that a) either we will not be able to sell the land for its rightful market value; or b) The land will be compulsorily acquired by the NSW government, though the timeframe for this is unclear. The effect of the loss of resale value would be a serious disadvantage, as we may need to use the equity on that property when we can no longer live independently We understand this is the case for other affected residents. This issue would seem to be so unfair that it is justiciable. 5. Concerns related to rezoning to E2: Threat of devastating bushfires We are also very concerned about the potential for serious damage to other properties from bushfires. If we have understood your plan correctly, the land would return to native vegetation in what is a very dry zone. On just the other side of the street are many dwellings and a bushfire on the eastern side of [REDACTED] would most certainly endanger that part of the town, possibly leading to loss of life and serious destruction of property. That such a decision is being considered in an era of rising temperatures and after the destruction wrought just last year throughout the state including the Wollondilly LGA, it seems incomprehensible that a State planning body would, through its rezoning, facilitate the potential for a similar disaster. The affected landholders have been assiduous in caring for their land in ways that promote a reasonable level of native vegetation whilst protecting against fire hazard. The proposed rezoning would negate all their hard work and expose the community to an absolutely unacceptable fire risk. 6. Suggestions to remedy identified flaws We fully endorse and support the objections raised by Mr Darryl Warry , who has also made some eminently sensible and well-informed suggestions that may overcome these issues whilst still allowing a good measure of environmental protection of the area in question. As noted above, the E2 zoning along [REDACTED] in fact covers a very small area when compared to others in the draft plan and does not appear to be linked to them. Hence it is questionable what value it would have. Mr Warry’s suggestion is to rezone our properties to E4 Environmental living, which accommodates limited residential development whilst preserving the environment as well. According to Wollondilly Shire Council it is: A rural living zone that has a focus on environmental protection and not on agriculture. Used for ‘rural living’ land where agriculture is not appropriate or where there are particularly high environmental values. (www.wollondilly.nsw.gov.au › assets › Guidelines-Controls) Mr Warry also suggests the land adjacent to the creek behind private properties could be rezoned to E2. These recommendations, if accepted, would provide a solution which would not seriously devalue our properties, help prevent bushfires and provide a good level of care for the land’s environmental qualities, as well as preserving any heritage value. We commend this course of action to the relevant State authority. Regards Yvonne Hartman Yves Kervroedan Annick Leach

URL: <https://pp.planningportal.nsw.gov.au/draftplans/exhibition/draft-cumberland-plain-conservation-plan>

Address for correspondence:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

1 October, 2020

GROUP SUBMISSION

Objection to impact of

Draft Cumberland Plain Conservation Plan SEPP on [REDACTED]
Wilton [REDACTED]

1. Background

My brother, sister and myself are the joint owners of the property [REDACTED] Wilton, referred to in the Draft Plan as Lots [REDACTED]. I write this submission on behalf of all three of us. I was born in Camden Hospital in 1956 and was raised in Wilton. My parents and brother and sister migrated to Australia from France in 1950. My father acquired the land – originally a plot of 10 acres - in the early 1950s, and planned and built our home in [REDACTED] with only the aid of my mother. The home is very solid and is an excellent example of mid-20th century domestic architecture. Despite being an arid

area in terms of rainfall, my parents proceeded to plant gardens and selectively clear and fence the land, leaving many trees, but eliminating dry scrub that provides fuel for bushfires. Most of this work was done without the aid of power tools. The property therefore may have heritage value at some point in the future if preserved. The house is currently occupied by a very satisfied tenant. The land originally also contained the ruins of several huts or shanties, which may have been occupied by workers on the adjacent underground pipeline, that has been designated as having heritage value.

My father originally owned the four 2.5 acre lots of land, three of which are now owned independently by my brother and sister-in-law, sister and brother-in-law and Mr Darryl Warry. The fourth lot, on which my parents' house stands, was bequeathed to us by my father, and we have maintained the house and grounds in good condition.

2. Structure and content of Draft Cumberland Plain Conservation Plan

The Draft Cumberland Plain Conservation Plan (CPCP) is extremely difficult to navigate: the information presented is not sequential or linked in logical or meaningful ways, and we were not able to gain a full understanding of its implications for us. Thus, landholders cannot be sure if their interpretation of the material is correct and so are disadvantaged in attempting to assess how the plan will affect them. One of us is a qualified mining engineer, another has a Master's degree in social policy whilst the third holds a PhD in social science. If it is difficult for us to understand the plan, it cannot be said to be easy for anyone not qualified in the relevant areas of expertise.

Furthermore no timeframe is provided for the proposed changes, making it impossible to plan for the future. Hence this Plan lacks transparency and cannot be said to constitute a valid or genuine consultation with all those affected by its proposals.

