

The Executive Director  
Green and Resilient Places Division  
Department of Planning, Industry and Environment

7 October 2020

**FOLLOW-UP REPOSE TO A GRIEVANCE IN RELATION TO A GOVERNMENT PROCESS  
PROPOSED E2 RE-ZONING UNDER THE CUMBERLAND PLAIN CONSERVATION PLAN  
LOT [REDACTED] ROAD APPIN**

Dear Mr Hartley,

I thank you for your Department's email reply (to my original letter), dated 29 September 2020.

I note that your Department advised of an extension to the submission period, being 9 October 2020. As such I wish to have the following issues included for consideration and review prior to finalisation of the Plan.

Firstly, I believe that the amount of my land proposed for re-zoning is far too great of a percentage of the overall plot. The Plan Viewer reveals that the greater portion of my plot has been marked for re-zoning. A review of the Plan Viewer shows that other plots of nearby land have significantly greater portions of urban capable land. This includes land following the Ousedale Creek, closer to Appin town, where the urban capable land runs up to the Creek itself. The re-zoning proposal shows that my plot of land will only contain a small portion of urban capable land adjacent to the road, which is a long distance from the Creek.

Secondly, the proposed re-zoning of my land on the Plan Viewer seems to follow the existing tree line. While I understand that the presence of trees goes toward the intention to preserve a shale sandstone transition forest, I would argue that the proportion of the land selected for re-zoning should not have to include every existing tree on the property to achieve the goals of the Plan. Especially considering the presence of the nearby Dharawal National Park, consisting of 6,508 hectares of protected forest as well as the adjacent Dharawal State Conservation Area, consisting of an additional 71 hectares of protected forest.

The Department's email reply did not sufficiently detail the criteria used to determine the extent of the proposed re-zoning boundaries, as requested in my original letter (question 4). I suspect that an aerial survey was made and for convenience, the boundary was set at the existing tree line. To date I am not aware of any physical attendance for the purpose of a detailed survey, nor has there been

any consultation with me, the landowner. I believe that this is a missed opportunity because as the landowner, I am intimately aware of the nature, detail and content of my plot of land.

Thirdly, I read the draft Plan as a long-term measure to protect ecological communities. In fairness I believe there should be an equal consideration of re-zoning of other parcels of land which, under the Plan, have urban capable land extending up to the Ousedale Creek (as seen on Plan Viewer). Since the Plan is to be a long-term measure, should not there be a requirement for forest regeneration to be undertaken in the riparian corridor in these areas as well? If not, then it seems to me that my land is being unfairly apportioned to offset nearby urban development merely because of the existence of trees on my property.

After careful consideration of your Office's email response, I still do not agree with the amount of my land intended for rezoning to E2. The email response does not detail the requirement to re-zone from the Ousedale Creek up to and including the existing tree line, which constitutes approximately three quarters of my property. I am concerned that there appears to be an inconsistent approach to the proposed re-zoning across the surrounding area. I believe that a more reasonable proposal would consist of the riparian corridor of the Ousedale Creek up to the embankment, the steep slope on the eastern side of the gas line corridor and a reasonable apportion of the remainder of the useable land derived from a fair and transparent negotiation process between the Department and the landowner.

Prior to the acceptance and implementation of the Plan, I request that an appropriate member of the Department contact me to negotiate a fair and equitable apportion of the land suitable to achieve the goals of the Department and ultimately the Plan, as well as to satisfy my requirements as the landowner.

I may be contacted on mobile [REDACTED] or at email address [REDACTED]

Yours sincerely,

Wayne and Julie hampson

[REDACTED]

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