Wilton Action Group

WAG

Better Community Outcomes

Summary of Cumberland Plain Conservation Plan - WAG understanding

Introduction

The Western Parkland City is projected to grow from 740,000 people in 2016 to 1.1 million by 2036, and to well over 1.5 million by 2056. A thriving, liveable Western Parkland City must be well planned to meet that growth. It should include dedicated areas to protect the many unique native plants and animals in the region, and publicly accessible, open and green spaces that local communities can enjoy.

The NSW Department of Planning, Industry and Environment has undertaken strategic conservation planning to develop the Draft Cumberland Plain Conservation Plan (the Plan). The Plan will support biodiversity and growth in the Western Parkland City by protecting the region's important conservation values. It will do this through the creation of new reserves, conservation areas and green spaces for the local community.

The Plan has a conservation program designed to improve ecological resilience and function, and to offset biodiversity impacts from new housing, employment areas and infrastructure in the Western Parkland City. Taking a landscape approach will deliver the greatest safeguards for Western Sydney's natural environment over the long term.

WAG Summary response:

WAG argues the finalisation of the Cumberland Plain Plan will not deliver on its objectives due to a number of scientific and environmental arguments against it, and its bias towards development viability over the environmental outcomes.

The decision to make CEEC and koala corridor land in Wilton South East, as urban capable, without biocertification, is just one example of how this plan fails to deliver truthful protection of the remnant vegetation.

Extract from Draft Cumberland Plain Assessment Report – August 2020

1.4 WHAT CONSERVATION IS PROPOSED UNDER THE PLAN?

A key part of the Plan's objective is to:

Deliver biodiversity outcomes and support the ecological function of the Cumberland Plain….

The Plan also specifies a series of environmental outcomes to be achieved. These include to increase and improve the extent and condition of native vegetation and ensure threatened ecological communities (TECs) and populations of target species persist and their habitat improves, in areas most likely to support long-term viability in the Cumberland subregion.

The Plan includes a conservation program and a set of 28 commitments and 141 associated actions to achieve the objective and outcomes, and to mitigate and offset the impacts of the urban, industrial, infrastructure, agribusiness and transport development under the Plan. In summary, the key commitments under the Plan are:

- Avoiding at least 4,315 hectares of land within the nominated areas, including 3,670 hectares of native vegetation
- Protecting at least 5,475 hectares of high biodiversity value areas in the Cumberland subregion in perpetuity. As part of this commitment, the following will be delivered under the Plan:
  - Providing offsets for TECs and several threatened species likely to be at risk of impacts under the Plan
  - Establishing a reserve to protect the north-south Koala movement corridor along the Georges River between Appin and Kentlyn and at least two other reserves to protect areas of high biodiversity value
  - Securing priority habitat corridors
  - Undertaking ecological restoration in priority sites
- Managing landscape threats across the subregion, including through weed, pest animal, disease and fire programs

2.4 WHAT ARE THE LIMITATIONS OF THE ASSESSMENT?

Key limitations of the assessment include:

- Native vegetation plots and species surveys were only undertaken within the nominated areas and were restricted to sites where access was granted by landholders. Access was not possible over all areas of land
- Species surveys were not always able to be undertaken in accordance with EES survey guidelines due to the very large scale of the Plan Area and limited access to land at the appropriate survey season
- Only potential habitat for species was able to be mapped due to the very large scale of the Plan Area. The species maps are therefore likely to be precautionary and greatly overpredict actual habitat

But we note this item from the original Terms of Reference for the Assessment Report

3. DESCRIPTION OF THE PROTECTED MATTERS IMPACTED BY THE PLAN

3.1. The Report must describe the nature of the environment within the strategic assessment area, and otl areas outside the strategic assessment area that may be impacted by actions taken under the Plan. Th must include (at a minimum):

1. A description of historical and current land use.
2. The extent and quality of native vegetation present including detailed mapping of ecological communities and habitat for threatened species listed under the EPBC Act.
3. The nature of the environment, including ecosystem processes and threatening processes.
4. A description of the landscape context for key environmental matters, including connectivity, habitat fragmentation and ecological processes.
5. A spatial map of areas that are already protected for environmental purposes, including Bio-banking and Biodiversity Stewardship sites.

It's clear in 2.4 of the actual assessment that it has failed to deliver on 3.1.2 for 'extent and quality of native vegetation' present due to restricted land access and 'detailed mapping of ecological communities and habitat for threatened species' as only 'potential habitat for species was able to be mapped'.

So what confidence could a reader have in the Cumberland Plain Conservation Plan (CPCP) data analysis from the apparent failure to deliver on the Assessment Report's terms of reference? We will explore the above in relation to our experience of the rezoning of the Wilton Growth Area below.

WAG participated in a DPIE Community Engagement session on the CPCP on 10 September 2019 at Campbelltown RSL. The Draft CPCP summarises below some of the key responses from stakeholders and how they are being addressed in the Plan:

The above infographics accord with a number of WAG concerns as contributed to the Campbelltown CPCP Community Engagement Session. However, the concerns expressed above are not adequately addressed or acted upon in this draft CPCP.

The draft Cumberland Plain Conservation summary after analysis:

- Total land to be cleared/developed:10,470 hectares:
- Total endangered ecosystems destroyed 1,780 ha
- Total Cumberland Plain Woodland destroyed 1,014 hectares
- Proportion of entire Cumberland Plain Woodland ecosystem destroyed >10%
- Area of wildlife habitat to be isolated by roads/development 12,807 ha
- Proportion of the Cumberland Plain region to be isolated 59%
- Endangered species impacted Unknown *little/no survey
- Total funding offered $84 M
- Developer contribution installment *total unknown
- Total offsets required 5,475 hectares
- Cumberland Plain Woodland offsets required 3,170 hectares

WAG concerns about what can be done to improve Cumberland Plain Conservation strategies and projected outcomes

KEY CHANGES REQUIRED TO PROPOSED OFFSETS

o Protect the Cumberland Conservation Corridor within the Strategic Conservation Area (SCA)
o Allow smaller lots to be eligible for offsetting (SCA) and improve offset funding accordingly
o Demand new, large public reserves of Cumberland Plain Woodland (CPW) to offset loss of CPW (in three new National Parks)
o Restore the focus of offsets to Cumberland Plain Woodland – the ecosystem most impacted by these developments
o Scrap landowner-specific exclusions in the SCA

• **SCRAP THE FAILED 'AVOIDED LAND' model (E2 ZONING & CREEKS)**
o CPCP riparian corridors and small bushland parcels are left in limbo, neither developed nor conserved as offsets
o The Western Sydney Growth Centres program shows that this model fails – no agency wants to own or manage the unfunded creek corridors, and landowners on E2 zoned lands (left ineligible as offsets) illegally clear bushland

• **ADEQUATE BUDGET LOCKED IN UP-FRONT:** The CPCP must lock in a sufficient budget up-front to ensure offsets are actually delivered, as per the $540 M Western Sydney Growth Centres offset program

• **STAGING DEVELOPMENT to MATCH DELIVERY OF OFFSETS**: The CPCP must stage development and require the satisfactory delivery of offsets from each stage before further development proceeds (as per the Western Sydney Growth Centres)

• **NO PUBLIC LAND FOR DEVELOPER OFFSETS**: Stop the CPCP using loopholes in NSW law to relabel existing public reserves as offsets for developers. This denies us new green spaces and denies farmers funding to conserve bushland on their land. No offsets should be created on existing public reserves of any kind.

