

30 September 2020

The Secretary
NSW Department of Planning, Industry and Environment, Green and Resilient Places Division

By email via Portal

Dear Sir/Madam,

We, Jeffrey Frederick Bayliss and Robyn Edith Bayliss, are the owners of the property [REDACTED] Wilton [REDACTED], responding to your letter dated 26 August regarding the Draft Cumberland Plain Conservation Plan 2020 affecting our land.

We strongly object to the rezoning of our property to E2.

Before purchasing this land in 1994 we researched the possibility of mine subsidence effects and were told that it was highly unlikely mining would happen due to the low quality of the coal under this area. We felt reassured.

We then purchased this property in September 1994 and set about building our home, into which we moved 1 June 1996.

Sometime later we had the worry of the planning of a new airport to be sited at Wilton, and this occurred twice over the years!

Next we had a battle with NSW Dept of Land and Property, where an error of layer had designated part of this block as being Crown Land. This error caused great stress to us, but was eventually corrected.

We are now being traumatised by you telling us our land will be rezoned from RU2 to E2 Environmental Conservation under your Draft Cumberland Plain Conservation Plan 2020.

WE OBJECT!

We have lived here for over 24 years conserving the flora and fauna. We fenced this block in a way which did not impede the flow of the local wildlife. We have planted flowering natives to encourage and feed the local birdlife and have built a pond for the frogs. We have spent countless hours controlling noxious weeds. We have enjoyed and protected this environment wherever we could, and now "with the stroke of your pen" it seems that the future use and management of our property is to be severely curtailed in order to offset the impacts of urban development that we have no role in, and receive no benefit from.

This was to be our "forever home". One that we have poured our heart and soul into. We are now in our seventies and had thought our only need to leave would be long in the future when we may need to move to somewhere smaller with less maintenance or into nursing home care, for which we would need the equity from this property. **Your letter left us shattered!**

You say we can go to this or that website to gain more information, but these various confusing sites don't address our concerns, including

- Is it the State's intention to "acquire" our property?
- What is your timeframe for this?
- If you don't intend to acquire, then how does this rezoning to E2 affect land use and resale in the future?

- What is the overall plan for these properties on the eastern side of [REDACTED]? Will they be left to return to bush, or be revegetated and managed as parkland?
- How do our houses, sheds and other infrastructure etc. fit in this plan?
- If 'return to bushland' is the aim, then where is the bushfire protection buffer for the housing on the western side of the street and the old village of Wilton? Our properties are currently serving as this buffer!

Reasons for our objection

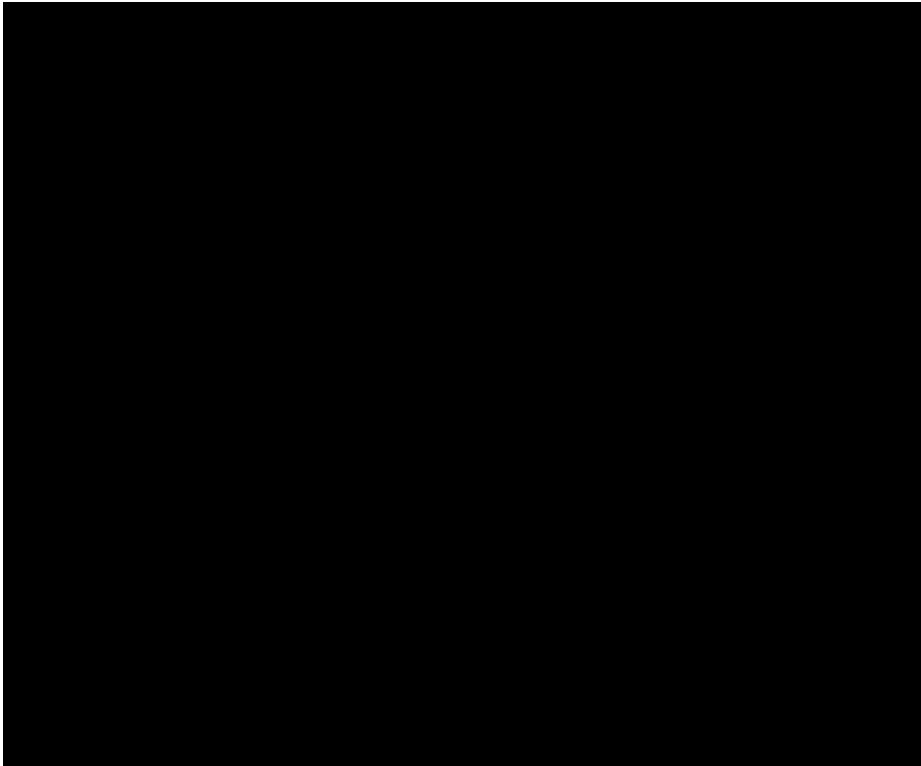
The reasons for our objection are on both planning and biodiversity conservation grounds.

