

Department of Planning, Industry and Environment

By email: <https://www.planningportal.nsw.gov.au/draftplans/exhibition/draft-cumberland-plain-conservation-plan>

9 October 2020

Dear Sir/Madam,

Submission on the Draft Cumberland Plain Conservation Plan

The National Parks Association of NSW (NPA) was formed in 1957 and sixty-three years later we have 15 branches, 4,000 members and over 20,000 supporters. NPA's mission is to protect nature through community action. Our strengths include state-wide reach, deep local knowledge, evidence-based approach to conservation advocacy and commitment to the creation and professional management of protected areas in NSW.

NPA has reviewed the *draft Cumberland Plain Conservation Plan* (the plan). Our conclusion is that the plan will not deliver a biodiverse, ecologically resilient Cumberland Plain capable of supporting human well-being.

Objectives

The unique ecological communities, habitats and threatened species of the Cumberland Plain have been reduced and degraded to such an extent that their long-term viability is dependent upon proactive measures to protect, restore and connect the surviving remnants. This plan should be about the conservation of the natural landscapes and biodiversity of Western Sydney, with clear pathways showing how that can be achieved and outlining the implications for urban development.

What the plan actually delivers is a series of mechanisms to satisfy certain biodiversity offsetting obligations under the *Biodiversity Conservation Act* and *Environmental Protection and Biodiversity Conservation Act*. The plan appears designed to minimise developer obligations and maximise the extent of lands available for residential, industrial and infrastructure developments across the Cumberland Plain. The underlying assumption is that the statutory assessment and offsetting processes are sufficient to deliver a viable network of conserved lands.

NPA has no confidence that the market based, 'bottom up' mechanisms proposed in the plan have any prospect of securing an ecologically resilient outcome for the Cumberland Plain. The plan is based on a number of questionable assumptions, including that future Australian Governments will continue to drive population growth in western Sydney, that conservation outcomes need to be managed within the smallest possible envelope to avoid undue constraint on urban growth, and most worryingly, that the most important factor in determining the size, location and configuration of conservation reserves is their capacity to cover offsetting liabilities.

In NPA's view the offset driven approach to landscape conservation is fundamentally flawed, a classic case of putting the cart in front of the horse. This is hardly surprising as offsetting principles are not designed to protect all significant areas, but rather to offer some level of control over which specific areas of conservation value are lost to development. The offsetting process locks in net loss.

NPA recommends a different approach to conservation planning for the Cumberland Plain. The plan should begin with a strategic, tenure blind review of the full range of conservation values, including locally extinct species, threatened species, species that are currently considered secure, habitat

remnants, habitat features (eg. old growth and hollow bearing trees), existing conservation reserves, potential additions to the reserve network, habitat corridors and other options for landscape scale connectivity.

It is essential that the review of conservation values also consider areas that are essential for connectivity or as future habitat for common and threatened species. The high productivity soils of the Cumberland Plain, particularly those along the riparian corridors, have repeatedly been shown to contain sufficient seed banks to enable the regeneration of high quality habitats once clearance and other forms of disturbance are controlled. Extensive areas of what is now Wianamatta Regional Park were cleared, grazed and mowed for more than a century but have now regenerated as Cumberland Plain Woodland. This shows the importance of evaluating the conservation potential of areas with intact soils in addition to those with mature native vegetation.

A 'whole of landscape' assessment is required to characterise the extant conservation values of the Cumberland Plain. Given the large-scale loss of many species that were formerly indigenous to the region, the questionable viability of many remnants, and the continuing declaration of new species and ecological communities as threatened, we cannot assume that even retaining all existing remnants would be sufficient to maintain the Cumberland Plain's current biodiversity values. The next step is to undertake a detailed analysis of how remnant vegetation can be supported and linked through careful restoration of corridors and adjoining habitats. NPA is convinced that a sustainable network of conservation lands will require a net increase in native vegetation across the Cumberland Plain, not the significant decrease that would be facilitated by the draft plan.

Once options for an ecologically sustainable network of conservation lands have been determined these can be tested against the various urban development models for the region, including the generation of offset credits. In our view, this 'top down' approach to strategic planning is the only pathway that offers serious prospects of environmental success.

Existing conservation reserves

A clear indicator that the plan is not an appropriate vehicle for guiding conservation outcomes is that it contains a number of mixed and contradictory objectives. In addition to creating yet another revised framework for biodiversity offsets it effectively provides pre-approval for a number of major projects, some of which are not proposed for construction for more than a decade.

Page 48 of the plan states 'The Plan commits to a future process to avoid and minimise impacts on areas of high biodiversity value, including consideration of specific BC Act and EPBC Act listed species, within major infrastructure corridors described in the Plan.' This commitment stands in stark contradiction to the plan's endorsement of the western Sydney orbital and railway, which will have disastrous impacts on high conservation significance lands in Wianamatta Regional Park and Colebee Nature Reserve. |

The proposed development footprint within Wianamatta Regional Park bisects the reserve along the riparian zone of South Creek, the most important part of the reserve. In effect, rather than avoiding high conservation lands and habitat fragmentation, the plan provides approval for infrastructure with extreme impacts on some of the most significant conservation assets in the Cumberland Plain.