• **NEW CONSERVATION RESERVES, NOT PLANTING**: The CPCP tries to cut developers costs by replacing the requirement for new conservation areas with tree planting on waste land (The Confluence). Research demonstrates that neither traditional nor scalp-and-seed revegetation compensates for clearing Cumberland Plain Woodland. We need to save the woodlands that remain, not plant seedlings.

• **NO TAXPAYER SUBSIDY OF DEVELOPER OFFSETS**

More detailed analysis of CPCP offsets and financial modelling

Reducing offset cost This is the purpose of the CPCP. The CPCP is offered as an *optional alternative* to developers in meeting their offset needs, compared to the status quo. By being cheaper, the CPCP is pretty much doomed to deliver less biodiversity gains than the status quo, unless it were somehow overwhelmingly innovative & outstanding. So it's a loss on the status quo. So why would we want the CPCP?

There are a number of measures within the CPCP which help deliver this reduction in offset costs, but the primary mechanisms are by replacing existing offset arrangements with greater flexibility. Developers are presently legally required to deliver offsets, whatever the cost, at fixed ratios. Under the CPCP, in practice, they will not actually be required to deliver anything at all. The government will replace their obligations with a plan which has no minimum deliverables, no budget, and no staging. All it has are *targets*. In other words it is ***designed*** to fail to deliver it's offset requirements. This necessarily reduces the cost.

Reduced costs make real offsets extremely unlikely

The lower the offset market costs, the fewer landowners can (and will) participate. Already the biodiversity offset market is failing. Farmers want to participate in the scheme, but they demand (fairly) to do so at market prices.

NSW offsets no longer a free market

Of course, that situation would normally drive up the price of offsets. A founding principle of biodiversity offsetting is that as a market mechanism the rarer it gets, the more disincentive to clear (and offset) it. However the NSW scheme is no longer operated as a free market system. The latest biodiversity law reforms, and a lot of changes to implementation (changes which occur silently, without legislative change) have all seen the NSW Government take over control on price. This change occurred in response to pressure from developers. Now the BCT take on most developers obligations and buy offsets at prices they see fit.

The government can't deliver and isn't delivering its existing obligations for CPW (for the reasons above)

The government is already failing to deliver on existing development offset obligations for CPW. It is trying to mask evidence of the shortfalls but it is not trying too hard. The existing NSW-government growth area (the Western Sydney Growth Areas) are already unable to meet their obligations for biodiversity offsets. The Western Sydney Airport simply didn't deliver theirs - instead relabelling DEOH (an existing government conservation area under active restoration) as a 'new' offset to meet 70% of their target.

Since we can't meet our existing obligations for offsets The CPCP has no chance of delivery on those obligations. By reducing the checks-and-balances on offsetting it will only further reduce offset price. It has no chance in getting landowners to sign up as offsets. And at the same time it naively claims it will (or rather, it promises to try to) miraculously deliver over 5,000 hectares of CPW for offsets. Again - it is openly, rather honestly, setting itself up to fail.

Financial modelling

The key to all of this is how offsetting is measured, how it is defined. The key to this is local diversity in land prices. The essential irony of biodiversity offsetting is that it can only be financially viable if a vast discrepancy exists in the financial value of land not only of the same ecosystem, but under the same degree of threat of development. This is for the *de facto* status of 'offsetting' as a scheme to limit (mitigate, rather than offset) the decline of conservation (the loss of remnant functional ecosystems). Of course the NSW scheme occasionally still claims to be a true *offset* scheme, that is a scheme where 'restoration' or 'revegetation' create gains which offset the loss of clearing, but the claimed benefits are directly contradicted by 2 decades of research

From our research budgeting $20-60,000/ha for land reservation while valuing developable land at $.125 M/Iha could give the CPCP half a chance for delivering its obligations. But that disparity only exists if you believe NSW Valuer General valuations, which everyone knows are set politically to limit land tax. No-one is going to conserve their land for $60,000/ha in a region where real-estate sells for more than ten times that rate. On that view, The CPCP will fail.

Public contributions to developer offset obligations

The fine print in the CPCP Draft Plan both directly contradict the CPCP 'Highlights' and confirm a public contribution toward developers offset costs.

What does a public contribution mean? It doesn't mean any change to housing costs, either way. For decades housing costs in Western Sydney have been set by *ability to pay, not by market factors.* This is the result of housing being a necessity not a choice, and being grossly undersupplied. So any tariffs placed on development (such as biodiversity offsets) come out of developers pockets, despite what their PR teams keep telling us. Such tarrifs cannot (and have not) resulted in actual increases in the cost of housing to the public, because the public is already paying as much as they can afford (or more). So the only thing that will be changed by a public contribution to the scheme, rather than the existing developer-pays offset model, is that the public taxes begin to subsidize directly into the developers purse.

McKinsey Global – Valuing Nature Conservation- September 2020

As with our other submissions to DPIE on various development proposals like the Wilton Growth Areas draft DCP (below) we include a global best practice for consideration and comparison with the CPCP:

https://www.mckinsey.com/~/media/McKinsey/Business%20Functions/Sustainability/Our%20Insights/Valuing%20nature%20conservation/Valuing-nature-conservation.pdf

Our approach

In this report, we propose an analytical methodology to help decision makers evaluate alternative ways to expand nature conservation. Using highly detailed geospatial analytics, we compared thousands of data layers and assessed around 6 million pixels of the Earth's surface. Through this analysis, we seek to:

—establish a baseline of existing Protected Areas

—identify a variety of scenarios that would result in the conservation of 30 percent of the planet

—quantify the potential impact of expanded nature conservation on climate, the economy, human health, and biodiversity

—calculate the potential operating costs of expanded nature conservation

Our analysis encompasses a diverse set of potential effects to provide an end-to-end examination of the benefits and costs of conserving the Earth's land and national waters at scale. This report presents the results of our analysis, aggregated at a global level. **The approach could also be applied to any local area (CPCP?).** Conserving nature has many benefits that we did not quantify—such as the value of protecting against physical climate risk for coastal communities or crop pollination—leaving opportunities to take this analysis further. For an overview of our analysis, see sidebar "About the methodology"; full details can be found in the technical appendix.

