



Monday, April 29, 2013

The Hon. Barry O'Farrell MP  
Premier  
Minister for Western Sydney  
Governor Macquarie Tower  
Level 40, 1 Farrer Place  
SYDNEY NSW 2000

**NSW Government failing to protect Western Sydney Priority Conservation Lands**

Dear Premier,

I write concerning the NSW Governments failure to protect the high conservation value western Sydney Priority Conservation Lands as mapped by the Office of Environment and Heritage in the Cumberland Plain Recovery Plan.

The failure to protect these lands is a betrayal to the people of Sydney. The government promised that development within the Sydney Growth Centres would deliver previously unimaginable conservation outcomes due to the establishment of a \$530 million Biodiversity Conservation Offset Fund. The offset fund would be administered by OEH to acquire and protect the Priority Conservation Lands outside of the Growth Centres.

The NSW Liberals and Nationals put out a policy document prior to the election called: *Protecting our Natural Environment* (attached to email). Page 4 of the document revealed an additional \$40 million would be provided to create green corridors, including within Western Sydney. It stated: '*...high value conservation lands in Greater Western Sydney will be prioritised to ensure that wildlife corridors are established...'*

So the Growth Centres Biodiversity Conservation Offset fund and the above \$40 million commitment are examples of large conservation funds that are supposedly available to acquire Priority Conservation Lands. The rhetoric is there, the policy documents are there but what is the reality in terms of conservation outcomes? Very little!

The conservation outcomes derived from the Growth Centres funds are very disappointing. The only significant outcome took place in 2008 when the 181 ha former Air Services Australia site at Cranebrook was purchased for \$17.5 million and that was only possible because our volunteer community group extracted a \$15 million federal election commitment from the ALP in 2007 to be used to create a Cumberland Conservation Corridor. The NSW Government via the Growth Centres fund only had to cover the funding gap of a few \$million.

Prior to WSCA extracting the \$15 million election commitment the ASA site at Cranebrook was in the hands of a developer and was to be developed. The funding changed all that and Penrith Council had no more reasons to support development and committed to zone it for conservation.

This highlights the two fundamental problems with conserving the Priority Conservation Lands: Inadequate funding and incorrect land zonings.

NSW Treasury must provide the necessary funding to buy Priority land when they come up for sale. The few \$million each year from the Growth Centres fund is totally inadequate. In order to make the Priority Conservation Lands affordable their value cannot be increased by development zonings. The Sydney

Councils that contain Priority Conservation Lands must zone them E2 Environmental Conservation in their Local Environmental Plan.

Most of the Priority Conservation Lands that are in private ownership are zoned to allow some type of development. This is wrong and clearly Sydney Councils are ignoring the advice of OEH to protect the Priority Lands and properly implement the Cumberland Plain Recovery Plan.

The Penrith Council LEP process is a good example. Council commenced its LEP process in 2008 and agreed to do it in two stages. Stage 1 was to zone all the rural areas including any Priority Conservation Lands. About 1500 ha of the Priority lands are owned by the Deerubbin Local Aboriginal Land Council and they lobbied Council to zone their claimed land to allow development so they could get an economic return. Yet OEH's first level advice was to zone this land for E2 Environmental Conservation. Council ignored OEH and gave the Land Council an RU4 (2ha minimum lot) zoning across <400 ha of their Priority Conservation Lands (consisting of several connecting lots). Council however decided to put an E2 zone over the rest of their land – which is a significant continuous remnant of over 1100 ha's. The Land Council however objected to the E2 zone and with the support of the Planning Dept convinced Council to defer the decision on the E2 zoning until Stage 2 of the LEP.

Well Penrith Council has recently written to Brad Hazzard to get approval to publicly exhibit Stage 2. Council has been meeting with the Deerubbin Land Council in the intervening years and has agreed to reduce the size of the E2 zone by giving the Land Council an RU4 zoning over a further 114 ha. The E2 zone area is now about 1000 ha. This is a lousy environmental outcome with over one third of the Priority Conservation Lands owned by the Land Council in Penrith potentially to be turned into 5 acre hobby farms. The RU4 zone would also put the value of the land up and likely put any future acquisition by NSW for conservation out of reach. The Deerubbin are the largest private land owner in western Sydney with a property portfolio of some 15,000 hectares.

What we have seen from Penrith Council is classic green wash (facilitating development and then claiming it to be a green outcome). The Deerubbin have got their development zoning from Penrith Council in exchange for conserving the remainder of the proposed E2 remnant. So the E2 remnant (the supposed Growth Centres development offset) is also the offset lands from the Deerubbin deal. Council and the Deerubbin then hatched a plan to get the NSW Government to buy the E2 remnant using the Growth Centres Fund. But OEH has now told Council it can't buy the land.

Shock horror. The NSW Government refusing to buy one of the largest and most significant bush land remnants on the Cumberland Plain because it doesn't have the money. The Penrith LEP outcome is clearly pathetic urban planning but when one extrapolates this example across the Cumberland Plain we clearly are facing an environmental disaster.

The draft Sydney Metropolitan Strategy and the White Paper on the new Planning System indicate the NSW Government wants Sydney's population to soar. Therefore more land will be required for housing and employment. It is now time for the NSW Government to provide the significant funds necessary to protect high conservation value Priority Conservation Lands and create the Green Corridors. Ministers must use their powers to protect these lands. Legislation can be enacted to achieve the required conservation outcomes. Councils need to be brought into line. The Cumberland Plain Recovery Plan must be implemented properly by Government and Councils.

Yours sincerely,



Geoff Brown  
President  
WSCA