

Submission on the draft Cumberland Plain Conservation Plan 2020-56

By Maureen Harper

I will address the following issues which relate to the current Draft Plan as presented by the NSW State Government as a 'Conservation Plan' - What is this actually for?

Is it for the geographical area call the Cumberland Plain within the Sydney Basin? Why would you need to conserve this? Is it going somewhere?

Is it for the Critically Endangered Cumberland Plain Woodland Ecological Community (CPW)? This is definitely worth a Conservation Plan, perhaps one which will actually benefit the CPW under discussion.

As you have mentioned on just a few occasions in this draft the vegetation of the Cumberland Plain and referred to one fauna species ie the Koala, I will treat this draft as a Conservation Plan for the Cumberland Plain Woodland and its fauna, or at the least the impact that this draft proposes in lieu of actual CONSERVATION.

For reference I have used as my appendices definitions from the NSW Government sites where possible.

Firstly: I ask why the Minister for Energy and Environment, Mr Kean, has not written nor taken responsibility for a CPW conservation plan. Is it not his responsibility as the Minister for the Environment?

Secondly: I ask why Mr Stokes, Minister for Planning, Industry and the Environment, has issued this draft plan? The conflict of interest within Mr Stokes' portfolio is not only evident but highly damaging to the natural environment. You cannot conserve the natural environment while you are actively removing it.

Again, is this a plan for the development of the geographical region called the Cumberland Plain. Well, yes it does appear to be so. This ongoing conflict I have mentioned in the previous paragraph is shown very clearly within the Minister's foreword and the following conflicting ideas being tossed around within this draft.

Mr Stokes may have latently been given responsibility for 'retaining water in the landscape' and addressing 'the loss of vegetation' across the State but his primary role remains the Minister for Development. The current excessive land clearing and the damage it has and is causing to local fauna and flora all falls directly at the Ministers own feet.

I also acknowledge the amount of work and the skill set that it has taken to write this draft considering the divergent outcomes stated throughout. I can also see that a predetermined outcome has very obviously been set – Development! The problem is that the conflict and the process used here is so blatantly obvious.

This draft plan is a thinly disguised development plan. So - to start off would you please make up your mind as to whether this is **1-** a Conservation Plan for the Cumberland Plain Woodland; **2-** a Green space remedy or more rightly a Green Wash for the overdevelopment of Western Sydney or **3-** a Cooling the Streets strategy to offset some Climate Change effects.

It cannot be all three at once.

If we should adhere to the actual title used on the top of this draft plan and the references to conserving and protecting the currently existing 5545 hectares of CPW and then increasing this to 11000 hectares then the bulk of this draft document is not related to the Conservation of the Cumberland Plain Woodland. (Appendix 3,4 and 8)

This draft plan has been written for a completely different outcome than the CONSERVATION OF THE CUMBERLAND PLAIN WOODLAND.

Getting back to the titled topic. Cumberland Plain Conservation Plan

There is not enough CPW remaining to trade more of it off for, and I quote, “Greener public spaces”, “new public reserves” or “a liveable Western Parkland City”. (Minister’s Forward pg.1 para 10)

Further frantic development across Western Sydney will do **nothing** to, I quote, “protect the best of the remaining woodland habitat in Western Sydney”. (Minister’s Forward pg.1 para 4)

You should, I would hope, also be aware that the remaining Cumberland Plain Woodland is protected at both a State and Federal level? (Appendix 1 and 2)

Does the Federal Government agree with your plan to reduce the remaining 5% of the Cumberland Plain Woodland?

The ICUN rating of Critically Endangered is currently applied to CPW. This rating should be taken much more seriously considering your stated plan for continuing the massive development of Western Sydney. The next step on the ICUN rating is “Extinct in the Wild” (Appendix 5 and 6).

How will you manage a captive CPW? Where will you keep it? How will you bring it out to display on special occasions and where will you lock it up afterwards? (Appendix 7)

This may sound like a joke but have a good think about it. **Extinction is the next real-life step for the Cumberland Plain Woodland!** Particularly if you continue with this style of planning.

Private Land Conservation

You should be aware of the Cumberland Conservation Corridor (CCC), as supported by the Federal Government. This corridor already exists having to date relied on Federal funding and private donation. Private Conservation Land is currently owned within the CCC by the Cumberland Land Conservancy, Conservation Volunteers Australia and Darkinjung Local Aboriginal Land Council. The corridor runs from Mulgoa through to Windsor Downs with the ability to link up with the Western Sydney Parklands.

If you are referring to Conservation on Private Land then you need to address my comments on your Biobanking fiasco.