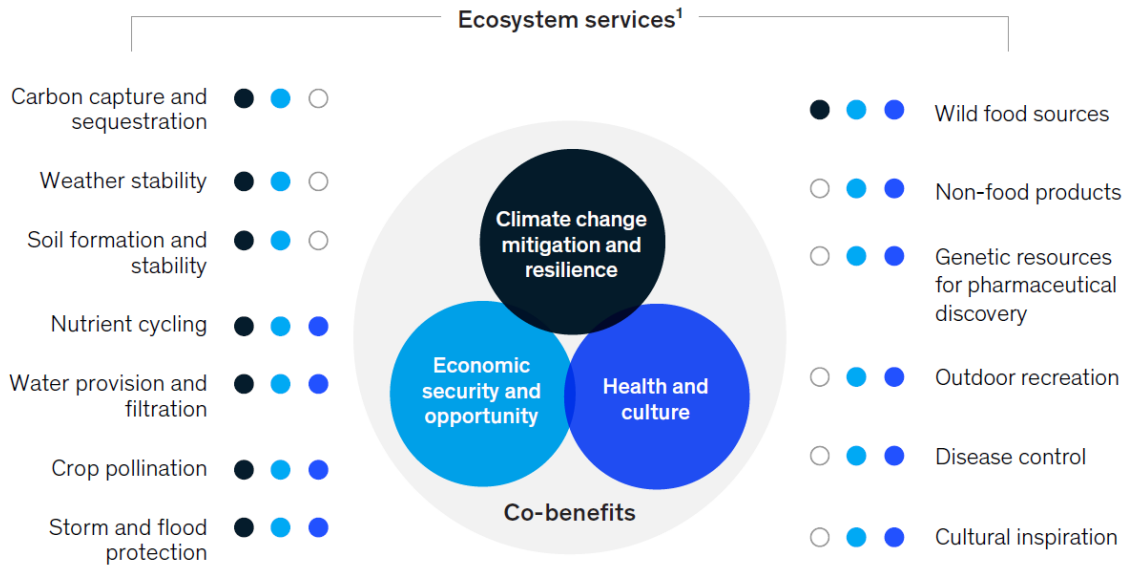
Exhibit 2

Six scenarios have been developed to identify the range of potential benefits and costs of conserving 30 percent of the planet.

		Spacial constraints			Optimization criteria		
		Country	Ecoregion	Ecozone	Species	Carbon stocks	Human activity
1	Conserving 30% of each country, while maximizing protection of species and carbon stocks	●	○	○	●	●	○
2	Conserving 30% of each ecoregion, while maximizing protection of species and carbon stocks	○	●	○	●	●	○
3	Conserving 30% of each ecozone (similar to continents), while maximizing protection of species and carbon stocks	○	○	●	●	●	○
4	Conserving 30% of each country, while maximizing protection of species and minimizing human activity opportunity costs	●	○	○	●	○	●
5	Conserving 30% of each ecoregion, while maximizing protection of species and minimizing human activity opportunity costs	○	●	○	●	○	●
6	Conserving 30% of each ecozone (similar to continents), while maximizing protection of species and minimizing human activity opportunity costs	○	○	●	●	○	●

Exhibit 3

Natural capital—the world's stock of natural assets—provides a wide range of ecosystem services with direct benefits to humanity.



The critical need for investments in natural capital

Natural capital supports a significant share of global economic activity—and it does so in myriad ways (Exhibit 3 above). These ecosystem services mitigate climate change, increase economic security and opportunity, and sustain health and culture. However, the number and complexity of ecosystem services may cause many to overlook and undervalue investment opportunities in natural

capital. For instance, it can take years of research to account for the exact value of a single forest's water filtration, rainfall generation, soil formation, recreational opportunities, pest control, and agricultural pollination. Yet it is precisely this large stack of co-benefits that makes intact ecosystems so valuable.

WAG comment: So it easy to see from the McKinsey paper how it supports our arguments in which the CPCP only appears to value intact eco-systems as in Commitment 3.1 but only *where an action cannot feasibly or practically avoid impacts on an identified area, these impacts are to be minimised as far as possible. Minimisation can be achieved by refining design elements to reduce the overall impact.*

WAG suggests that this language only indicates a value for nature conservation that is conditional on development impacts to be minimised 'as far as possible'. The evaluation of the 'stack of co-benefits' of the value of intact ecosystems is totally absent from this draft CPCP in elaborating how really **conserving** the existing Cumberland Plain could deliver such benefits. The only benefits elaborated are the proposed agricultural production zone around the Badgery's Creek Aerotropolis which is also the subject of 'magic pudding claims' by Federal and State Governments about 200.000 jobs to be delivered to support growth areas like Wilton.

Case Study of Wilton Growth Area and the CPCP

Draft Wilton Growth Area Development Control Plan 2019

August 2019 p11

1.4.4 Growth Centres Biodiversity Certification

Land within the Wilton Growth Area is not included in the area subject to the Biodiversity Certification Order made in 2007 (and as applied to existing Growth Centres at that time). A new bio-certification process will be implemented through the preparation of the *Cumberland Plain Conservation Plan* (CPCP), which will be finalised in 2020. The CPCP aims to facilitate the best conservation outcomes in new Growth Areas by addressing the costs of offsetting and impacts on development viability; identifying land for conservation; providing certainty for the development industry; and optimising conservation outcomes.

Future land development and infrastructure in the Wilton Growth Area will need to avoid areas of high biodiversity values where possible and implement strategies to mitigate avoidable impacts. The CPCP will detail a comprehensive assessment strategy that will include a methodology for assessing biodiversity loss and gain.

The current lack of bio-certification for the Wilton Growth Area which lags the ongoing rezoning and further approval of DAs by proponents has been a major concern of WAG for some time. The above statement also appears make it the priority of the CPCP to 'facilitate the best conservation outcomes in the new Growth Areas by addressing the costs of offsetting and impacts on development viability' and 'providing certainty for the development industry'.

What a failure of the environmental planning process to have reached such a point of surrender to the developer in an area of such high conservation value with some of the largest biodiversity constraints in place! WAG has argued repeatedly development consent should not be granted until biocertification and biobanking arrangements are approved. But given this, will the CPCP be the saviour for Wilton?

Wilton -A cautionary tale of biodiversity assessment

It appears the Wilton development had significant changes in bio-diversity assessment between 2015 to 2017 which has expanded development within the urban capable footprint below.

