



## Full Day Hansard Transcript (Legislative Council, 18 September 2014, Proof)

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Extract from NSW Legislative Council Hansard and Papers Thursday, 18 September 2014 (Proof).

### FERNLEIGH TRACK CONSERVATION AREA PROTECTION BILL 2014

**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Lynda Voltz.**

#### Second Reading

**The Hon. LYNDA VOLTZ** [10.30 a.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Fernleigh Track Conservation Area Protection Bill 2014. The bill seeks to ensure that State government-owned land zoned for conservation around the Fernleigh Track cannot be sold, leased or otherwise disposed of without the approval of both Houses of Parliament. For those members not familiar with the area, Fernleigh Track is a much-loved 15-kilometre walking and cycling track that forms part of a wildlife corridor connecting the beautiful Glenrock Conservation Area, Awabakal Nature Reserve and Belmont Wetlands State Reserve. It provides a wonderful setting for residents to walk amongst the bushland and wetlands and also is very popular with cyclists. It is home also to a number of diverse species of plants and wildlife and has significant biodiversity value. Proposed section 3 (2) ensures that—

The relevant land, or any part of it, cannot be lawfully sold, transferred, mortgaged, charged, leased or otherwise alienated or encumbered except with the approval of both Houses of Parliament.

The purpose of this provision is to preserve the land zoned for conservation and ensure that any future attempts to sell it must be approved by both Houses of Parliament. "Relevant land" is defined as land that has been zoned 7 (1), 7 (2) and 7 (3)—meaning primary, secondary or general conservation—as listed in Lake Macquarie Local Environmental Plan 2004, Amendment No. 53. The genesis of this bill lies in the Government's attempts to sell this land for development purposes, including land at 14 Lonus Avenue, Whitebridge. In what has become this Government's trademark, this was done with no consultation or consideration of local community concerns. In fact, the first time the community became aware of the Government's plans was when the local school was advised that staff no longer could park their cars at 14 Lonus Avenue, Whitebridge, as it was on the market for sale.

Of course, what those opposite did not count on was that community members were both vigilant and enraged when they became aware that two hectares of conservation land had been attached to the sale of 14 Lonus Avenue. One has to wonder what the former local member for Charlestown, Andrew Cornwell, was doing to look after his constituents while his Government colleagues were busy planning a fire sale not just of residential land but also of conservation land adjoining the Fernleigh Track. Ironically, over 50 years ago the land that now makes up the Fernleigh Track was slated originally for the East Charlestown bypass project, but that project was dumped as the land was deemed too environmentally significant to develop. This point seems to have been lost on the Baird Government and local Liberal members.

The sale of conservation land will pose an environmental risk for both the Glenrock State Conservation Area and the Awabakal Nature Reserve, and detrimentally impact on the historical elements of the former Burwood colliery. Enacting this bill will preserve the natural environment, landscape and character of the area. After a public rally by local residents opposing the sale of the land in April last year, the State Government was forced to abandon the proposed auction of the land at 14 Lonus Avenue, Whitebridge. However, the State Government proceeded with the sale of other parcels of land, which included conservation land. This issue was raised previously during question time.

As I mentioned earlier, the people who live in this area have shown strong views on this issue and robust support for the introduction of this bill. I have consulted with residents in order to gauge an appropriate response to ensure preservation of this important public land. This land is an important asset for the area and clearly means a great deal to the residents. Local residents, the Federal member for Shortland, Ms Jill Hall, and Lake Macquarie City Council, including Mayor Jodie Harrison, all have voiced their outrage at the proposed sale of this land. Community groups have been established and petitions circulated showing strong public sentiment to keep conservation land in public hands. In particular, environmental scientists have raised concerns about the

effects on biodiversity if conservation land adjoining the Fernleigh Track is transferred to private hands.

The local council has received applications to rezone as residential private land that adjoins the Fernleigh Track, which is presently zoned for conservation. Lake Macquarie City Council has shown significant support for this bill, with councillors and the mayor publicly offering their individual support. Councillors from the neighbouring Newcastle City Council also have indicated support to preserve this parcel of precious land. This widespread support shows the significance this area has not only for residents in the immediate affected area but also for people from all around Newcastle and the Hunter Valley who regularly use this space. Many residents join tourists who travel to view the natural wonders and enjoy this unique track that hugs our beautiful coastline.

The former State Liberal member for Charlestown, Andrew Cornwell, has stated in the other Chamber that he opposes the bill and believes the matter is for the Lake Macquarie City Council to deal with. He should have familiarised himself a little more closely with the issue and the local area before making such misleading comments. This land is owned by the State Government, not Lake Macquarie City Council. More precisely, it is owned by Roads and Maritime Services and, therefore, the impetus to rezone the land can come only from Roads and Maritime Services and this Parliament. Under this Government, rezoning will not protect the transfer of these lands from public hands to private hands.

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Conservation zoning has failed to stop this Government from attempting to sell it, in some cases successfully. If the Government is serious about protecting this important environmental corridor it will support the bill. Enacting this bill is the only way to protect the transfer of public lands that are zoned conservation to private hands. The bill does not require funding. It simply requires the will of the Government to protect the land. The key to representing the views of the local community and preventing the sale of land adjoining the Fernleigh Track is bipartisan support of this bill. I commend the bill to the House.