

Submission: Rezoning our Land to E2 under the draft Cumberland Plain Conservation Plan

It is difficult to fathom that newly developed land or, assessed as part of another development approval (e.g. Bingara Gorge) is defined in the Cumberland Plain Assessment Report (August 2020) as 'Excluded land' but land previously classified as RU2, where residing owners have raised families, built dwellings tended to the land and made other approved changes that have been in place for many years, is subjected to rezoning to E2. This would block us forever from any further development or improvements. We could not even build a granny flat for ourselves if we wanted to move out of the main house. In one stroke of the pen the value of our land is decimated and the pool of potential buyers is severely curtailed. It may also subject us to management compliance regimen expenses, and to higher risk of bush fires as in its essence E2 conflicts with effective bushfire prevention. Consequently, higher insurance premiums could also be on the card.

The impact on individual landowners and their families is too great to be brushed away by a landscape-scale strategic assessment rather than site level evaluation. Justifications, consistent with current regulations and guidelines should be provided, the assumptions leading to the rezoning should be correct and meaningful consultation with affected parties should take place.

I do not believe that it is reasonable to approve vast areas of land that until recently was virgin bush, to urban development, even though some were cleared illegally (NSWLEC 135), yet subject small private residential land of doubtful ecological value to E2 rezoning.

NSW Planning and Environment Northern Councils E Zone Review (2015) states that E2 and E3 zones may only be applied in circumstances: where the primary use of the land (currently) is considered to be E2 (environmental conservation) or E3 (environmental management). AND the land contains attributes which meet one or more of the criteria for E2 or E3. The presence of attributes that meet the criteria must be verified at site level.

Why aren't these requirements applicable to our land in Wilton?

I would like to highlight the following specific aspects

- In a meeting (5/11/2019) with DPIE officers, we were shown maps that clearly excluded our property and other small holdings from the vegetation conservation zone. I assume that the rezoning is due to the need to protect koala habitats, as in November 2019 in reply to a letter we sent to Minister Stokes, we were informed that our land is regarded as a Primary Koala Corridor.
- Neither under previous SEPP 44, nor under the current SEPP (Koala Habitat Protection, 2019), is our land a koala habitat as defined in the legislation (i.e. Clause 4 Subclause (a) and (b) in SEPP Koala Habitat Protection have not been met) and since the October 2019 published report – Conserving Koalas in the Wollondilly Campbelltown Local Area (Koala Report) section 4.5 outlined that Primary Koala Corridors contain a significant amount of Core Koala habitats, it is clear that our land is not a prime koala corridor.
- Koalas have not been reported on our land or in the neighbourhood of Jakes Way and Marcus Street for a longer period than 18 years. We purchased the place in 1993 and have not seen, nor heard koalas. Ditto our neighbours.
- The Koala Habitat Protection Guideline (2019) makes it clear that a suitable koala habitat has to meet not only the requirement for 15% of the trees to be of the species palatable to koala BUT also the presence, or past records of koalas must also be established.
- The newly proposed SEPP (07.10.2020) incorporating the wording highly suitable habitat should exclude our land as a corridor or a habitat.
- The SEPP, the Guideline and the Koala Report, as well as serious errors regarding the soil and trees on our land rule it out as a highly suitable koala habitat and/ or corridor. This is underscored by the abundance of koala reporting/sightings in other areas of the greater Wilton (predominantly east of the Hume Highway) and the absence of past and present koala records on our property and adjacent land.
- The Map of soils by NSW Resources and Geosciences clearly indicate that the soil of our land is sandstone based.

(https://resourcesandgeoscience.nsw.gov.au/__data/assets/image/0009/344169/Wollongong-Port_Hacking_100K_Geological_Sheet_9029-9129_1st_edition_1985.jpg).

- In a study of Koala tree preference in the Wilton region (Ecological Australia 2017, Bingara Gorge), the Koala was shown to have a preferential utilisation of gum trees on substrates derived from shales, compared with the same tree species on sandstone soil. Similar views about the Southern Sydney koalas were expressed in Sub Plan B, Koalas. This aspect on its own should exclude our land from being 'highly suitable'.
- Additional aspects of our property make it highly unsuitable. Our property is fenced on the Nepean River gorge side with a 1.8-metre chain-wire fence, on 2 sides with 1.2m fences and is subdivided internally into smaller areas. On the remaining side it borders a road and has a brick fence. It has 2 dogs free to roam the property at all times. Dogs are also present on other properties on Jakes Way. Apart from the existing fences and dogs, movements of koala along the gorge up into land on Jakes Way is unlikely, since it would require them to climb 80 m of steep rocks, cliffs and caves. Their hands and feet are built to curl around tree branches not to climb rocks.
- Furthermore, DPIE, What We Heard Report (Aug 2020) concluded that small, fragmented parcels of land (like ours) are difficult to protect, are exposed to the risks of edge effects and are difficult and less efficient to manage. The report concluded that important habitat on small private lots is best conserved through other conservation mechanisms (<https://www.planning.nsw.gov.au/-/media/Files/DPE/Reports/Policy-and-legislation/strategic-conservation-plan/Cumberland-Plain-Conservation-Plan-what-we-heard-report-2020-08.pdf>).
- According to the Draft CPCP Exhibition interactive web viewer https://webmap.environment.nsw.gov.au/Html5Viewer291/index.html?viewer=CPCP_Exhibition_Viewer our land appears to be in the "non certified avoided for biodiversity". Some areas of our land appear to be in the Important Koala Habitats maps and in the Threatened Ecological Communities maps
- The latter is inconsistent with Ecological 2015 Greater Macarthur Investigation Biodiversity Report and clearly inconsistent with the newly proposed SEPP that requires the land to be 'highly suitable'.
- There are several other issues with the CPCP maps; the Native Vegetation mapping is incorrect. The non-native vegetation on our land is classified as native (e.g. olive trees, fruit trees, jacarandas, crepe myrtles, claret ash, non-endemic natives, flower gardens, vegetable gardens, etc). A section was mapped as "intact condition", and that is also incorrect. The maps don't consider the powerlines on our land that require tree clearance, nor roads, garages, sheds, stables, dams, water tanks, etc.
- Importantly, ground truthing of our land has not been undertaken. Considering the massive imposition of the rezoning on landowners, if indeed there are threatened vegetation communities on our land, I would like some transparency i.e. what species and their location.

Considering the significant adverse impact of rezoning on landowners and their families, the significant inconsistency with various government own documents, legislation and guidelines and incorrect vegetation mapping of our land, I see no justification for the rezoning, especially to the very restrictive E2 while across the gorge the land is zoned E4 and land at Marcus St. with the same plant community as ours is proposed to be zoned Urban Capable. Where is the consistency and fairness?

We are not a highly suitable koala habitat, nor do we have endangered plant communities on our land. I request that, the proposed rezoning be reassessed, striving for consistency and fairness of outcomes rather than making our land the 'sacrificial offset' to benefit developers at the expense of small land owners.

The August 2020 DPIE Frequently Asked Questions draft Cumberland Plain Conservation Plan does not hide that strategic conservation is used to offset impacts of developments. However, I believe that in this case the 'sacrificial offset' is used unfairly and not judiciously. I submit that if deemed necessary, other approaches would not be less effective but are likely to be far less injurious to small landowners and their families.

George Arzey