We refer to our January 2019 Submission on Draft Terms of Reference for the Strategic Impact Assessment Report for the Cumberland Plain Conservation Plan

Detailed concerns:

Extract from the Draft Terms of Reference

1. **PURPOSE OF THE STRATEGIC IMPACT ASSESSMENT REPORT**
   1.1. The purpose of the Report is to assess the impacts of actions taken under the Cumberland Plain Conservation Plan (Plan) on all matters protected by Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) ('protected matters').
2. **DESCRIPTION OF THE PLAN BEING ASSESSED**
   2.1. The Report must describe the Plan:
   1. The Report must provide a summary outlining its overall purpose, key elements, spatial extent, and timeframes, including how long the Plan will be in effect.
   2. The Report must provide details about the key elements, including:
      a. The conservation commitments and outcomes to be delivered for protected matters.
      b. The actions likely to be taken under the Plan over the short, medium and long term.
      c. The legal and administrative frameworks to implement the Plan and the persons and authorities responsible for implementation, including:
         i. How the Plan has been developed and its legal standing under New South Wales law.
         ii. The relationship of the Plan to other relevant polices, plans, guidelines, commitments, regulations and legislation including existing approvals under Commonwealth legislation for the Western Sydney Airport and the Western Sydney Growth Centres.
         iii. Management, approval and funding arrangements for implementing the Plan.
   3. The Report must describe the need and justification for the Plan including the environmental, social and economic drivers for its development.
   4. The Report must describe the decision-making framework used in considering alternatives and developing conservation outcomes of the Plan. It should identify where alternative options that have been evaluated to reach the final Plan have been published.
   5. The Report must describe how the principles of ecologically sustainable development (ESD) (as set out in section 3A of the EPBC Act) are considered and promoted in the development of the Plan.

WAG concerns re TOR (2) (b) and (C) above:

The reports by Ecological Australia attached – Biodiversity Study – Wilton and Greater Macarthur Growth 2017 and Greater Macarthur Investigation Area Biodiversity Assessment 2015 – show apparently significant differences in their assessment of

- Vegetation types (p.12 2017/ p.17.2015)
- Endangered Ecological Communites (p.13, 2017/ p.18/2015)
- Red flagged area p.19/2015 but missing in the 2017 report
- Biodiversity 2015
- https://www.planning.nsw.gov.au/-/media/Files/DPE/Reports/greater-macarthur-investigation-area-biodiversity-assessment-report-2015-09.pdf

- Biodiversity 2017
- https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/Biodiversity-study-Wilton-and-Greater-Macarthur-Priority-Areas.pdf

2017 report

Fig 1 – Biodiversity Context

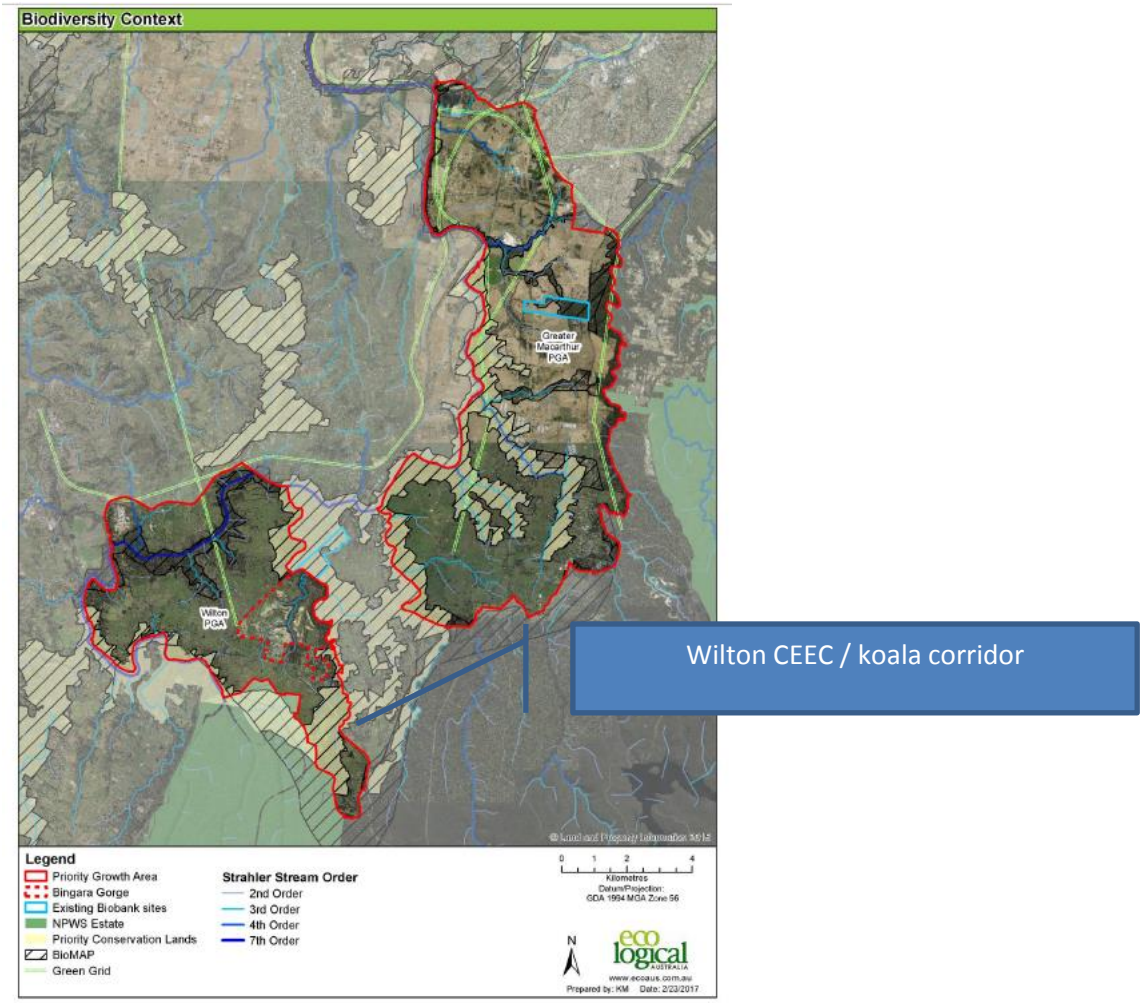
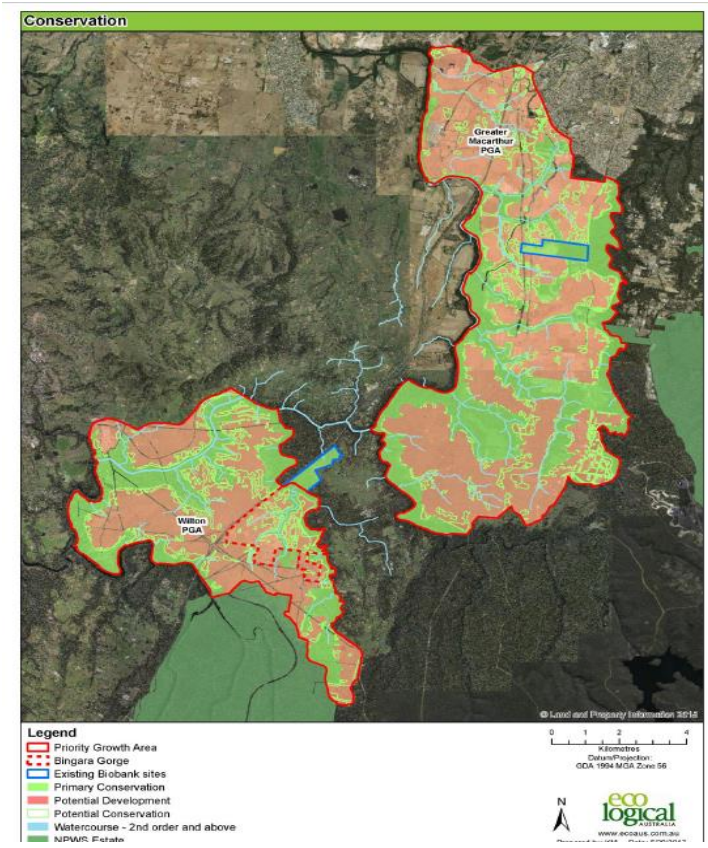