It would have been most helpful to refer us to the previous 2018 *Wilton 2040 Plan*, completed by your Department. We wonder why you did not do this. Was it because **the *Wilton 2040 Plan* does not designate our land as slated for E2 zoning?** I refer you to the Wilton Interim Land Use and Infrastructure Implementation Plan, Wollondilly Shire Council (<https://s3.ap-southeast-2.amazonaws.com/dpe-files-production/s3fs-public/dpp/254074/Land%20Use%20Plan.pdf>)

We would be very interested to know how you arrived at the new zoning and why you did not inform affected landholders. Once again, we argue this lack of transparency fatally compromises any kind of valid consultation process.

As a result, we would like to see what kind of biodiversity conservation data - in respect of native vegetation plots and species surveys - you collected in order to arrive at your new zoning classification. We note that the *Cumberland Plain Assessment Report* suggests there are limitations to the data and methods used in the CPCP and that actual habitat may be greatly overpredicted, as the quote below demonstrates:

Key limitations of the assessment include:

- *Native vegetation plots and species surveys were only undertaken within the nominated areas and were restricted to sites where access was granted by landholders. Access was not possible over all areas of land*

- *Species surveys were not always able to be undertaken in accordance with EES survey guidelines due to the very large scale of the Plan Area and limited access to land at the appropriate survey season*

- *Only potential habitat for species was able to be mapped due to the very large scale of the Plan Area. The species maps are therefore likely to be precautionary and greatly overpredict actual habitat (https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00+-+CPCP/Summary+Assessment+Report)*

This lack of transparency on your behalf is highly regrettable, and we ask that you provide us with the data we have requested, as well as an explanation of the evidence and reasons for changing the zoning, which is not in accordance with the *Wilton 2040 Plan*.

3. Intent to rezone

Despite the difficulties in navigating and grasping the full implications of the plan and the subsequent research that was necessary, we understand that our land and indeed that of the whole of the eastern side of [REDACTED] will be rezoned from RU2 Rural Landscape to E2, an environmental zone that appears to suggest no changes can be made to the affected properties without consent. It also appears that the land is to be returned to native vegetation and it is unclear whether the current buildings will eventually become overgrown and left to rot. The Wollondilly Shire Council describes this zone as being:

*Used for the National Parks within **Wollondilly. E2 Environmental Conservation Used to zone private land for environmental conservation. Very restrictive and does not allow for a dwelling. Used where developers have agreed to "lock up" land for conservation.***
(www.wollondilly.nsw.gov.au > assets > Guidelines-Controls)

One of the current owners of a portion of that land bought it with planning permission to build a house which would become his residence. He is now in a most difficult position with regard to his future. We submit that it is unjust for developers to choose land that does not belong to them to "lock up" and which in any case is insignificant in terms of how much "conservation" will be achieved. We are surprised that Government planners would endorse such a cynical strategy.

4. Concerns related to rezoning to E2: Loss of equity

We are concerned that the suggested rezoning of the land to E2 means that

- a) either we will not be able to sell the land for its rightful market value; or
- b) The land will be compulsorily acquired by the NSW government, though the timeframe for this is unclear.

The effect of the loss of resale value would be a serious disadvantage, as we may need to use the equity on that property when we can no longer live independently

We understand this is the case for other affected residents. This issue would seem to be so unfair that it is justiciable.

5. Concerns related to rezoning to E2: Threat of devastating bushfires

We are also very concerned about the potential for serious damage to other properties from bushfires. If we have understood your plan correctly, the land would return to native vegetation in what is a very dry zone. On just the other side of the street are many dwellings and a bushfire on the eastern side of [REDACTED] would most certainly endanger that part of the town, possibly leading to loss of life and serious destruction of property. That such a decision is being considered in an era of rising temperatures and after the destruction wrought just last year throughout the state including the Wollondilly LGA, it seems incomprehensible that a State planning body would, through its rezoning, facilitate the potential for a similar disaster.

The affected landholders have been assiduous in caring for their land in ways that promote a reasonable level of native vegetation whilst protecting against fire hazard. The proposed rezoning would negate all their hard work and expose the community to an absolutely unacceptable fire risk.

6. Suggestions to remedy identified flaws

We fully endorse and support the objections raised by Mr Darryl Warry , who has also made some eminently sensible and well-informed suggestions that may overcome these issues whilst still allowing a good measure of environmental protection of the area in question. As noted above, the E2 zoning along [REDACTED] in fact covers a very small area when compared to others in the draft plan and does not appear to be linked to them. Hence it is questionable what value it would have.

Mr Warry's suggestion is to rezone our properties to E4 Environmental living, which accommodates limited residential development whilst preserving the environment as well. According to Wollondilly Shire Council it is:

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Mr Warry also suggests the land adjacent to the creek *behind* private properties could be rezoned to E2. These recommendations, if accepted, would provide a solution which would not seriously devalue our properties, help prevent bushfires and provide a good level of care for the land's environmental qualities, as well as preserving any heritage value. We commend this course of action to the relevant State authority.

Regards

Yvonne Hartman

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