

## An analysis of the 'Daft' Cumberland Plains Conservation Plan

by [REDACTED]

*"When I use a word," Humpty Dumpty said in rather a scornful tone, "it means just what I choose it to mean — neither more nor less."*

*'The question is,' said Alice, 'whether you can make words mean so many different things.'*

*'The question is,' said Humpty Dumpty, 'which is to be master — that's all.'*

Lewis Carroll, Through the Looking Glass

### Preliminary remarks

An associate and I have a [REDACTED] which has as its primary asset, the property located at [REDACTED] Wilton. Planning NSW recently provided a google map image of the property showing the extent to which the State Government plans to expropriate 75 % of the 10 hectares by forcibly rezoning 7.5 hectares of the lot from Rural Use (RU2) to the highly restrictive Environmental Conservation E2.

Planning NSW has devised the Cumberland Plain Conservation Plan and is using it to justify the appropriation of 5,500 hectares of privately owned small holdings to provide for the offset for big residential, commercial and industrial development in Western and South Western Sydney. Unlike a previous Labor NSW Government that paid the equivalence of \$1.5 million per hectare for the 5,300 hectare Western Sydney Parklands, the current Liberal NSW Government is attempting to seize 5,400 with no financial compensation for the hapless owners.

In its use of the CPCP to steal privately held land, Planning NSW debases forever the Biodiversity Offsets Scheme and sets a dangerous precedent for all privately held land in NSW, being that developer driven plans and the complicit acquiescence of Planning NSW in those plans will become a common practice in land planning.

We have previously offered three hectares of land connected directly to adjoining land well suited to environmental conservation as E2. Instead this 'daft' land grab proposed by Planning NSW will after the creation of asset protection zones to protect existing infrastructure yield three isolated patches totaling less than 1 hectare and require 3kms of koala fence (\$400k worth) to enclose.

The CPCP has been poorly managed, it is a testimony to the folly of appointing non planning and environmental management to oversee a planning process.

## **A chronology of friendships.**

**In 1997**, the then Labor NSW Government committed the equivalent of \$750 million at 2020 value to acquire 5,300 hectares to create the Western Sydney Parkland.

**In 2011**, the NSW Liberal Government Gateway Proposal process invited big developers to decide where and what they wanted in Western Sydney.

**In 2012**, four big developers revealed their well formed plans for land at Wilton. The large scale maps lacked detail but tellingly ringed their developments in 'priority conservation land', a term with no Planning definition. That the developers did not own any of the '*priority conservation land*' (it was and remains in private small landholder ownership) and therefore had no right to include the land in their planning, did not impede Planning NSW acquiescing to the developer's plans

Since then Planning NSW have embraced the big developers plans and 'mapping' in relation to this '*priority conservation land*' as if it were rooted in reality rather than fiction, refusing all differing facts, science and logical debate on the issue.

**In 2015** the Planning NSW commissioned *Ecological Pty Ltd Biodiversity Report 2015*, mapped the quality of the shale sandstone transition forest (SSTF) in the Wilton Growth Area (WGA) as either moderate to good (A - C) or poor (Tx). The moderate to good SSTF in the WGA was located almost exclusively on the shale derived soils as indicated on the 1:100000 Geological Series 1985 map. This land was owned by the large developers. The much poorer Tx SSTF was mostly located on the 140 small holdings held privately.

**In 2017** the Planning NSW commissioned *Ecological Pty Ltd Biodiversity Report 2017*, without explanation or justification changed the Tx SSTF forest in private ownership to '*priority conservation land*' whilst the SSTF tx held by the big developers remained tx.

When asked why the vegetation on [REDACTED] Wilton rated Tx was now '*priority conservation land*', Ms Gina Metcalfe (Planning NSW) replied '*oh yes we (Ms Metcalfe and David Bonjer Ecological Australia) didn't know what to do with that land so we put it into the conservation zone for now*'.

**In 2017/18**, the CPCP used as its starting point the Ecological Australia Pty Ltd 2017 report, the report that inexplicably regrades Tx SSTF in private ownership as 'priority conservation' whilst keeping the SSTF in the big developers remit unchanged as tx.