Figure 1: Biodiversity Conservation Planning Context

1. Figure 5 below is where the finger on Wilton South East becomes "potential development"



2. In the 2017 Report Conclusion p30 paragraph 4. The conservation network includes all lands identified in the "priority conservation lands" except for an area in the southern extent of the Wilton PGA where there is no vegetation. This is the finger which the OEH defined as key koala habitat, & derived native grass.

3. Figure 6 shows the priority conservation land with the finger included

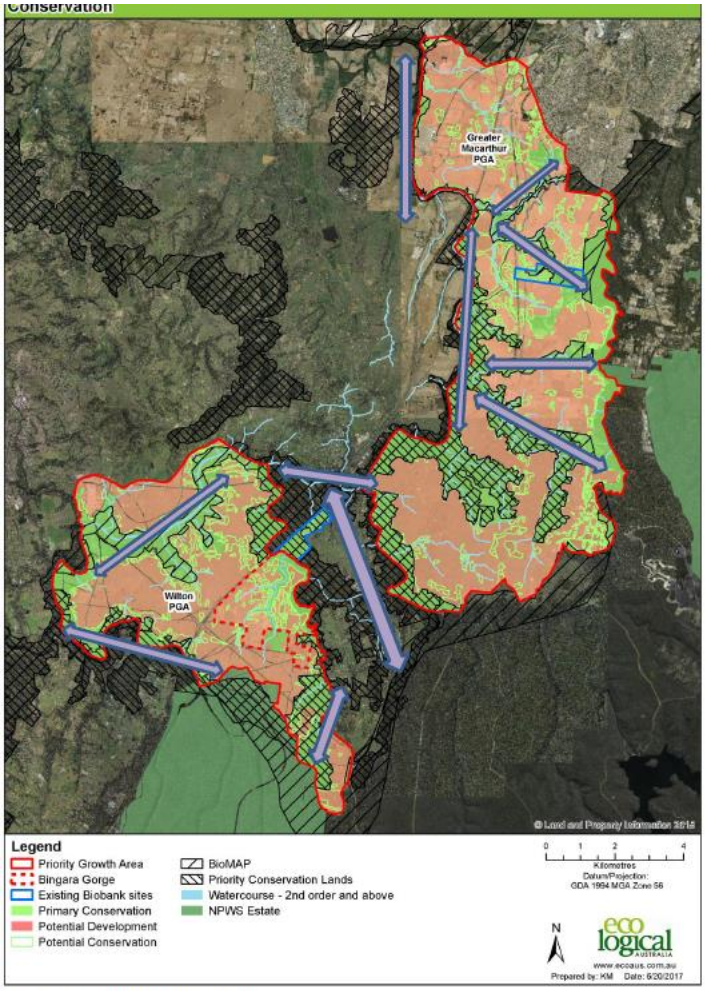


Figure 6 Connectivity and PCL analysis

<u>If you compare to the 2015 report:</u> Figure5 below you will see the priority conservation land area overlayed on the finger above. So this is how the 2017 maps look different, and how one sentence in the 2017 report, supported a change to the Interim Land Use Infrastructure Implementation Plan, which was then used to support the rezoning in 2018.

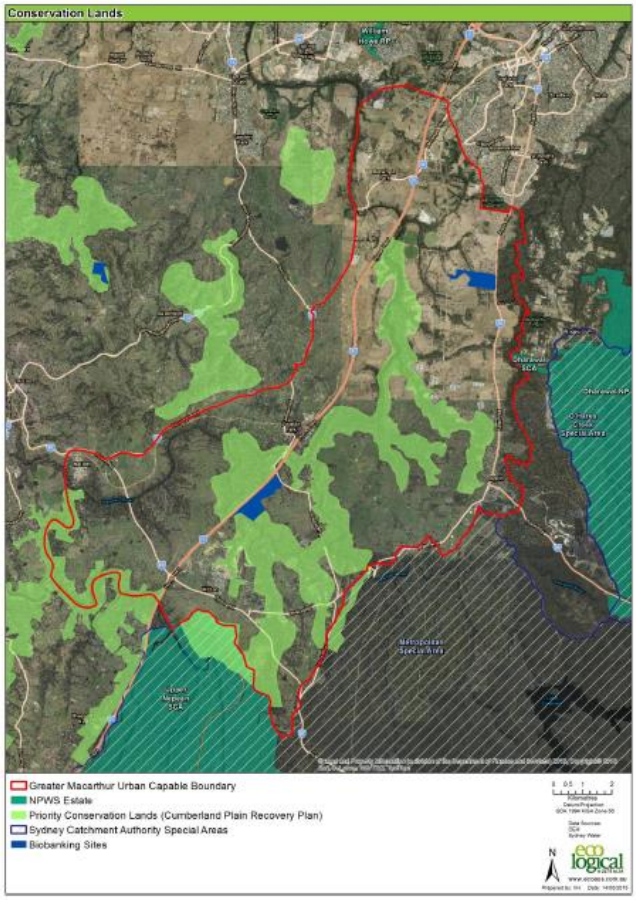
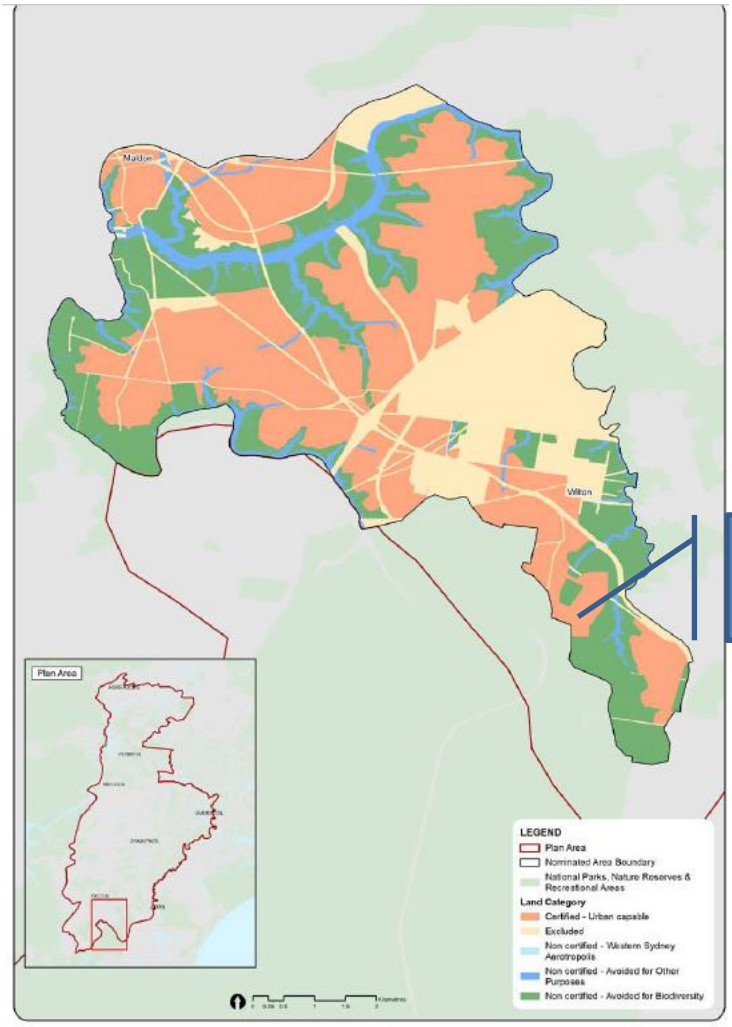


