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Monday, 11 February 2008

Fax letter
Councillor Greg Davies
Mayor
Penrith City Council
601 High St
PENRITH NSW 2750

CC Councillors and Media

Former Air Services Australia site Cranebrook

Dear Mayor Davies,

The Western Sydney Conservation Alliance (WSCA) is opposed to any urban development of the 181 hectare former Air Services Australia site at Cranebrook. Our position is that Governments at all levels should be striving to protect the entire site as it is an essential part an existing biodiversity/conservation corridor which links together some of the largest and most important remnants of endangered Cumberland Plain bushland. We believe that Government planning processes, such as land rezonings, can initially quarantine this site from development and that the available \$15 million funding, committed by the Federal Government at the last election, and future conservation funding from the NSW Governments Growth Centres can be utilised to acquire the land from IFC Capital Ltd so that it can be owned and managed by the NSW Governments Department of Environment and Conservation (DECC).

We note that Councillor Crameri has called for an urgent report on the Cranebrook site. There have only been a few reports presented to Councillors on the Cranebrook site and it must be said that the information contained in those reports in relation to the conservation significance of the entire Cranebrook site has been inaccurate. One must question the motives of the authors of these reports when they have at their disposal all the official studies of the site plus all the documentation that WSCA has provided to them (i.e. location of endangered plants and the reports authored by Teresa James). Terry Agar stated in the last report to Council in 2007 that the site only contained 2 vulnerable plant species when in fact there are 9 endangered flora and fauna species and 3 endangered ecological communities. This misinformation must stop as Councillors, unless they seek their own information or read what we send them, appear heavily reliant on the accuracy of Council Reports to make an informed decision.

The report requested by Councillor Crameri should be comprehensive and provide councillors with all the latest information relating to the proposed development including the latest information on the sites conservation values (list of species and ecological communities), Verity Firths conditions for Biodiversity Certification of the Growth Centres, Federal Election commitment to create and fund a Western Sydney Conservation Corridor, Councils responsibilities to implement Recovery Plans for species found on the site (*Persoonia nutans*) and all relevant legislation, state plans, strategies etc pertaining to requirements for development to improve or maintain biodiversity values in the Penrith LGA. There should be consideration of a recommendation that Council oppose any development of the site and to seek protection of the entire site through a conservation rezoning.

Several important documents and reports must be noted by Councillors and Officers, specific attention should be paid to the recently released conditions of Biodiversity Certification of the Sydney Growth Centres by Verity Firth, the Assistant NSW Minister for the Environment. These conditions are linked to DECC

mapping which identifies the Cranebrook site as a Western Sydney Priority site for conservation. A decision by Frank Sartor in favour of IFC would now appear to be directly at odds with current NSW Government Policy and Verity Firth on how DECC is to protect Western Sydney's environment (as per Verity Firth's conditions). Councils Report cannot overlook the significance of this matter. The following Reports reinforce our position and have identified the need to protect the entire Cranebrook site, they must be acknowledged by Council Officers:

- The Hawkesbury Nepean Catchment Management Authorities (HNCMA) Catchment Action Plan (CAP) has identified the entire Cranebrook site as a *Regional Biodiversity Corridor* and a *Western Sydney Priority Area* for conservation (HNCMA used DECC mapping in its CAP)
 - Conditions attached by Verity Firth, the Assistant NSW Environment Minister, in conferring Biodiversity Certification on the Sydney Growth Centres state that first preference expenditure of the \$530 million Growth Centres conservation fund is to be used protecting the Western Sydney Priority sites identified by the HNCMA's CAP. **Cranebrook is one of the Western Sydney Priority sites identified for conservation.** (<http://www.epa.nsw.gov.au/resources/biocertordwsgcentres.pdf>)
- Penrith Councils 1997 Flora and Fauna Corridors study identifies the **entire** Cranebrook site as an essential part of an existing flora and fauna corridor across the Penrith LGA
- Botanical expert Teresa James' December 2007 report, *Summary of Conservation Values and Development Constraints – Lot 2 DP 1057347 Northern Road, Cranebrook (Penrith LGA)* states:
 - "The site is an area of exceptional conservation significance in relation to threatened flora and fauna, high species richness, extensive wetland habitats, large size and connectivity. It is part of the proposed Cumberland Conservation Corridor. Such sites are extremely rare in western Sydney and warrant automatic protection as core biodiversity areas, the backbone of any reserve system."<http://www.savecranebrook.com/Documents/Cranebrook%20report%20%20December%202007%20-%20Teresa%20James.pdf>

WSCA has called on Frank Sartor, the Planning Minister, to reject IFC's dual proposal to have the site listed on the Metropolitan Development Program and that the development be assessed by the Planning Minister as State Significant Development. We have written to the Minister urging him to send the proposal back to Penrith Council with a directive that Penrith Council follow the written advice that DECC has been giving to Council Officers for many years that the entire Cranebrook site be rezoned by the City Wide Local Environmental Plan (LEP) for conservation protection.