NPA is strongly opposed to any approval for these developments within Wianamatta Regional Park, Colebee Nature Reserve and the riparian lands along South Creek. These proposals breach two key principles. The first is that any development needs to be assessed in the context of the local and regional environment at the time of the proposal. The Western Sydney Orbital won't be constructed for at least a decade, at which time the importance of the last remnants of Cumberland Plain

Woodland will be even more apparent. Transport for NSW is seeking to avoid being caught in a game of offsetting musical chairs, using the plan to ensure pre-approval for the orbital. This breach of sound planning principles cannot be supported.

The second key principle is the deliberate siting of the motorway and railway within lands gazetted as conservation reserves under the *National Parks and Wildlife Act (NPW Act)*. Developments in these lands are not legally permissible and will require an Act of Parliament to excise them from the park. It is notable that both reserves were established as conservation offsets for past developments, an indication of the brazen hypocrisy in the plan's repeated assertion that conservation lands will be 'protected in perpetuity'.

This proposal continues the NSW Coalition Government's chilling refusal to accept the previously bipartisan position that lands reserved under the NPW Act are set aside for conservation purposes and are not available for infrastructure and other development. Increasingly apparent is an emerging view that gazetted reserves are no different to any other form of crown land and equally available for major projects. The approach that has been adopted for developments such as Snowy 2.0 and Warragamba Dam has been to reduce parks to no more than the threatened species and ecological communities they contain, with impacts being 'mitigated' through offset payments. This approach ignores the principles of ecological integrity and protection for future generations that lie at the heart of the national park concept. NPA rejects this perversion of the purpose of protected areas.

NPA insists that any implied approval for developments that involve existing gazetted conservation reserves be removed from the plan. This will require the projects to either find alternative locations, or to construct tunnels or overpasses to avoid surface impacts on the reserves.

Proposed conservation reserves

The plan commits to the reservation of the proposed Georges River Koala Reserve under the NPW Act but is ambiguous about the tenure of other conservation lands. NPA accepts that there may be small disjunct remnants or corridors that are appropriately managed for conservation purposes by local government. However, NPA's strong preference is that all patches of significant size (i.e. > 100 ha) should be reserved under the NPW Act and managed by the National Parks and Wildlife Service. NPA does not support the transfer of such lands to the newly created urban parklands authority. The NPW Act provides the most robust framework for conservation management and the intensity of threats to the Cumberland Plain cannot be adequately managed under the mixed management models that apply to urban parklands.

While NPA welcomes confirmation of the Government's commitment to establish the Georges River Koala Reserve and to protect more dispersed koala habitats across the Cumberland Plain, the process for acquiring and gazetting those lands is unacceptably long and uncertain. Public lands that contain koala habitat, or which have the capacity through restoration programs to augment or connect such habitats, should be immediately gazetted as national park. Additions can be incorporated incrementally, consistent with standard practice since the NPW Act commenced in 1967.

NPA understands that this may result in irregular reserve boundaries while negotiations proceed with private land holders. Any operational inconvenience will be more than offset by the clear signal of intent that would be provided by the gazetting of the core area of reserve. The proposed process requires a level of planning certainty that is simply inconsistent with the history of divergent government visions for the Cumberland Plain. We applaud the intent to strategically restore koala habitats, but momentum for the creation of the reserve will only be sustained once the core is irrevocably removed from any potential for future development.

Koala conservation

The plan does not respond adequately to the recent assessment of the southwestern Sydney Koala population by the Chief Scientist and Engineer, particularly as regards the protection (and where necessary creation) of habitat corridors. The plan makes reference to only one of the six corridors proposed by the Chief Scientist and ignores the recommended minimum width for those corridors. Moreover, as discussed above, the slow pace and uncertain outcome of the proposed acquisition model provides little certainty of outcome for the protection of essential koala habitats.

NPA reiterates our view that the scale, configuration and location of reserves, including the proposed Koala Reserve, must be determined by biological, ecosystem and land management requirements, not by whether the area is sufficient to satisfy offsetting obligations. The lack of any clarity about the area to be gazetted as the Georges River Koala Reserve undermines confidence that the proposed reserve will be sufficient to secure the viability of this important population.

Conservation funding

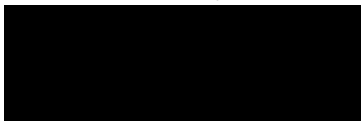
The proposed funding under the plan, \$84 million, in no way reflects the conservation values of the lands that will be lost to development or the costs of managing those lands that will be retained. The allocation is roughly an order of magnitude lower than conservative estimates, casting further doubt on the plan's capacity to deliver genuine outcomes for the Cumberland Plain. The vast disparity between the proposed funding and ongoing state and federal expenditure on infrastructure development highlights the need for a more realistic approach to investing in conservation outcomes.

Conclusion

NPA appreciates the historic complexity of land-use planning, the continuing pressures of urban expansion, and the enormous challenge of conserving the remnants of the once vibrant ecosystems and rich heritage of the Cumberland Plain. We commend the NSW Government for issuing a draft plan for discussion, but believe it falls far short of what is needed to secure a healthy, biodiverse region that supports and enhances the lives of its occupants. A major revision of the plan is warranted, if only because failure to do so will mean that the next generation inherits a western Sydney that becomes increasingly inhospitable to human life.

I can be contacted at 

Yours sincerely,



Gary Dunnett
Executive Officer

National Parks Association of NSW
protecting nature through community action