Figure 5: Priority Conservation Lands from the Cumberland Plain Recovery Plan (DECCW 2010) and Biobank Sites

It appears therefore that development within the Urban Capable Boundary that was smaller in the 2015 report has been expanded in the 2017 report and the removal of the 2015 red flagged areas in the 2017 report is therefore of great concern. Therefore it is curious that the Document Tracking (ii) page of the 2017 report states that

This report should be cited as 'Eco Logical Australia 2015. *Wilton and Greater Macarthur Priority Growth Areas –Biodiversity Study*. Prepared for NSW Department of Planning and Environment.'

The Draft Cumberland Plain Plan Fig 9 Wilton below shows the final conclusion of this sleight of hand ecological assessment from 2015 to 2017.



Certified urban capable, bit actually CEEC land

Figure 9: Wilton Growth Area

This appears to show that both Wilton South East and Wilton North are now defined as certified Urban Capable when it is actually CEEC (Critically Endangered Ecological Communities land.)

Is this a prior example of *adaptive management* and *flexibility* that we can expect from the implementation of the Cumberland Plain Conservation Plan for not only the Wilton Growth Area but other designated areas in the Plan?

This raises a significant issue for the finalisation of the Cumberland Plain Conservation Plan in Wilton as we note on p.21 of the Draft CPCP

Some areas are excluded from the Plan and EPBC approval, including those already developed, those for which required approvals are already in place, and those where a development application has been submitted.

As the Wilton South East and Wilton North rezonings have been legally approved by the NSW Minister for Planning on the basis of the consideration of those 2015 and 2017 reports, how can the draft CPCP deliver any meaningful outcomes for Wilton which does not have any clear biocertification yet?

How will future conflicts be resolved and by which State or Federal agency? Or is this just a public relations exercise to enable development to proceed regardless of what the final Cumberland Plain Conservation Plan might be? (See Terms of reference 6.1 in particular below)

6. ADDRESSING UNCERTAINTY AND ADAPTIVE MANAGEMENT

6.1. The Report must identify key uncertainties and risks associated with implementing the Plan, responses to these and proposed adaptations to changing circumstances. Key uncertainties may include:

1. Knowledge gaps in scientific understanding and responding to new knowledge.
2. Assumptions made in assessing potential impacts and benefits.
3. How changes to State and Commonwealth legislation, policies, plans and advice is to be accounted for in the management of the areas impacted by the Plan.
4. Effectiveness or capacity to ensure the Plan is implemented.

6.2. The Report must describe and assess the adequacy of the procedures proposed in the Plan to ensure an adaptive approach to implementation of the Plan. This must include:

1. How the results of monitoring will be used to understand the effectiveness of conservation outcomes for protected matters and improve implementation.
2. How new information relating to protected matters and biodiversity, including legislative changes, may be assessed and accounted for in implementation of the Plan.

We note the existing Cumberland Plan losses are already factored in as inadequate for avoiding and minimising biodiversity impacts to Wilton in the submission below of OEH to the DPE of September 2017. This supports our analysis on the Cumberland Plain and Biodiversity assessment problems above.

ATTACHMENT 1. Office of Environment and Heritage (OEH) comments on the Wilton Priority Growth Interim Land Use and Infrastructure Implementation Plan (LUIIP) and the Wilton South East Planning Proposal

PART 1 Interim Land Use and Infrastructure Implementation Plan (LUIIP)

2.4 Critically Endangered Ecological Communities

The ESR quantifies losses of 8.7 ha Cumberland Shale Plains Woodland (CPW), 6.89 ha of DNG and 0.47 ha of Shale Sandstone Transition Forest (SSTF) with 248 ha of low diversity native/exotic grassland. In total, a loss of 16 ha of CPW has been identified within the development footprint. This still does not meet an avoid and minimise approach to biodiversity impacts.

In addition to the above calculation there is an area of approximately 3.5 ha of Shale Plains Woodland mapped in the northwest of the site alongside Picton Road (Cumberland Plain West Vegetation Mapping OEH 2013). This area has not been included in the ecological assessment area or included in the loss calculations. OEH considers it should be included as a loss based on the draft LEP map that shows this land zoned B5 and the associated losses arising from the proposed road widening to facilitate the precinct development. Road widening is also expected to occur further south along Picton Road which will result in the removal of further vegetation. This loss also does not appear to have been considered in the ecological assessment.

2.5 Derived Native Grasslands (DNG)

OEH has previously commented that the adequacy of the DNG survey and assessment. The ESR updates previous mapping to now include DNG along the western edge of the central 'finger' of vegetation. This vegetation is within the development area and is proposed to be zoned R2 Low Density Residential and RU2 Rural Landscape.

However, the ESR refers to 252.53 ha of low diversity native/exotic grasslands on the site. This is likely to be an underestimate of DNG across the site. A survey in accordance with OEH 's recommended approach to the mapping of DNG as provided in comments dated July 2017 would enable more confidence that the potential for DNG to be impacted across the site had been adequately considered.

And we have this on p 55 of the Draft CPCP regarding Koala Populations in Wilton and Greater Macarthur Growth Areas

Mitigating impacts on the Southern Sydney koala population

The Southern Sydney koala population is one of two known populations in the Cumberland subregion. It occurs within and near the Wilton and Greater Macarthur growth areas. As land use changes in Western Sydney and the area becomes more urbanised, these koalas will be exposed to increasing threats, including dog attack, vehicle strikes, fire and climate change.