Any plans by Frank Sartor or Penrith Council to support development of the Cranebrook site (regardless of its size) now puts such support directly at odds with Verity Firth the Assistant NSW Environment Minister and DECC who have identified Cranebrook as a Western Sydney Priority Area for conservation and earmarked conservation funding to secure protection of the entire site. Such support for development, in direct contrast to the advice of DECC and specialist ecologists, should be interpreted as an appalling lack of concern for Western Sydney's natural environment.

The Federal Government has now committed land and \$15 million towards establishing a Western Sydney Conservation Corridor. Peter Garrett's staff and the new local Federal Member for Lindsay are fully aware, following WSCA's lobbying, that the entire Cranebrook site was part of the proposed corridor and that any promised funding was meant to be used protecting the Cranebrook site due to it being at imminent risk of development. Council needs to urgently press the Federal Government to deliver on its election commitment.

WSCA is aware that some Senior Council Planners were sympathetic to allowing IFC a development rezoning of the site. We totally reject this. It does not matter if the development proposes 180 rural lots or a higher density of 740 lots the development footprint is the same size and will have the same devastating impact on the endangered species and ecological communities existing in proposed development areas.

Council needs to abandon any loyalties and sympathies to IFC Capital Ltd and galvanise the community to stop Frank Sartor from making an horrendous planning mistake. Council has an obligation to protect the endangered vegetation within its LGA; Council goes to great lengths in its claim of being an exemplary environmental steward so it needs to back up that rhetoric with appropriate policy decisions. Council should

be aiming to protect the entire site as a well managed publicly owned conservation reserve, this site should be seen by Council as a vital environmental asset to the people of Western Sydney.

The following attachment (pages 4–6) provides Councillors and staff with more detailed information/suggestions/questions that should be addressed by the Council Report; in any regard we ask that Council issue a formal written response to WSCA articulating its position on the matters raised in this letter. Thank you in advance for consideration of these matters.

Yours truly,

A handwritten signature in black ink, appearing to read 'G. D. Brown'.

Geoff Brown
President
Western Sydney Conservation Alliance Inc
0431 222602

Attachment

Conservation of the Cranebrook site

What is Penrith Council's position in regards to conservation of the entire Cranebrook site?

- Council Report should refer to the fact that Council's 1997 Flora and Fauna Corridors study mapped the entire Cranebrook site as part of an identified Penrith Flora and Fauna Corridor
- Council Report should make a recommendation to support conservation of the entire site

What is DECC's position on conservation of the entire Cranebrook site?

- Council Report should give historical account of the written advice DECC has given Council over the years about rezoning the entire Cranebrook site for conservation
- Council Report should state legislative and any legal obligations that Councils have in consulting and following the advice of DECC in the making of an LEP

What is the position of the Federal Government and the Local Member for Lindsay in regards to the development of the Cranebrook site?

- Council Report should state that Federal Government committed land and \$15 million in funding to the creation of a Western Sydney Conservation Corridor
- Council was made aware that WSCA was lobbying the ALP to assist create the Cumberland Conservation Corridor by gifting Commonwealth land at Orchard Hills and Shanes Park to the NSW Government and to provide a \$100 million conservation fund for the acquisition of non government land needed to form the corridor. Acquisition of the entire Cranebrook site was at the forefront of WSCA's lobbying of the ALP. Therefore Council should seek acknowledgement from the ALP that the committed \$15 million will be made available by the Federal Government to help secure protection of the Cranebrook site
- Council Report should include the full details of the ALP's Federal election commitment as it has significance for the entire Penrith LGA

Has Cranebrook been identified as a Regional Biodiversity Corridor and Western Sydney Priority Area for conservation by DECC mapping?

- Does Council acknowledge that DECC mapping was used by HNCMA in its CAP
- Council Report should articulate the regional importance of this mapping as it appears this will drive DECC policy into the future

Has Verity Firth the Assistant NSW Minister for the Environment placed conditions on the conferring of Biodiversity Certification for the Sydney Growth Centres and that one of those conditions is that first preference for expenditure of the Growth Centres Conservation fund will be on Western Sydney Priority Areas as identified by the HNCMA CAP?

- Does Council acknowledge this to be the case?
- Does Council acknowledge that the entire Cranebrook site has been mapped as a Western Sydney Priority Area for conservation by DECC mapping?
- Why is there a need to protect these priority areas?
- Will there be an improve or maintain outcome of Biodiversity values in Western Sydney if the Growth Centres proceed and the DECC does not ensure protection of Western Sydney Priority Areas?
- Will the Dept of Planning and Penrith Council be at odds with Verity Firth and DECC if it allows development of Western Sydney Priority Areas (Cranebrook)?
 - Council Report should recognise all the above points and Council should reiterate that its position is still one of seeing merit in IFC's rural development proposal

What is the conservation significance of the Cranebrook site?

