

9th October, 2020

Department of Planning, Industry and Environment
Green and Resilient Places Division
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To whom it may concern

Re: draft Cumberland Plan Conservation Plan

I write regarding *draft Cumberland Plan Conservation Plan* (draft Plan) prepared by the Department of Planning, Industry and Environment (DPIE). The [REDACTED] supports the draft Plan, insofar, as it introduces a strategic approach to biodiversity assessment and conservation to facilitate the delivery of areas nominated for urban development and major transport infrastructure in Western Sydney.

In particular, the [REDACTED] supports the draft Plan insofar as it takes a regional approach to identifying land as biodiversity certified – *urban capable land*. The outcome of this, will be providing a level of certainty for the industry, which in turn, can drive investment and assist in delivery of new housing and development.

However, the [REDACTED] recommends that further analysis and clarity of outcome is needed for the areas proposed to be excluded from the *Urban Capable* footprint. The [REDACTED] strongly **recommends** that further ground-truthing is required to ascertain actual environmental value or development risks of excluded land to ensure unnecessary barriers to investment and the delivery of new infrastructure to service growth areas are removed.

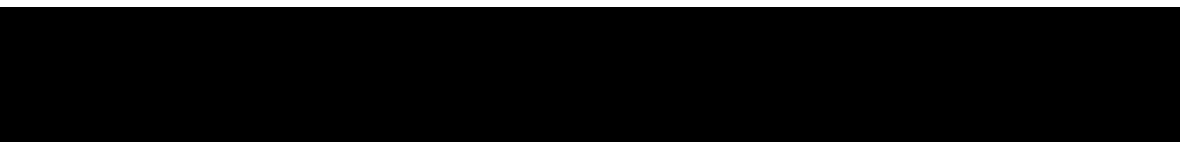
Sites with 'low bio-diversity value' should be identified. 'Low bio-diversity' sites should not sterilise potential development. These 'low bio-diversity sites' sites should be developed while supporting the protection of the species identified.

The [REDACTED] also **recommends** that further clarity and development industry engagement is needed on the proposed mechanics and operation of the conservation plan biodiversity stewardship/offsetting scheme.

Areas identified as Non-Certified - Avoided Land and Strategic Conservation Areas: voracity, quantum and development impacts

Non-certified – Avoided Land

The draft plan identifies that *non-certified - avoided land* is to be avoided for development and will not be considered for biodiversity certification. *Non-certified –*



avoided land amounts to approximately 4,300 ha and includes biodiversity corridors. The inclusion of biodiversity corridors is contrary to the advice given to [REDACTED] members in the early development of the draft Plan. Members have advised the [REDACTED] that they were informed by DPIE staff that they would not be zoned E2 and would instead be dealt with under the provisions of the Water Conservation Act. DPIE must be consistent in its consultation process and the outcomes recommended to Government.

The E2 zoning should not be applied to private land. Biodiversity corridors across legitimate development sites will result in significant impediments to development and the provision of major infrastructure such as roads and schools.

Strategic Conservation Areas

The draft Plan sets out that planning controls will be introduced for the *strategic conservation areas* to minimise impacts to areas of high diversity value that provide the best opportunities to deliver regional biodiversity outcomes. This category of land amounts to an extensive area of approximately 28,300 ha. This amount of land is considered to be excessive, particularly having regard to the quantum of new conservation land to offset development amounting to approximately 5,500 ha.

Sites with 'low bio-diversity value' should be identified. 'Low bio-diversity' sites should not sterilise potential development. These 'low bio-diversity sites' sites should be developed while supporting the protection of the species identified.

[REDACTED] members are also concerned that many areas of land have been identified as *non-certified - avoided land* and/or *Strategic Conservation* have expanded in size from earlier land-owner engagement and yet have no biodiversity values and/or potential, are not riparian corridor and/or do not present steep slopes or flood risk. [REDACTED] members and their specialist consultants refute the application of this mapping layer over significant sections of land on the basis of these areas being cleared, grasslands without trees and/or rezoned or development proceeding.

Accordingly, as was the case with the Koala 'pink' mapping debacle (now abandoned by the Government) [REDACTED] strenuously challenges the voracity of the mapping to date and strongly **recommends** that further ground-truthing be undertaken of these mapping layers.

Conservation Plan - Biodiversity stewardship/offsetting agreements

The draft Plan acknowledges that it will be "challenging" to meet some of the offset targets as "many of the targeted communities and species have limited extent or habitat remaining in the Cumberland subregion".

In response to this challenge, the draft Plan proposes allowing offsets to be secured outside the Plan Area when they cannot be secured within and allowing for offset substitutes in cases where like for like species are unlikely to be secured.

While this flexibility is welcomed, the [REDACTED] is concerned that the stated *conservation lands selection steps*, as drafted, are unlikely to facilitate a flexible and efficient process and outcome and request further details be provided to industry on how this might work in practice.

The draft Plan sets out priority lands to be acquired, the first being two new National Parks. These are proposed located outside of the “nominated areas”. Their combined areas are about 2135 ha.

The plan appears to state that these must be acquired first and that if insufficient funds are available then rezonings will stop as will assessment of development applications. Similarly, if in the opinion of the new committee development is getting ahead of the Plan in securing enough of the offset land then again rezonings and DA assessment is stopped. In summary this places the securing of these lands ahead of all other infrastructure priorities and will result in starvation of supply – something that Greater Sydney and NSW can ill-afford.

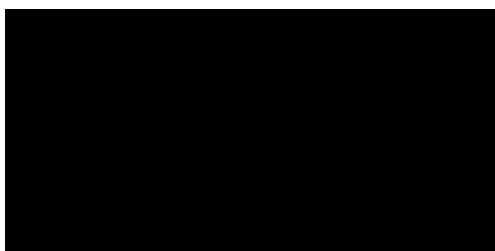
On the initial acquisition of land, [REDACTED] **recommends** the Office of Strategic Lands, in the first two years, identifies land for acquisition for the purposes of offsets. The *conservation plan* will need to have at least 15-20 years' worth of potential offsets acquired in the initial two years to give certainty to developing landowners that enough like for like offsets are available to allow for the efficient development of land.

Funding

Finally, all the costs associated with land acquisition are proposed to be met by residential development. [REDACTED] contends costs levied from development should be shared across all new development types including employment, industrial, town centres, business parks, agribusiness, airport etc. More importantly however, these land purchases should be supported by state government funded acquisition in the interests of promoting responsible green development to facilitate growth in employment, housing and the economy.

[REDACTED] looks forward to additional engagement in finalising the draft Plan so that both future development opportunities and practical conservation outcomes in Western Sydney can be realised.

Yours sincerely



[REDACTED]
Chief Executive Officer