To mitigate these impacts, the conservation program will install koala exclusion fencing between important koala habitat and the urban capable land to protect koalas near urban areas. Exclusion fencing will separate koalas from future urbanised areas in the Wilton and Greater Macarthur growth areas and will be installed on both sides of Appin Road to protect koalas from vehicle strike.

In some circumstances, exclusion fencing may not be suitable due to land topography, existence of waterways or creeks or being a heritage-listed area. In these areas, bespoke fencing will be considered. However, in cases where no fencing type is possible, controls will be developed according to the Koala Habitat Protection Guideline for 60 metres from the koala habitat, and precinct design requirements included in the relevant development control plans. For further details on installation of koala fencing under the Plan, including where exclusion fencing may not be suitable, see *Sub-Plan B: Koalas*.

Council response to draft CPCP

Former Mayor of Wollondilly Matt Deeth on CPCP - 2 Sept 2020 – Macarthur Chronicle

The NSW Government has developed a conservation plan for Western Sydney to help meet the future needs of our community while protecting threatened plants and animals of the Cumberland Plain in the long term," he said.

"Wollondilly has a lot of natural, unique vegetation, including threatened plants and animals, so initiatives to protect these habitats into the future are essential for the survival of iconic species such as the koala or Glossy Black Cockatoo.

"**Wollondilly Council has been advocating for better protection of our koala population for a number of years. This is a great step forward in looking after our unique koala population**.

"I look forward to continuing to work with the state government to protect what makes Wollondilly unique for future generations to enjoy."

Contrast that statement with:

Extract - Response of State MP for Wollondilly Nathaniel Smith to concerned constituents – 8/10/20

https://www.facebook.com/NathanielSmithMP/photos/pcb.648474335810543/648472509144059

Since the release of the Draft in August 2020, my Tahmoor office has received a tsunami of correspondence from affected landowners and residents. Some have expressed that the process has left them "shattered", "terrorized" and "traumatised".

The common theme throughout the correspondence is that my electorate feels blindsided by a process that has lacked transparency and community consultation. For most landowners, the first they learned their property may be subject to re-zoning was when they received a letter in the post from the Department of Planning. This was after the release of the Draft.

The simple picture that my community sees from this strategy is that those that have chosen my electorate to live and raise a family on a small rural property are wearing the environmental and financial burden of a planning strategy to provide biodiversity offsets for major development players.

Koalas – no plan for Wilton yet

As above with the rezoning of Wilton South East, with due respect to the former Mayor, no koala management plan has been released by the Council and Walker Corp for Wilton other than the koala fencing installation on Picton Road which is still resulting in koala deaths on that road. It is now more than two years since Walker Corp and Wollondilly signed a Koala Deed of Agreement which has not had any announced implementation after the Agreement expired on 11 September 2020.

And this comes back to the fundamental problem with this koala fencing in Wilton. It ignores the critical corridor connection between Wilton and Appin and the general westward movement of the koala populations in the Cumberland Plain cross these growth areas .

This is the southern end of the Appin Kentlyn koala corridor which has an estimated 500 koalas in the Wilton area. But the triumphant announcement of the Georges River Koala Park at a cost of $84 million distracts from the real issue – there is NO comprehensive plan for koala management in South West Sydney because of the unresolved conflict of developer interests in Mt Gilead and Wilton with real koala habitat protection.

Climate Change – urban heat island effect and impacts

And finally we come to climate change on p 68 which receives scant other attention in the Draft CPCP as it did in the Wilton Growth Area DCP ;

The urban heat island effect in Western Sydney Air temperatures in Western Sydney are expected to increase in the future as a result of climate change. This process will be exacerbated by the urban heat island effect, a phenomenon that occurs when large amounts of hard and dark-coloured surfaces such as roads and roofs cause localised warming. This will increase as urbanisation increases. The NSW Government has implemented policies to address the urban heat island effect and increase resilience to climate change. The Five Million Trees for Greater Sydney program was introduced in 2018 with a target of completing the planting by 2030. I

In 2019, the 'Greening our city' Premier's Priority was announced to ensure 1 million of those trees were planted by 2022. This work involves reviewing the planning system to identify ways to increase the retention of mature trees, green cover and green spaces, and incentivise new tree planting and green cover projects, particularly in dense residential areas.

The Plan will contribute to and support broader government efforts to mitigate the urban heat island effect by:

•introducing development controls specific to protecting biodiversity and other key environmental features in urban development areas of the nominated areas (commitments 2 and 5).

•strengthening the protection of areas of key biodiversity identified across the Plan Area, with a focus on securing new conservation lands where biodiversity would be protected in perpetuity (commitments 8–1

WAG comment: Point 1 does not seem to apply to Wilton for the reasons outlined above in our analysis of the biocertification poker game played to this point by the developer and DPIE

Point 2: New conservation lands? Where and through what process?

On the broader issues of climate change and a comprehensive response we refer again to our Wilton draft DCP submission Climate Change – p.4

This is not just about 'mitigating impacts on flora and fauna' (as in the draft CPCP) but adopting a rigorous planning approach to adapting to and minimising if possible climate impact that will have a direct impact on almost every aspect of daily life. This DCP seems to propose that concepts like water sensitive urban design and tree canopies can somehow mitigate these impacts and they may have some benefit. But the bigger picture of the looming impacts of climate change and its implications from everything from water to health to jobs to transport etc are ignored in this DCP.

We have attached our presentation on Climate Change to the Joint Regional Planning Panel for the Wilton South East Stage One DA hearing on 3 Sept 1010

Other analysis by the Greater Sydney Landcare Network on the draft CPCP and climate change impacts in Western Sydney is compelling:

Health Impacts – Urban Heat

The West is paying for the City

Everyone who lives here knows that the Cumberland Plain is increasingly baking.

Bureau of Meteorology analysis shows that the City – where planning decisions are made – has essentially the same climate as 60 years ago, thanks to its sea breezes. However, during the same period maximum temperatures at Penrith have increased ***seven degrees*** (BOM 2020) and now regularly nudge 50 degrees. This is due to the replacement of rural land and bushland with dense urban estates, causing the Urban Heat Island effect. These increases are additional to just under one degree of increase to maximum temperatures due to Global Climate Change (CSIRO 2020).

Air quality & heat are leading causes of death. Nationally 2% of premature deaths are caused by air pollution (Australian Institute of Health and Welfare 2015); regional data and data for urban heat are not recorded. Western Sydney experiences among the nation's worst pollution and heat so is possible that up to 5% of deaths are due to preventable air quality and heat impacts regionally.