**In 2020**, the Tx land held by the big developers is declared urban capable

**In 2020**, the Liberal NSW Government is to seize private property without compensation to provide 5,500 hectares of scenic background for big development thereby saving big developers from providing \$1 billion in environmental offsets. What 25 years ago was paid fair price for, will now be taken for nothing by the CPCP

## **Who determined the CPCP E2 zones and when**

In 2012, four large property developers submitted a proposal to the NSW Government for the creation of a new urban centre in South Western Sydney to be called Wilton Junction. The proposal showed an urban centre owned by the developers surrounded by a green belt of land to be conserved of approximately 140 small lots not owned by the developers. That the land dictated to be conservation green belt was not theirs to plan for or even include in their plan, was immaterial.

The green belt corresponds to the vegetation shown on the 1:25000 Picton topographical map and the OEH 2000/2013/2016 vegetation map. However at the scale used for the Wilton Junction 'mapping' the separation of the low condition vegetation from the moderate to high quality condition vegetation was not distinguished as it is on the 1:25,000 OEH map. It is all shown as moderate to good quality (classes A/B/C) and no Tx 9 low quality ie <10% canopy cover.

In August 2017 the developers plan was relaunched by Planning NSW as Wilton New Town/Wilton 2040. This 2017 version continued the same condition classification error of depicting all of the 'green belt' as being in moderate to good condition and thus 'priority conservation land', a term with no description in any NSW planning policy document. The error was brought to the attention of Ms Gina Metcalf (Planning NSW) who said that it was only indicative and subject to variation.

Since Aug 2017, Planning NSW has doggedly maintained the developer's 2012 line and refused to consider that much of which it was describing as 'primary conservation land' was in reality at best Tx and more often of little conservation value due to 20 yrs additional landuse since the 1997/2000 OEH 1:25000 mapping process. Except when the plant community type (Shale Sandstone Transition Forest SSTF), was on land owned by the developers, here at least 400 hectares of the PCT was 'adjusted' to become urban capable in the current CPCP.

If the CPCP mapping of proposed E2 to be forced onto privately owned land in the Wilton Growth Area (WGA) is overlaid on the 2012 developer's plan of its green belt the match is almost uncannily identical.

## **Mapping data sources**

Planning NSW's GIS consultant appears to have only used 2017 google maps and the 2011/12 Wilton Junction developer proponent's sketch map as the sources of reference to draw the lines in the CPCP that delineate urban capable from E2.

Planning had far better resources for this purpose than free public access google maps including the ground trothed OEH 2000/2013/2016 1:25,000 Cumberland Woodlands map (Benson and Howell 1997 – 2000), the NSW BIO Map 2010 and the 2015 SEED land classifications.

There is an unmistakable sameness between the 2020 CPCP conservation mapping (in the Wilton Growth Area) and the 2011/12 developer created Gateway submission and the 2017 Wilton 2040 conservation mapping (itself based on a mapping error in the two Ecological Pty Ltd biodiversity maps of 2015 and 2017).

### **A few facts that have been ignored**

1. In 1997, a Labor NSW Government paid \$400m to buy and create the 5280 hectare Western Sydney Parklands. At 2020 prices this was \$1.5 mil per hectare.
2. In 2020 the NSW Liberal Government (champions of the free market/property rights) create a 'pig in lipstick' Plan based on cherry picked pseudo facts to devalue 5,480 hectares of privately owned land to less than \$100k per hectare. It is theft.
3. In Western and South Western Sydney there is more than 125,000 hectares of Cumberland Plain Woodland reserved in perpetuity in National Parks, Catchment and Crown Land. Planning NSW refuses to acknowledge this forest exists, claiming instead that 5500 hectares of privately owned land must be seized for the sole reason of providing a free offset for the already approved plans of big developers.
4. If big developers had to pay market price for the 5,500 hectare offset that the NSW Government is giving them for free, they would have to pay > \$800 million.
5. Over the life of the CPCP (ten years) less than \$25 million (30% of the projected \$84 million) will be raised by the proposed levy per lot.
6. Adjusted for 2020 values, the 120km koala fence will cost \$20 million (\$120k/km RMS at Wardell NSW 2016). At least \$5 mil will have to be set aside to pay for the repair and maintenance and of the fence over its 20 year life.
7. The CPCP's proposed levy of \$4.5k per lot will raise enough money to erect the fence. There will be nothing left from the levy to compensate for the injurious affectation caused by the forced E2 zoning of the 140 lots in the Wilton Growth Area.
8. The 120km of fence, at least 60 km of which is where there are no koalas, will result in the disruption and likely local extinction through over grazing leading to starvation, inbreeding and fire for all other terrestrial fauna locked behind the fence.
9. Currently 150 million 30cm diameter x 15 m high standard trees are added to the Australia's tree stocks\* every year by comparison the CPCP touts 100,000 trees over 10 years (< 200 per week ). The CPCP's promise/s is/are just pathetic spin.

