

# PARLIAMENT OF NEW SOUTH WALES

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## 4744—Planning—PENRITH LOCAL ENVIRONMENTAL PLAN 2008

### Mr Shoebridge to the Minister for Planning, Minister for Infrastructure, Minister for Lands—

1.
  1. Has the Department of Planning raised concerns with Penrith Council regarding the Penrith Local Environmental Plan failing to protect Department of Environment, Climate Change and Water (DECCW) mapped priority conservation lands?
  2. If so, how has the Department addressed those concerns?
  3. If not, why not?
2. How has the Department ascertained the extent of threatened flora and fauna across the Penrith Local Government Area?
3.
  1. Did the Department insist on ecological studies of all of the Deerubbin Land Council land?
  2. If not, why not?
4.
  1. Does the Penrith Local Environmental Plan propose RU4 zonings across hundreds of hectares of land claimed by the Deerubbin Land Council?
  2. If so, does this undermine the entire recovery plan?
  3. If not, why not?
  4. Have Council's zonings been accurately applied in accordance with the Department's guidelines in relation to the conservation of areas of high biodiversity value?
5. Does the success of the Government's draft Cumberland Plain Recovery Plan hinge on the protection of DECCW mapped priority conservation lands?
6.
  1. Must the Minister for Planning take into account a Recovery Plan in making a Local Environmental Plan?
  2. Did this occur in regards to the draft Cumberland Plain Recovery Plan?
  3. If so what changes has the Minister recommended?
7.
  1. Did the Government argue in the NSW Land and Environment Court that the Crown Lands claimed by the Deerubbin Land Council in the Penrith Local Government Area were needed for the essential public purpose of nature conservation?
  2. At that time were the lands zoned Rural 1a, 2 hectare minimum lots?

### Answer—

1.
  1. No.
  2. Not Applicable.
  3. I have been advised that Penrith Council consulted with the Department of Environment, Climate Change and Water (DECCW) during preparation of the Principal Local Environmental Plan (Stage 1) to identify issues relating to this portfolio.
2. Penrith Council is the authority responsible for applying and determining appropriate zoning and controls for the Local Government Area. See Answer 1.
3.
  1. No.
  2. Council worked with the DECCW to undertake relevant studies to identify appropriate zoning and controls in the local government area in accordance with relevant Practice Notes.
4.
  1. The majority of land claimed by the Land Council was deferred from the LEP. I understand that some land owned or claimed by Deerubbin Local Aboriginal Land Council is zoned RU4 under the LEP. I am unable to comment on the zones applying to each individual lot.
  2. and (c) The draft Recovery Plan and the agreed actions to implement the Plan have not yet been

- finalised.  
(d) Yes.
5. The draft Recovery Plan and the agreed protection actions to implement the Plan have not yet been finalised.
- 6.
1. Where a Local Environmental Plan is relevant to a Recovery Plan and/or actions within the Recovery Plan, yes.
  2. The Recovery Plan and the agreed protection actions to implement the Plan have not yet been finalised. Notwithstanding this, I have been advised that the draft Recovery Plan was considered by Penrith Council, DECCW and the Department of Planning during the drafting of the LEP.
  3. The Minister made no changes to the Plan arising directly from consideration of issues associated with the draft Recovery Plan. Also see answer to 6(b) above.
- 7.
1. There have been numerous Land Claims by the Deerubbin Local Aboriginal Land Council over lands within the Penrith Local Government Area. I will be happy to provide a response when I have been given details of the particular Crown land in question.
  2. It is not clear what lands are being referred to in this question. However, I am advised that prior to September 2010, Penrith's Rural 1(a) zone land had a minimum lot size of 40 hectares. I am unaware if lots of 2 hectares exist within this zone.

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