Biobanking

In reference to your preferred use of the Biobank conservation tool;

- Failure to oversee Biobank grant spending has resulted in misappropriation of funds through complete lack of monetary compliance requirements and due diligence
- Biobank agreements dissolve when the property changes ownership
- The skill set required to conduct effective flora and fauna conservation within the Biobanking mindset requires substantial support and training for landowners – where is this funding?

Leaving it to this late stage to support private conservation land ownership only adds to the frustration of conservationists due not only the little remaining CPW available for acquisition but to the now inflated cost of land. Too little too late considering your own government was asked to fund land acquisition for the Cumberland Conservation Corridor over the past decades and **failed to do so**.

Offsets

With so little of the CPW left there is NO logical reason to attempt to offset the remaining Woodland. This would be absolutely detrimental to an outcome of Conservation. The exact opposite to conservation. A Federal Court judgement recently stated that only 'like for like' offset rules apply to CPW.

Let's get down to the facts in relation to conservation.

- This draft plan locates itself within the Sydney Basin (SB IBRA) where both local and regional biodiversity has been deliberately removed by current development planning decisions supported by the current State Government
- The remaining CPW remnants are approximately around 5% of the originally estimated 110,000 hectares ie approx. 5,500 hectares remain. You should be aware that retention of at least 30% of the original ecosystem in a healthy or recovering state is essential for the viability of that system. You will need to increase your proposed goal of 11,000 hectares of CPW to enable this outcome.
- CPW cannot survive without its complimentary suite of fauna. Your mention of the current topical fauna species ie the Koala as a single token to fauna conservation is little-minded and

embarrassing. If you can partner with Australian Wildlife Conservancy to conserve and translocate fauna back into the landscape in western NSW then you should also be doing so in Sydney.

- The Office of Environment and Heritage continually denied the opportunity to establish a Rewilding Centre at the partially protected Shanes Park Airservices Australia property at Llandilo. NSW Planning/Council then proceeded to approve suburban development immediately around this site resulting in further fragmentation of the Cumberland Conservation Corridor. https://www.airservicesaustralia.com/wp-content/uploads/ASA_Heritage_Llandilo.pdf

Your draft document dedicates the vast majority of this Draft Plan to discussing development proposals. I will not bother to discuss each and every development option that has been tabled but will bring to your attention the more obvious flaws in your thinking along with reiterating the fact that you are supposed to be discussing a 'Conservation Plan' not a 'Development Plan' .

Again, what is the actual aim of this draft ?????

- "A streamlined environmental assessment process will be put in place" (pg. 17).

FAIL

A similar process has already been applied to the development precincts in Northwest and Southwest Sydney. Massive and total land clearing has already resulted with the vast majority of the CPW Critically Endangered Ecological Community flora and its related fauna having already been lost. This preferential treatment of urban development proceeds via a flawed assessment process that I will refer to as the 'desktop planning approach' and the 'Strategic Assessment process' which have and are currently informing precinct plans and resulting in mass vegetation removal.

- Fauna surveys are currently not part of this process.
- What little vegetation left alive in these areas will end up being what is now termed 'silent woodlands'. The tiny dislocated remnants are unable to be self-sustaining due to
 - inadequate volume of the remnant
 - the loss of the required supportive suite of fauna
 - physical damage via increased human use
 - further physical damage and controls resulting from human expectations via 'messy vegetation', 'long grass' , 'snakes'. Naturephobics.
 - continued clearing
 - incorrect use of fire
 - requirements to have concrete paths and play equipment
- Your Planning team's disregard of your own designated E2 conservation land at Marsden Park by latently placing an Open Space within its boundary is another example of a **failed** desktop survey and another embarrassment, let alone blatant laziness.
- Your inability to even **SEE the Riverstone Wetlands** (10 hectares) on a desktop review shows the limiting ability of your processes. **FAIL**

- Strategic plans are very limited, on ground surveys are somewhat more viable but Community Involvement would be much more successful. Within the Marsden Park North Precinct draft plan
 - Incorrect historical information has informed the plan as the completed surveys contain incorrect information; your contractor **failed** to contact the Riverstone Historical group.
 - Indigenous archeology has been incorrectly mapped on the plan **FAIL**
 - Vegetation corridors were not discussed with the CCC or local experts **FAIL**
 - Lack of fauna survey has resulted in the Green and Golden Bell Frog not being recognised as an inhabitant of the Riverstone Wetlands **FAIL**
 - The belated Green and Golden Bell Frog survey was conducted outside the optimum observation time **FAIL**
 - The Migratory Shorebird surveys were contained to too few visits and again outside migration periods **FAIL**

- “The Plan will help establish new public reserves and private conservation lands ...” the plan “will protect, connect and restore around 11,000 hectares of native vegetation including protecting at least 5545 hectares of threatened native vegetation to offset development impacts.”