\*(source: The Conversation/Van Dijk, Fenner School of Environment & Society, ANU 2020)

## **Further comments**

1. The CCCP is gone but its legacy of unfilled promise, environmental and social destruction, waste, ideology over science and unshakeable refusal to accept reality, lives on in the CPCP. The best that can be said for the CCCP is that they tried.
2. The CPCP is replete with mission creep, dogma, poor project management, secrecy, obscuration, double standards, the elimination of inconvenient science and the triumph of fiction over reality. It is an expensive eight ream miss mash of propaganda images, meaningless diagrams, pointless flow charts and liberal amounts of fairy dust. The Plan is no more than an expensively reengineered luxury car turned into a two wheel tricycle. The best that can be said for the CPCP is that they gave it a go but they couldn't overcome balanced facts with facile spin.
3. This Paper will focus primarily of the Wilton Growth Area.

## **What Public Consultation ?**

4. The calculated decision not to advise affected landowners by mail that their land was to be rezoned E2 ensured less than 20% of the landholders attended the consultation sessions.
5. Planning NSW deliberately withheld the detailed plans they had completed to date so that those attending the 'consultations' were unable to determine what Planning had already decided for their land.
6. Planning NSW CPCP staff attending the sessions denied that detailed maps and images of all the affected properties were already drafted and despite being asked to be forthcoming with all the relevant information, its existence was denied. Instead there were only very large precinct wide pictorial mapping that had no detail of what was proposed lot by lot. As a result there was next to zero tangible value that could be gleaned from attending and there was little to say in response
7. To claim that the CPCP Draft Report (DF) involved extensive community consultation is fantasy. The public meetings held in Sep 2019 occurred after the mapping had been completed and the first draft finalised. Landholders directly affected by the plan were not advised of the meetings by mail. Instead there was a single advertisement in a community newspaper not distributed to rural addresses in the MacArthur and Wilton Growth Areas.
8. The Sept 2019 'consultations' in MacArthur and Wilton Growth Areas were poorly attended. Only 60 people attended the three events. Most attendees were couples or individuals residing at the one address. Departmental staff and black uniformed security guards outnumbered members of the public at any one time.

9. The consultation process apparently included two randomly chosen community representatives from each affected Local Government Area (LGA) anticipated in a one day bus trip across eight LGAs as part of the community engagement. Who were these randomly chosen people?

10. The Report also notes that 18 staff and representatives of environmental agencies (likely all wholly or in part financially supported by Planning/NSW Government Departments) participated in a one day tour of the area. Are these two events also just the one event recorded twice?

11. Critically at no stage prior to the release of the CPCP in September 2020 was there any mention of rezoning privately owned land in Wilton from Rural Use zones to Environmental 2 (E2). All attempts to have Planning NSW define what was meant by '*potential conservation land*' et al in the five years prior to the release of the CPCP were unanswered. Never was E2 mentioned or indicated, nor was it ever advised that there would be a rezoning of the land and that only one zoning would apply until the release of the Draft CPCP in Sep 2020.

### **Planning NSW won't see the woodlands for the 1,000,000 hectares of forest.**

12. The Wilton Growth Area (the WGA) is 'ring fenced' with direct connectivity to more than 125,000 hectares of Cumberland Plain Woodlands permanently protected in existing State and Federal Crown Reserves, National Parks, Defence land and Water Catchment.