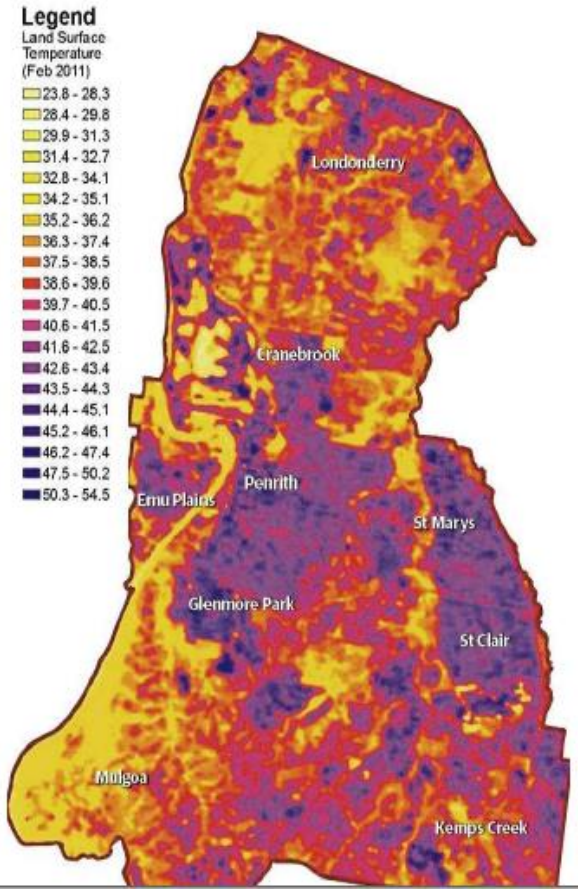
The Urban Heat Island effect can be clearly seen in this aerial heat map of Penrith (below). Glenmore Park and Jordan Springs are clearly visible with local surface temperatures >47 degrees

Impact of the CPCP developments

The developments proposed in the CPCP will substantially exacerbate these problems.

The officially recorded increase of 7 degrees at Penrith since 1960 was associated with 5,000 hectares of urban development. The CPCP proposes roughly the same scale of new urban development in the Macarthur sector alone. In broad terms we should prepare for these to cause a similar impact to that seen at Penrith, with local maximum temperatures to increase circa 5-10 degrees. This would see the current record of 45^{oC} (Appin) rise as high as 50-55^{oC}. Such conditions would result in considerable mortality to residents and wildlife.

No UHI modelling or impact assessment has been provided in the CPCP



Will tree planting mitigate this effect?

The CPCP cannot realistically mitigate these impacts by tree planting.

To be effective, planting needs to be in the same areas impacted by Urban Heat Island and at a scale comparable to the threat. Planting proposed in Gulguer would have negligible impact on the

temperatures in Penrith or Campbelltown. Moreover, there isn't anywhere to plant. Previous tree-planting programs have already planted-out existing public land. Indeed, they have repeatedly failed to deliver more than <40% of the trees they claim, due to the limited extent of public land available. To mitigate its Urban Heat Island Impacts the CPCP would need to create & replant new reserves upwards of 5,000 hectares in Penrith, Luddenham & Appin. This clearly is not proposed, and would cost many hundreds of Millions of dollars.

New urban areas need trees – but this would barely alter the monumental UHI impact. A 10% increase in urban greenery would decrease local temperature by <0.6°C (Sharifi & Lehmann 2015). It would be far better to use limited budgets to protect existing, intact woodland. Even after a decade a planted Eucalyptus provides just 0.3% of the evapotranspirative cooling of a remnant Eucalyptus tree (Roberts et al 2001).

Planting a few trees simply doesn't go any distance to mitigating this issue – if more houses are built, temperatures will rise and more people and wildlife will die.

Conclusion

1.4 WHAT CONSERVATION IS PROPOSED UNDER THE PLAN?

A key part of the Plan's objective is to:

Deliver biodiversity outcomes and support the ecological function of the Cumberland Plain….

The Plan also specifies a series of environmental outcomes to be achieved. These include to increase and improve the extent and condition of native vegetation and ensure threatened ecological communities (TECs) and populations of target species persist and their habitat improves, in areas most likely to support long-term viability in the Cumberland subregion.

The Plan includes a conservation program and a set of 28 commitments and 141 associated actions to achieve the objective and outcomes, and to mitigate and offset the impacts of the urban, industrial, infrastructure, agribusiness and transport development under the Plan. In summary, the key commitments under the Plan are:

- Avoiding at least 4,315 hectares of land within the nominated areas, including 3,670 hectares of native vegetation
- Protecting at least 5,475 hectares of high biodiversity value areas in the Cumberland subregion in perpetuity. As part of this commitment, the following will be delivered under the Plan:
  - Providing offsets for TECs and several threatened species likely to be at risk of impacts under the Plan
  - Establishing a reserve to protect the north-south Koala movement corridor along the Georges River between Appin and Kentlyn and at least two other reserves to protect areas of high biodiversity value
  - Securing priority habitat corridors
  - Undertaking ecological restoration in priority sites
- Managing landscape threats across the subregion, including through weed, pest animal, disease and fire programs

WAG argues:

(1) The CPCP does not achieve improved conservation outcomes.

(2) It is inadequately funded.

(3) It is not an improvement on the current status of the CPCP.

(4) It sanctions destruction of more than 10% of the critically endangered habitat it claims to protect.

(5) It fragments and reduces existing protected corridors, it devalues potential conservation land, reducing the likelihood that it will be conserved at all.

(6) It excludes areas from conservation that require conservation and funding. It excludes area from conservation because they are already owned by developers who want to develop them.

(7) It contains little to no consideration of other impacts such as urban heat and climate change, and how they may alter or affect the conservation outcomes of the plan.

(8) It does not close existing loopholes in the system, such as using existing protected lands as offsets. It does not address the current status that we are not meeting the existing offset obligations.

(9) It adds further loopholes for developers by removing the requirement for staging and real offsets for destruction of habitat.

(10) It does not support the Chief Scientist's findings of the number of required corridors for east west movement in the Appin/Gilead area. The NSW Chief Scientist said koala survival depended on 6 corridors. Each needs to be more than 425m wide, and this Plan ignores this.

(11) It streamlines the removal of old growth forest trees with abundant nesting hollows, by allowing developers to offset the loss by planting saplings in flood prone, bare and desolate paddocks.

(12) It is an abject failure in conservation, and will worsen the plight of the critically endangered habitat it purports to protect.

We respect the fact that many hours have been devoted to developing this plan, however, it has failed to achieve improved conservation of the Cumberland Plain beyond the system that already exists, and, in fact, reduces the conservation outcomes.

Given that we have reached such a critical total impact zone from the progressive reduction of Cumberland Plain woodlands over decades, the high risk of failure of this CPCP will be the last nail in the coffin of this endangered ecosystem, if approval is gained in its current or slightly modified form.

Above we have argued the major flaws and shortcomings in the draft Cumberland Plain Conservation Plan. Your job, as government officials, is to consider this submission and actually take on board what is being put to you about those flaws and significant shortcomings.

Now is the time to take a stand and take action. This plan fails in its objectives, and you currently hold all the cards. Will you take a stand and make sure that this plan is significantly modified or scrapped, and save the Cumberland Plain?

Brian Williams

President

Wilton Action Group: Email: [redacted]