FAIL - DO THE MATH AGAIN

We only have the 5000+ hectares left now, let alone after your proposed developments have taken place. This is NOT CONSERVATION !
- Species tokenism. You single out the iconic Koala, pandering to the human soft spot for cute and cuddly. “Planting 100,000 trees to restore koala habitat in the reserve (George’s River) and 120 kilometers of koala exclusion fencing in priority locations”. (Ministers’ foreword pg.1 para 7) What about the rest of the fauna species currently suffering loss of habitat and death at developers’ hands across the Sydney Basin?

FAIL

CPW needs its full suite of fauna to survive. The word fauna encapsulates many different species NOT ONE topical cute furry example.

SUMMARY

This draft plan is wrong on so many levels for both the natural environment and for humans. Morally, scientifically, responsibly and respectfully - WRONG! The harm this style of thinking and planning is already causing to all humans and the remaining native fauna living in Sydney, Australia and beyond is huge. You have turned a Conservation Plan into a window dressing to attempt a 'green wash' for your plans to continue to develop every square centimeter that is left of the Sydney Basin. This being done at a devastating cost to the natural environment. You have shown that you have no respect at all for what will be shortly lost forever. Another EXTINCTION – this time at a whole Ecological Community level.

WELL DONE PLANNING NEW SOUTH WALES

I am ashamed that you have released this draft plan and shown in writing your true agenda. Your past actions have already caused so much destruction of native flora and fauna that I am truly speechless at your blatant disregard to your supposed responsibility to the Natural Environment or that same responsibility of your colleague Minister Matt Kean.

- you have an obligation to ensure that the natural mechanisms that keep us all alive are not further damaged or completely removed. Your disrespect for our life support systems dominates this draft plan.
- we are in the midst of a **CLIMATE CRISIS** and everything that you are proposing will exacerbate the situation, by removing what little is left of our natural carbon storage systems you are increasing the effects of climate change, we will all suffer from this action
- the current lifestyle that is being forced upon urban Sydney citizens is unhealthy, unsustainable and harmful to all those who must experience it, this Green Wash will perhaps make the streets a little greener but overall, you will be removing a natural life support system which will affect everyone into the future
- the pressures that you are applying to people's lives which are causing less and less connection to the natural world along with this ongoing lack of life awareness and responsibility to our planet is being passed onto the following generations through your decisions. The effort that it currently takes to have a home and to raise a family is now too great. People are forgetting what it is to connect to what is actually keeping them alive. This also lies at your feet Minister Stokes.

My one big question still stands.

Have you perhaps accidentally attached the wrong heading to this document??

This is not a plan to conserve the Cumberland Plain Woodland. There is only the slightest acknowledgement that CPW exists amongst all your development plans. The few remaining 'better' remnants are pulled forward as a token written effort to say that 'we have done our best' to conserve what was previously a 30% representation within the Sydney Basin. This plan will result in the extinction of a whole ecological community.

DO NOT CONTINUE WITH THIS DRAFT PLAN Bin it and try again.

Maureen Harper

Appendices

Appendix 1

Current Federal Protection <https://www.legislation.gov.au/Details/F2009L04540>



Commonwealth of Australia

**Amendment to the list of threatened ecological communities under section 181 of the
*Environment Protection and Biodiversity Conservation Act 1999***

I, PETER ROBERT GARRETT, Minister for the Environment, Heritage and the Arts, pursuant to paragraphs 184(1)(a) and (b) of the *Environment Protection and Biodiversity Conservation Act 1999*, hereby amend the list referred to in section 181 of that Act by:

deleting from the list in the **endangered** category

Cumberland Plain Woodlands; and

including in the list in the **critically endangered** category

Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest

as described in the Schedule to this instrument.

Appendix 2

Current NSW Government Protection

<https://www.environment.nsw.gov.au/determinations/cumberlandplainpd.htm>

Cumberland Plain Woodland in the Sydney Basin Bioregion - proposed critically endangered ecological community listing

NSW Scientific Committee - preliminary determination

This has been superseded by **Cumberland Plain Woodland -
endangered ecological community listing**

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the Cumberland Plain Woodland in the Sydney Basin Bioregion as a CRITICALLY ENDANGERED ECOLOGICAL COMMUNITY on Part 2 of Schedule 1A of the Act and as a consequence, to omit reference to Cumberland Plain Woodland from Part 3 of Schedule 1 (Endangered Ecological Communities) of the Act. The listing of Critically Endangered Ecological Communities is provided for by Part 2 of the Act.