13. 15 kms south of Wilton these Crown reserved lands are separated by just three kilometres from a further 350,000 hectares of the Nattai and Blue Mountains National Parks. Yet none of these 475,000 hectares (as close as 20kms from the Sydney CBD) of perpetually preserved flora and fauna reserves are considered when estimating the extent of the Cumberland Woodlands. Despite the same flora and fauna species and it already being protected, its presence is invisible to Planning NSW. There is no one so blind as those who choose not to see.

14. The entire Cumberland Plain is only 15% of the Sydney Basin Bioregion, an area of >1.2 million hectares stretching from Mudgee, Lithgow, Nowra, Gosford and to the Hunter Valley. The Cumberland Plain Woodlands are not unique to Western Sydney. They are the dominant woodlands in and synonymous with the Sydney Basin BioRegion. Over 75% of the Sydney Basin BioRegion is already protected as Crown Land, National Parks, Reserves, Water Catchment and Defence land. The plant community types are not under threat despite the reality that 15% of its range is home to 80% of the state's population.

15. Simply put, the 5,500 hectares of privately owned land Planning NSW wants to expropriate from its owners in Western and South Western Sydney is less than 0.55% of the Cumberland Plain PCTs already permanently reserved in the Sydney Basin Bioregion. What reason other than incompetence is there for ignoring the existence of one million hectares of protected Cumberland Plain PCT's in public hands and instead focusing on the theft of 5500 hectares of privately owned land than those touted in the facile puff of the CPCP?

### **The Biodiversity Offsets Scheme (BOS)**

16. In October 2020 Planning NSW provided written advice to the author that the CPCP's focus on the 5,500 hectares of privately owned land described in the CPCP is to add it to the stock of land to be held under a BOS stewardship arrangement.

17. The difficulty with this concept is that currently the Biodiversity Trust is not interested in the small holdings that make up >95% of the 140 lots affected in the WGA. It is my understanding that as at October 2020 the breakeven point whereby the landholder does not have to subsidise conserving Shale Sandstone Transition Forest their land in perpetuity is a minimum of 20 hectares.

18. What compelling argument is there for anyone in the WGA to willingly surrender their land to a stewardship agreement when there is no financial incentive to do so and in all likelihood they will have to subsidise the Trust to lock up their land.

19. Planning NSW remains unresponsive to all requests for examples of recent biodiversity stewardship agreement involving less than 10 hectares of SSTF in either the WGA or the Campbelltown and Wollondilly LGAs. The author can find nothing that equates to the same on any register operated by the Trust or Planning NSW. It is inexplicable that the CPCP could hold out as it major incentive to the affected landholders the possibility of a BOS when it is unable to demonstrate with any certainty that such a path is a viable alternative to leaving their land as is.

20. That Planning NSW appears unable to substantiate the claims made in the CPCP BOS that there is adequate compensation to the owners for the proposed forced rezoning is not unexpected. The CPCP management team have been advised of the unsuitability and complete lack of financial compensation to the WGA landholders of both Biobanking and then the BOS, repeatedly since 2015. However there is no one so deaf as those who do not want to hear.

21. Instead Planning NSW is fixated on seizing from private ownership, a 1000 hectares of zoned Rural Uses land modified by 200 years of introduced European cropping, grazing and timber getting, agricultural, extractive industry, recreation and residential uses. And unable to support the spurious claims that a biodiversity stewardship is viable, it seeks a land grab by forcibly zoning the land E2.

22. In addition to rendering this privately owned land next to worthless in terms of land value, Planning NSW defeats another of the CPCP's stated commitments, the of conservation Cumberland Plain Woodland, by allowing continued use of the land for current agricultural, recreational, extractive and residential uses.

23. Its 'Claytons' Conservation. Three years of paper shuffling and screen peering busy work, the complete debasing of the Biodiversity Assessment and Stewardship process, millions of public dollars wasted, 200 plus years introduced European landuse thrown away, 400 owners of 140 holdings disenfranchised, private property values trashed, an existing town penned in and not allowed to expand for what?