1. We understand that one of the key functions of the State's urban planning system is to provide certainty to industry, community and property owners, in order to facilitate investment and support prosperity. Only two years ago the State completed and published its Wilton2040 Plan for the priority growth area that will soon engulf our tiny village. In the Wilton2040 Plan our property is clearly shown as part of the Rural Residential area. The Wilton2040 land use section describes Rural Residential uses as follows: *"Land with lesser development capability is suitable for large-lot rural residential housing to protect environmental values and provide a transition to the surrounding rural areas or bushland"* (Wilton2040, page 30). The current zoning that applies to our property is RU2. We have purchased, occupied and invested in our property under this planning policy regime for the last 26 years. The Department for Planning has completed its Plan for the Wilton growth area, which retained the current land use of 'rural residential' for our property. Suddenly we have learnt that the State intends to change this, and that our property will be chiefly managed as conservation lands. This is not providing certainty to landowners!



Wilton2040 land use map shows Rural Residential area on eastern side of Peel Street, Wilton.

2. The proposed change from the existing RU2 (Rural Landscape) zone to E2 (Environmental Conservation) zone will have a dramatic impact on the flexibility of future use of the property for us, and any future owners. The current zoning allows for a range of uses that would not be permitted under the very restrictive E2 Zone. Many of these potential land uses would have little impact on biodiversity, including operating small-scale business activities, bed and breakfast accommodation, a home-based childcare service, a granny flat or installing a sign. With the proposed change to the E2 zone, many such land uses that would enable flexible use of a large rural living property such as ours would be ruled out, or would require expensive and time-consuming approval processes. And yet the removal of these potential future uses would do little to conserve the environment. We wish to retain flexibility in the use of our property, but this is not supported with the proposed change to E2 zone.
3. We already are restricted in terms of land division, as the minimum lot size for our property is 16 ha, which does not permit smaller lots to be created by us. Therefore, protection from further subdivision is not improved by the proposed E2 zone.
4. We understand the intent of the Cumberland Plan Conservation Plan is to manage urban growth impacts on biodiversity, and it will establish an offset scheme to provide protection of important biodiversity areas from urban development. This is a good principle, but we object to having our property rights so drastically changed in order to provide an offset for the urban development which we are not part of and do not benefit from. It is unfair and unreasonable for our property to be treated as a sacrifice zone to the benefit of large property developers.
5. For our property, at [REDACTED] Wilton, the aerial images show a Eucalypt tree canopy is present. However, the quality of the vegetation is poor. This area was cleared, logged and farmed before we purchased it. There is little understory or plant diversity on the site, and the recent drought has led to significant tree death. Nor does our property contribute any additional significant increase in connectivity between vegetation patches, as connectivity is already provided by the Crown Lands adjoining our property to the east, along the Allens Creek. For these reasons we do not think that the conservation value of our property is high enough to warrant the changes proposed by the draft Plan. The main value that our property can provide is as a buffer between the Allens creek and urban development to our west. This function can continue to be served without rezoning our land.
6. Furthermore, the existing vegetation on our property is already protected in the State's planning and vegetation management system. We cannot clear native vegetation on our property as the 10/50 rule does not apply. The property has been mapped as 'sensitive regulated land', and thus vegetation clearing is already restricted as shown below in the NSW Native Vegetation Regulatory Map Viewer.



Blue dot shows location of [redacted] Wilton

7. Finally, we noted that the Assessment Report for the Draft Plan concluded that there were limitations to the assessment, as *“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 over predict actual habitat”* (Assessment Report Summary, section 2.4). It was also stated in the community engagement webinar produced by the Department that the 28000 ha of land identified for the Strategic Conservation Area is larger than is required to offset the proposed impacts of urban growth in Western Sydney. Given these statements, it seems that removing our property from the proposed Environmental Conservation Zoning area would have very little impact on the biodiversity outcomes sought by the Plan.

It is our belief that there are existing protections for native vegetation on our property, the property would contribute little to achieving the biodiversity outcomes sought under the Plan, and that the proposed change to E2 zone is not justified for conservation reasons. Furthermore, it is an unreasonable imposition on the fair and flexible use of our property into the future.

Potential solution

We believe that a better balance can be struck between the fair use of our land and protection of the environment values of our property than what is proposed in the Draft Cumberland Plains Conservation Plan. There is a good alternative to E2 zoning of our property.

The proposed change of zone to E2 (Environmental Conservation) is too restrictive and too severe a jump from the current zone RU2 (Rural Landscape). We suggest, if rezoning is necessary, then a change of zone to E4 (Environmental Living) is more appropriate. This would allow us to continue caring for the local flora and fauna as we have been for the past 26 years, enjoying our home and retaining some flexibility regarding future land uses, whilst also applying stronger environmental conservation policies.

In summary, we oppose the inclusion of our property at [REDACTED] Wilton in the proposed Environmental Conservation Zone (E2) of the Cumberland Plains Conservation Plan. We understand that the State seeks to achieve better conservation of biodiversity in the context of urban growth. However, the proposed change is too drastic, is not suitable for our land and is not supported.

Regards,

Jeffrey & Robyn Bayliss

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