Appendix 3

Definition of Conservation <https://www.britannica.com/science/conservation-ecology>

Conservation, study of the loss of Earth's biological diversity and the ways this loss can be prevented. Biological diversity, or **biodiversity**, is the variety of life either in a particular place or on the entire planet Earth, including its **ecosystems**, **species**, populations, and genes. Conservation thus seeks to protect life's variety at all levels of biological organization.

Appendix 4

Definition of Conservation by NSW Government

<https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/overview-of-biodiversity-reform/legislation>

Biodiversity legislation

The regulatory framework for assessment and approvals for development and clearing activities that impact on biodiversity.

Development and clearing activities are regulated by legislation and other instruments.

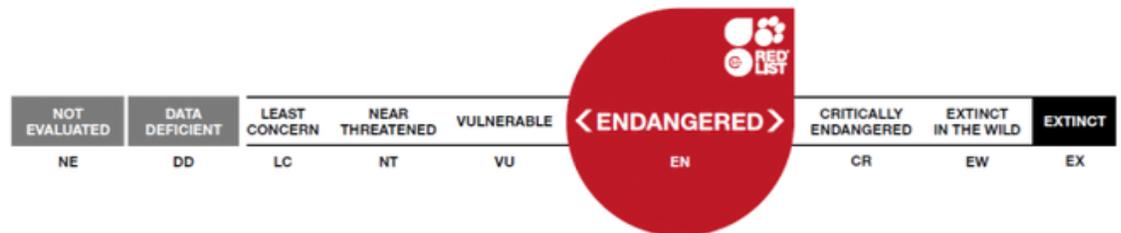
Acts, regulations and policy include:

- ***Biodiversity Conservation Act 2016***
- ***Biodiversity Conservation Regulation 2017*** [🔗](#)
- ***Biodiversity Conservation (Savings and Transitional) Regulation 2017*** [🔗](#)
- ***Local Land Services Act 2013*** [🔗](#)
- ***Local Land Services Regulation 2014*** [🔗](#)
- ***State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017***

Appendix 5

IUCN Red List - CPW is currently listed as Critically Endangered

The IUCN Red List Categories



Appendix 6

Definition of Critically Endangered Ecological Community –

<https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/about-threatened-species/threatened-ecological-communities>

1 – “An ecological community is a naturally occurring group of native plants, animals and other organisms living in a unique location.

An ecological community may be listed as critically endangered if the TSSC determines it is facing an extremely high risk of extinction in Australia in the immediate future.”

Appendix 7

Definition of Extinct <https://www.legislation.nsw.gov.au/view/html/inforce/current/act-2016-063>

4.6 Specific eligibility criteria for listing extinct species, species extinct in the wild and collapsed ecological communities

(1) A species is eligible to be listed as an extinct species at a particular time if, in the opinion of the Scientific Committee, there is no reasonable doubt that the last member of the species in Australia has died.

(2) A species is eligible to be listed as a species extinct in the wild at a particular time if, in the opinion of the Scientific Committee—

(a) it is known only to survive in Australia in cultivation, in captivity or as a naturalised population well outside its past range, or

(b) it has not been recorded in its known or expected habitat in Australia, despite targeted surveys, over a time frame appropriate, in the opinion of the Scientific Committee, to its life cycle and form.

(3) If, in the opinion of the Scientific Committee, a species is extinct or extinct in the wild in New South Wales but not Australia, it is to note that fact in a listing of the species in Schedule 1.

(4) An ecological community is eligible to be listed as a collapsed ecological community at a particular time if, in the opinion of the Scientific Committee, all occurrences of the ecological community have moved outside the natural range of spatial and temporal variability in terms of its composition, structure or function.

Appendix 8

Definition of Parkland

<https://www.planning.nsw.gov.au/Policy-and-Legislation/Open-space-and-parklands>

Greener public spaces

Australians love the outdoors. It's where we play, grow and connect.

The Department's goal is for everyone in NSW to enjoy attractive, safe and accessible parks and outdoor spaces.

Our focus is building, improving and promoting places that the communities of NSW use as a part of everyday life. We aim to build spaces that are inclusive, safe, comfortable and enjoyable to be in and around.

Our programs are focused on delivering two important [Premier's Priorities](#) that will help make NSW a more resilient and liveable place:

- [Provide greater access to quality, green, open and public spaces closer to homes](#)
- [Increasing the tree canopy by planting one million trees in Greater Sydney by 2022](#)