24. The benefits will only flow to five big developers and the State. Developers get a free kick to freeze out competition, avoid paying the full cost of biodiversity offsetting and a free scenic backdrop for brick veneerals on 275 sq m blocks. The State gets \$2 billion worth of infrastructure and a river of stamp duty. All paid for by the hapless home buyer and the small landholder who relied on the State to protect their property rights and let market forces dictate. The triumph of crass short term political connivance over good established policy process.

### ***It doesn't add up***

25. Planning NSW expects 16,000 new residential dwellings in WGA over 30 years but only 5,000 by the time the CPCP expires. The funding model will levy each new dwelling lot \$4,500 to be paid by the hapless homebuyer not the developer (curiously there is no levy proposed on commercial and industrial land).

26. The levy will raise only \$22.5 m\* over the ten year life of the CPCP and just \$82 mil by 2050. However once adjusted for a conservative 2.5 % per annum inflation over 30 years, the levy will raise less than \$35 mil in current values, barely enough to build, maintain and replace the koala fence in the WGA over the same period (*adjusted for inflation at 2.5 % per annum the \$22.5m is \$15.5m at start date value*).

27. After building the koala fence and setting aside funds for its maintenance and eventual replacement, the CPCP funding model has no surplus only fairy dust to purchase privately held land in the WGA for conservation.

28. As elsewhere mentioned the much touted Biodiversity Stewardship scheme is not and will not be the financial windfall the CPCP promises the private landholder in the WGA. Currently the trading price for SSTF values the land at \$125 k per hectare and 100% of this will be required to be retained by the Trust to establish the stewardship and maintain it, leaving the owner having to subsidise the agreement by several thousand a year in annual fees. It is surprising that no one in the CPCP team bothered to check the assumption.



### ***In BOS we trust***

29. Much is made in the CPCP of the capacity for landholders to realise the value in their land through the Biodiversity Offsets Scheme. The notion in practice is however just more fairy dust and wishful thinking.

30. Since the creation of the 2010 St Mary's Towers Monastery (the example highlighted in the CPCP) the value per credit has declined markedly. In early 2020 the value per credit for Shale Sandstone Transition Forest (SSTF) in the WGA had dropped from a 2010 high of \$17k to less than \$3k, it is currently \$9k. With a yield of 14 credits per hectare considered optimum, SSTF in the WGA is valued at \$125k per hectare significantly less than the upwards of \$500,000 per hectare being paid by developers in the WGA. By comparison Planning NSW plans an indicative environmental levy of \$4,500 for each new residential lot in the WGA. Planning NSW forecasts a yield of 12-14 lots per hectare which will yield approx. \$60k per hectare ie less than half the amount currently needed to purchase BOS credits.

31. Of more relevance however is that the NSW Biodiversity Conservation Trust (BCT) model for funding the ongoing maintenance of Biodiversity Stewardships has changed significantly due to the downward trend in interest rates. In 2010 the Trust retained 36% of the credit value of the 80 hectares at St Mary's and the owner the balance. At current earnings the Trust has to retain almost 100 % of the credit value to fund the maintenance ie the owner gets no return at all and in many instances have to pay annual fees to the BCT for audit and registration. Effectively the landowner would be required to subsidise the BCT to lock up their land. Accordingly it is both unrealistic, misleading to consider using the BOS as a key pathway to secure the 5500 hectares the CPCP seeks.

32. Of further significance is that the BCT is no longer considering biodiversity offset stewardships in the WGA that are smaller than 20 hectares in area. Only 8 of the 140 holdings affected by the CPCP in the WGA are 20 hectares or greater. In simple terms the Biodiversity Offsets Stewardship arrangements are not applicable to 95 % of the holdings the CPCP seeks to rezone in the WGA. This issue has been brought to the attention of the CPCP project management numerous times over the past five years and the response remains, a rigid adherence to the dogma of the power in fairy dust.

33. Finally there is no requirement in the BOS for land to be zoned to E2 as a preliminary step to enter a stewardship agreement. Through the adoption of the CPCP, Planning NSW will force privately held land into a scheme that requires the landholder to pay an annual environmental tax or risk forfeiture of the land they once owned.

### ***Will inconsistency be the new consistent for Planning NSW?***

34. In October 2015 in response to plans by Councils in the Northern Rivers to rezone agricultural land to E2 against the wishes of the landholders, Planning NSW issued a direction to Councils to guide decisions on the rezoning of land to E 2.