- Council Report should list all species recorded on the site
- Council Report should list all endangered species and endangered ecological communities recorded on the site by Conacher Travers, Teresa James and NPWS Wildlife Atlas records

- Council Report should identify what endangered species and extent of endangered ecological communities (size in hectares) exist in proposed development areas
 - Report should be specific about the significant numbers of individual species found on the site as compared to other parts of Western Sydney (e.g. Cranebrook possibly contains the largest known numbers of *Micromyrtus minutiflora*)
 - How much of each endangered ecological community exists across Western Sydney, is protected by DECC Reserves and is proposed to be cleared by IFC
 - Council should refer to Teresa James's mapping of EEC's across the site?
- Council Report should list what species are the subject of NPWS Recovery Plans and whether those species exist in IFC's proposed development areas
 - It is known the *Persoonia nutans* are the subject of Recovery Plan and that Council Officer (Terry Agar) has received from WSCA GPS coordinates for the endangered *Persoonia nutans* found within proposed development areas
 - What are Councils requirements in implementing and enforcing Recovery Plans within its LGA?

Is it the case that in taking into consideration the Regional Conservation Assessment requirements of DECC that an ecological constraints study of the site conducted by Ecological Australia found that over 66% of the site or 124 hectares is Core habitat and that a further 36 hectares was mapped as Support to Core habitat?

- How much Core and Support to Core habitat exists within proposed development areas?

The IFC proposal for both development scenarios allows development of half the site and conservation of the other.

- How does protecting only half of the site and allowing development of the other half improve or maintain the sites biodiversity values?
- Who determined that the proposed conservation area protects the area of most conservation value when the majority of threatened species appear in proposed development areas?
- WSCA GPS locations for *Persoonia nutans* as provided to Terry Agar are all within development areas

Development of the Cranebrook site

The NSW Government states that developments need to meet the Metropolitan Strategy sustainability criteria to be considered as new release areas and listed on the Metropolitan Development Program (MDP). How does the IFC development proposal, as lodged with the Dept of Planning, fail to meet the required criteria? Conversely, as Council saw merit in a 180 lot development, how was Council going to argue that the old plan met the same criteria?

- Council Report should explain the MDP process and give a breakdown of how both development scenarios address or fail to meet the sustainability criteria

What recent representation has Council made to the Planning Minister, the Environment and Assistant Environment Ministers in regards to the Cranebrook Development?

- The Council Report should show the correspondence sent to all Ministers and any responses

What representations is Council going to make to the NSW Government to stop the Planning Minister approving the development of an identified Western Sydney Priority Area for conservation?

- Council should send urgent correspondence to Frank Sartor, Phil Koperberg and Verity Firth addressing this issue before it is too late to avert a planning and environmental catastrophe

When is a decision likely from the Planning Minister?

- Can Council appeal any decision to list the site on the MDP or that it is declared State Significant decision?

Does listing on the MDP mean the site will eventually be developed?

- Can sites be taken off the MDP list by the Planning Minister?

If the Minister rejects listing the site on the MDP does that mean the development is dead as it can't meet the sustainability criteria regardless of the development proposal?

- How can the Minister reject the MDP listing proposal currently before him, hand the proposal back to Council only to approve it the second time around?

If a rezoning of the site for development is forthcoming from either the Planning Minister or Penrith Council what would be the likely value of the site?

- If it is rezoned for up to 740 lots by the Planning Minister
- It is rezoned for 180 rural lots by Penrith Council

What will be the ramifications for DECC in terms of cost in acquiring the entire site for conservation after a rezoning decision?

- Doesn't this prove the insanity of this proposal? Council should report that one of DECC's strategies is to get value for money when it seeks to acquire sites in Western Sydney. DoP and Penrith Council can assist keep the value of the Cranebrook land down by refusing to rezone it for urban development. This is how different levels of Government and Depts can work together to achieve shared goals.

Biobanking

Who was advising Council Officers to put the assessment of the IFC proposal on hold whilst IFC took part in the Biobanking Methodology Trial? It was clear from DECC that this process was just a trial and was in no way connected to a development outcome. It seemed like a convenient excuse for Council just to keep delaying an outcome. Council Officers need to reflect on this as it appears that the delays in dealing with this rezoning proposal have led IFC to go to the Planning Minister. If development of the site occurs then there needs to be some form of inquiry and soul searching by Councillors and staff as to how this happened.

Does Council support offsetting the proposed development area by Biobanking the conservation area?

- How does protecting only half the site offset the clearing of the other half still and maintain or improve the sites biodiversity values?
- Will Council support the development of any areas of the site that are red flagged?
 - The Council Report should explain the Biobanking legislation and how it is now possible for the Director General of DECC to approve development of Red Flagged areas, areas which earlier versions of Biobanking stated were off limits to any development

Conservation funding and processes

The Report needs to identify all available conservation funding or proposed funding (Federal and Growth Centres). And the process that must take place to have the site acquired and put into DECC ownership and management.