

PARLIAMENT OF NEW SOUTH WALES

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4745—Climate Change and the Environment—DEERUBBIN LAND COUNCIL LANDS IN PENRITH

Mr Shoebridge to the Minister for Transport, Minister for the Central Coast representing the Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer)—

1.
 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?
2. Have the majority of the Crown Lands claimed by the Deerubbin Land Council been mapped as Department of Environment, Climate Change and Water priority conservation lands?
3. How many hectares of the Department's priority conservation land claimed by the Deerubbin Land Council is proposed to be zoned RU4 under the draft Penrith Local Environmental Plan?
4. Did the Department take into account areas desired for future development when assessing priority areas for conservation?
5.
 1. Will RU4 zoning of these priority lands make acquisition extremely difficult and expensive?
 2. Would an E2 zoning facilitate better conservation outcomes?
6.
 1. Did the Department conduct a desktop study of the Deerubbin Land proposed to be zoned E2 and find that the area to be almost entirely consistent of core habitat?
 2. Are there lands that were not part of the study that consist of core habitat?
 3. If so, is the Department intending to study these lands as well?
 4. If not, why not?
7. Will the Department strongly oppose the Penrith Local Environmental Plan if it undermines the Department's draft Cumberland Plain Recovery Plan and makes future acquisition of the Department Priority Conservation Lands almost impossible?
8.
 1. What efforts has the Department made to acquire all the Deerubbin land mapped as priority lands?
 2. What is the estimated cost to the Department of acquiring this land?
9.
 1. Are there any matters of national environmental significance contained within the Deerubbin lands?
 2. If so, what and where are they?
10. If the Sydney Growth Centres Strategic Assessment is implemented as exhibited, what impact will that have on protecting and acquiring the Deerubbin Lands mapped by the Department as priority conservation lands?

Answer—

I am advised as follows:

1.
 1. Yes
 2. This question should be referred to the Minister for Planning.
2. The majority of the former Crown Lands granted to the Deerubbin Local Aboriginal Land Council in the Penrith local government area have been mapped, and fall within the Department of Environment, Climate Change and Water's (DECCW) priority conservation lands for Western Sydney. DECCW's priority conservation lands map identifies the best remaining land that provides the opportunity to secure long term biodiversity benefits for Western Sydney. The map is used to guide priorities for the expenditure of funds to purchase land from willing sellers for conservation purposes in Western Sydney. Purchase of lands is dependent on the agreement of the land owner, and the availability of funds.
3. 403 hectares of land owned by the Deerubbin Local Aboriginal Land Council, and located within DECCW's priority conservation lands, have been zoned RU4 under Stage 1 of the Penrith Local Environment Plan 2010, which was gazetted on 2 September 2010.

4. In identifying priority conservation lands, DECCW excluded areas identified for future urban growth, including the certified areas of the North West and South West Growth Centres, and lands that are zoned for residential or industrial uses.
5.
 1. Purchase of lands in Western Sydney, regardless of zonings, is likely to be expensive, and many landholders, for a variety of personal reasons, are reluctant to sell. Provided that a willing seller and funds were available for purchase, land zoned RU4 has more development potential and would be more expensive than if the land were zoned for a purpose which restricted use, dwellings or subdivision.
 2. Yes. According to the Standard Instrument LEPs Order 2006, the E2 zone is environmental conservation, whereas RU4 is rural small holdings aimed, in part, at enabling sustainable primary industry and dwellings. Councils have some discretion about uses and minimum lot sizes in draft LEPs but they must be consistent with the objectives in the standard instrument. Generally, E2 zoning prohibits dwelling houses and limits subdivision to a minimum lot size of 40 hectares or more, whereas RU4 has more permissible uses, including extensive agriculture and dwelling houses, and potentially smaller lot sizes. It should be noted that Council's role in considering appropriate zoning also makes reference to existing uses and zonings.
6.
 1. DECCW conducted a desktop study of the Deerubbin owned lands that were proposed to be zoned E2 in the draft Penrith LEP 2008. The study reported that 96 per cent of these lands were mapped as regionally significant (core) habitat in a 2005 study commissioned by Penrith City Council.
 2. to (d) Yes. DECCW had already undertaken an assessment to identify the lands on the Cumberland Plain that can contribute most to the long term recovery and maintenance of threatened biodiversity. DECCW considers these priority conservation lands to be the highest priority for future efforts to conserve the threatened biodiversity of the region.
7. No. DECCW has provided advice to Penrith Council and to the Department of Planning regarding the high biodiversity values on the Deerubbin lands. While the priority conservation lands have been identified as regional priorities for the implementation of recovery actions, the mapping does not, in itself, imply or guarantee conservation outcomes. Other lands identified in DECCW's conservation lands strategy will be considered for purchase, or long term conservation security if funds are not available to purchase priority lands, or the land owner is not willing to sell.
8.
 1. and (b) DECCW has approached relevant land owners in the Priority Conservation Lands to explain the Growth Centres Offsets Program and the options available to willing participants, including potential purchase or Biobanking Agreements. DECCW is open to offers of sale or expressions of interest in Biobanking at any time, which it will consider relative to other properties and the available funds. Details of the negotiations between DECCW and land owners are confidential. Most of the Deerubbin owned land was deferred from the Penrith Local Environmental Plan. Penrith City council has advised the DECCW that these lands will be rezoned in the second stage of the Penrith Local Environmental Plan. As the purchase price of these lands is dependant on their final zoning, the cost of acquiring these lands is unknown.
9.
 1. and (b) The critically endangered Cumberland Plain Shale Woodland and Shale Gravel Transition Forest occurs on the Deerubbin owned lands. A wide variety of Commonwealth listed threatened flora and fauna species have also been recorded on these lands.
Commonwealth listed threatened flora species that are present include Bynoe's Wattle, *Allocasuarina glareicola*, *Dillwynia tenuifolia*, *Micromyrtus minutiflora*, Nodding Geebung, and *Pultenaea parviflora*.
Commonwealth listed threatened fauna species that are likely to use the lands include the Grey-headed Flying Fox, Large-eared Pied Bat, Regent Honeyeater and Swift Parrot.
10. The Deerubbin lands contain matters of national environmental significance that will be prioritised for protection under the Strategic Assessment. Protection of the private lands can only occur if the land owner decides to sell the land or to enter into a conservation agreement with the NSW Government. If these lands cannot be protected, other priority lands as mapped by DECCW will be considered for protection.

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Answer received on 14 December 2010 and to be printed in Questions & Answers Paper No. 185 (Prorogued Ed).