35. Planning NSW used the E2 Zone Review to direct Northern Rivers NSW's Councils that *'E2 and E3 zones will only be applied if the primary use of the land is considered to be environmental conservation'*, and *'The primary use of the land is the main use for which the land has been used for the last two (2) years. This period of time will ensure the zone reflects established, lawful land uses. This may mean that land which is currently zoned rural could continue to have a rural zone but may have parts of that land which have attributes that meet the criteria for an E2 or E3 zone included in a mapped planning control.'*

36. Furthermore the Review instructed all NSW Councils considering rezoning Rural Use land to Environment that they may use the Review for guidance. Additionally Planning NSW committed to investigating *'the implications of the Northern Councils E Zone Review final recommendations on the application of E zones and mapped planning controls across the State.'* Clearly the Review was intended to have guidance for Councils across the State.

37. The CPCP's intention to forcibly rezone land in the WGA from Rural Use to Environment is inconsistent with the recommendations of the Review and the majority of landholders of the WGA would like to know why this should be so.

### ***A plan for some***

38. Shale Sandstone Transition Forest (SSTF) PCTs are known to extend for over 1.2 million hectares from Mudgee to Gosford, west to Lithgow and south to past Bundanoon in the Sydney Bioregion, an area six times greater than the Cumberland Plain. In the Cumberland Plain, 44% of the pre 1750 vegetation range estimate.

39. Of the three PCTs identified for priority conservation in the CPCP only the Shale Sandstone Transition Forest (SSTF) is represented in the WGA. SSTF is the least endangered canopy tree PCT in the Cumberland Plain with 44% of its pre 1750 vegetation range remaining, of which 51% is high sandstone influence and 26% high sandstone influence. (*OEH Native Vegetation maps 2000/2013/2016 Interpretation Guidelines*)

40. Ownership of the high sandstone influence SSTF In the WGA is shared 50/50 between the 50 private small holdings and the large five developers. The more fertile, less common and more koala preferred high shale influence SSTF is 75% owned by the large five developers and 25% by 90 private landholders primarily located east of the Hume Highway around the town of Wilton.

41. For reasons not made public all of the developer owned shale SSTF has been identified as urban capable, whilst all of the privately owned shale SSTF is to be rezoned E2.

42. The sandstone SSTF owned by the developers will be placed into a BOS they own and offset against their actions in clearing 400 hectares of sandstone SSTF for their developments. The balance of the sandstone SSTF is to be rezoned E2.

43. All of the developer owned land shale and sandstone SSTF is identified as either urban capable or able to be placed in a BOS. Less than 10% of the privately owned shale or sandstone influenced SSTF is identified as urban capable condition and none are of a lot size suitable for a BOS.

### **The battle of the BAMs**

44. In August 2017, Planning NSW invited selected rural property owners in the WGA to participate in what was described as to be a Biodiversity Assessment Methodology (BAM) vegetation mapping process. Enquiries revealed that the proposed 'BAM' to be conducted in the West Wilton precinct (700 hectares) would in actuality be a one day field study of six sites and a 'drive past', the findings of which would be extrapolated as indicative across the precinct.

45. The assessment conducted at [REDACTED] in Dec 2017 consisted of a 30 min walk around the 20 acre property and one plot assessment that was abandoned after 15 mins and only 10% complete due to light rain and which remained incomplete as the assessors did not return. The six sites supposedly assessed were three undisturbed heavily vegetated creek lines, a cliff top bluff and two wooded paddocks that had been left fallow for upwards of 15 year, one of which had been re planted with SSTF vegetation as part of a University of Wollongong field study. All six field studies covered less than 2 hectares and were clearly not indicative of the other 698 hectares

46. Disquieted by this sham process we commissioned a full BAM on [REDACTED] Street. This BAM was conducted over a nine month period (three seasons) with eight site visits and including night trapping and spotlighting. Thus BAM is without doubt a more a thorough site specific analysis far superior and much more accurate than the Planning NSW sponsored process. Our BAM was provided to Planning NSW.

