

9th October 2020

Mr Steve Hartley
Executive Director
Green and Resilient Places
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Lodged via the Submission Portal and email to biodiversity@planning.nsw.gov.au

**PUBLIC EXHIBITION OF THE DRAFT CUMBERLAND PLAIN CONSERVATION PLAN (DCPCP)
SUBMISSION BY INDIVIDUAL LANDOWNERS – MACQUARIEDALE ROAD ACTION GROUP**

The following Submission is made as landowners of Lot [REDACTED] Appin. We have been advised that our land will be impacted by the re-zoning of all or a portion of our land to the proposed environmental conservation (E2) zoning.

Following discussion with other members of the Macquariedale Road Action Group and review of the Draft Cumberland Plain Conservation Plan, we object to the manner in which land that we privately purchased as our residence has been effectively designated to be re-zoned to E2 with absolutely no consultation with each individual landowner impacted, other than being notified in a letter that our land was potentially being re-zoned and the expectation being that we be required to review the DCPCP and provide the Department of Planning, Industry and Environment with a Submission within a short time-frame. Review of the Plan shows it to be a complex, high level document, that a lay person would find some difficulty in navigating and fully understanding all the implications.

We dispute that the “Avoidance Criteria’ has been applied correctly and evenly across the area known as the Greater Macarthur area, of which our property within the Appin precinct has been included.

The determination that land is to be re-zoned to E2 appears to cover only land predominantly showing tree cover, whereas land which to a greater extent is currently cleared and owned by developers has been excluded.

Land currently identified as “urban capable” and not identified for E2 zoning can be released for development without further environmental impact studies being undertaken once the Plan is granted biodiversity certification. How is this possible?

Such action clearly demonstrates an unfair, inconsistent and arbitrary application of the Avoidance criteria.

We submit that any re-zoning of [REDACTED] fall under the same compensation mechanism employed under the Georges River Reserve.

Should the re-zoning to E2 to our property occur, we will effectively lose a third of the current useable property that we purchased in good faith with an expectation that in the future when we need to down-size, that we would be selling the same amount of urban capable land that we

purchased for at least the current market value. This will financially impact us and our ability to purchase another property.

There seems to be two processes for conserving land in the Greater Macarthur area, in our case, Appin specifically.

Re-zoning for E2 to allow for corridors for koala and other wildlife movement, means that according to the Department we are not offered any form of compensation for the loss of use of this land should we chose to sell in the future. In some cases, some of our landowners will be left with potentially almost no land or only about 10% of their useable / urban capable land that would be viable to sell. Until the re-zoning is finalised, it also potentially impacts our ability to get a fair market value for the land should we choose to sell now.

The second process is the land that has been designated for the proposed Georges River Koala Reserve, again effectively this is land to be environmentally conserved for a movement corridor for koalas and other wildlife, however, in this case the Department proposes that there will be an “acquisition framework” developed, where by the Department will allow landholders to continue to live on their land (as are E2 zoned landholders) until they wish to sell the land through a voluntary acquisition process. At which time the Department will acquire the land as will be outlined under the proposed new State Environmental Planning Policy (SEPP).

What does the different approach to the way the above have been managed mean? Why is E2 zoned land not being “acquired” by the government and compensation made to the landowners for the loss of use of their land?

Such action clearly demonstrates an unfair, inconsistent and arbitrary application of the “acquisition framework” criteria.

We submit that should the E2 zoning be applied to [REDACTED] it should be equally applied to all environmentally sensitive land surrounding the township of Appin.

Land classed as potential for E2 re-zoning according to the Draft Cumberland Plain Conservation Viewer appears to cover all land not currently cleared, i.e. having tree cover. The remaining land in the West Appin area is designated “Urban Capable”. There are two areas of land directly behind the area currently known as Appin township and Appin Valley, which have tree cover, but have been designated “Urban capable”, land belonging to developers. This is not justifiable nor is it equitable in comparison to the re-zoning of our land and other individual landowners on [REDACTED]

At the very least consultation with the impacted individual landowners should be made so that we fully understand why and how this determination for re-zoning has been made, as tax payers and citizens of this country, we expect our interests and rights to be taken into account.

Robyn and Peter Kiszonka
**Individual Landowners & members of the
Macquariedale Road Action Group**