47. The findings of our extensive site specific BAM have been ignored in favour of the 'one day' token sham commissioned by Planning NSW. It is inconceivable that Planning NSW when presented with the two sets of data could dismiss the site specific BAM and use the its shoddily created extrapolation to justify the expropriate 75 % of [REDACTED] by forced rezoning to a valueless use.

### ***Is that smoke***

48. Asset Protection Zones (APZ) required for residential housing, farm buildings and fire fighting infrastructure.

49. That the CPCP has not considered the requirements of the NSW RFS's 'Planning for Bushfire Protection 2019/20' for APZs is curious, it's not that there hasn't been enough time, resources and people to establish the link. Removing vegetation to establish and maintain an APZ is inherently problematic in an E2 Conservation Zone and will require a huge and costly annual regulatory burden on the landholder, the Council and the Rural Fire Service. More appropriate zonings for the creation and maintenance of a suitable APZ are R5, RE1, and RE2.

50. Whilst E3 (Environmental Management) and E4 (Environmental Living) zonings could be used for APZs, these can only be applied if the minimum lot size for such zonings was reduced from the current 4 hectares (Wollondilly 2011 LEP) to the more appropriate allotment size of 2000 sq m plus. Therefore any rezoning of RU2 to E3/E4 has to be accompanied by simultaneously amending the current LEP, a process that takes up to four years if left to the Council.

51. Finally on this topic what was the person smoking when they came up with the idea to put gates in the koala fence so RFS personnel can take time out from saving human life and property to attend the gate and let the koalas escape from fire. Who will teach the koalas how to muster at the gate? Who will have the key? What comes first, responding to a fire or opening a gate? The list is endless and the stupidity breathless.

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### ***Some more questions***

Planning NS/OEH has been commissioning aerial photography over the West Wilton area for at least the past 18 months, how has this resource been used to inform the E2 zoning decisions.

To establish and maintain an asset protection zone on E2 land is very problematic why hasn't Planning NSW considered using the more appropriate zonings that can allow the protection of human life and property such as R5, RE1, RE2 and E3, E4 ?

What impacts will the proposed koala fence have on the migration patterns of terrestrial fauna established over millennia who will be locked up behind the fence ?

The koala fence will be on my boundary between the house and the road does this mean koalas will be locked behind the fence with my dogs? Will I be allowed to keep my dogs and cats if my land is declared E2 and if so how does this help the koala?

Who will maintain the koala fence and how will its ongoing maintenance and replacement beyond its useable life span be funded into the future?

Who will pay for the maintenance required by the rezoning of my land to E2 ?

What source of GIS mapping tools were used to prepare the CPCP?

Were any of the source GIS and subsequent mapping tools manipulated or modified to either enhance or minimise the vegetation in the mapping process?

Figure 3 in the Ecological Pty Ltd Biodiversity Report 2017 shows that the tx/low quality SSTF on the land owned by Governors Hill, BradCorp and Lendlease remains in that condition. Whilst on the land owned by the affected 140 private landholders in the WGA the condition is now Moderate/Good. How in the 18 months of drought between the two reports has some land miraculously become moderate to good ie grown canopy cover from <10 % to 30% plus in 18 months.

What is meant by introducing a compliance component to ensure privately owned land that is to become E2.

The CPCP does not canvass the applicability of E3, E4, RE1, RE2 and R5 as suitable non urban capable rezoning classifications. Is this inconsistent with the 'urban capable' areas as it does not describe the housing, commercial and industrial zonings the land will be used.

The E2 zoning will ring fence the established town of Wilton. Why has no land being identified for the future growth original town of Wilton ?

In 2016 Planning NSW released a directive to those Councils in NSW that were considering arbitrary rezoning of primary production and rural uses land to E2. The directive proscribed the steps to be taken by planning authorities when rezoning land to E2. Key to the recommendations was the requirement to identify the primary use of the land for the two previous years and where appropriate choose other E zonings (E3 and E4) and other zonings where they reflected the current land use. Planning NSW is not applying this consideration in the Wilton Growth Area E2 land grab, why?

What justification is there to fail to apply a site specific BAM in favour of a generic one day investigation that covered 700 hectares to determine what land is to be forcibly rezoned E2 in West Wilton?

