



9 October 2020

NSW Department of Planning, Industry and Environment
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Submitted online via the NSW Planning Portal

To Whom it May Concern

Objection to the Draft Cumberland Conservation Plan (the Plan)

The Better Planning Network (BPN) is a statewide, not-for-profit, volunteer-based organisation. Founded in 2012, BPN acts as an umbrella organisation for a wide network of member and affiliated groups from across NSW.

The aim of the BPN is to foster the development of a robust and visionary planning system for NSW - one that promotes best practice environmental, heritage, social sustainability and design outcomes.

Importantly, BPN believes that best practice planning is achieved through authentic community engagement. As a consequence, this submission has been informed by the research and advocacy being done by local grassroots community organisations and peak body environmental organisations, all of which are alarmed about the continuing environmental degradation of the precious and unique Cumberland Plain ecosystem.

This submission will recommend that the Plan be rejected in its current form. Apart from the Plan's admission that over 1,000 hectares of critically endangered Cumberland Plain Woodland will be impacted by development, the amount of rural land to be reclassified as 'urban capable' in the Campbelltown and Wollondilly Local Government Areas alone will put the healthy and only chlamydia-free Koala population in NSW on a path to extinction.

The Plan does not incorporate the principles of ecological sustainable development. The majority of the committed biodiversity offsets are on land already held in public hands. Additional offsets above the 5,475 committed upfront are only 'expected', will only be delivered slowly over time and are too reliant on Special Infrastructure Contributions from developers for funding.

We believe the public would wholeheartedly support a significant investment of taxpayer funds to protect in perpetuity this unique and priceless ecosystem. Ensuring its long-term health and biodiversity values will guarantee a healthy, secure and prosperous future for Sydneysiders today and in the years to come.

If you have any questions or require further information, please email

[REDACTED]

Sincerely,

Lyn Kilby

Secretary, [Better Planning Network Inc](#)

[REDACTED]

Greenwich NSW 2065

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Executive Summary

Strong biodiversity protections are good for our cities

The promotion of robust biodiversity outcomes in the planning process for our cities improves the liveability and aesthetics of our suburbs. It's an approach that saves money for governments and also encourages long-term investment because generally people who live in 'green suburbs' are happier, healthier and more productive. Conversely, experts say, for example, that [Western Sydney is already one of the areas hardest hit by the 'heat island' effect](#) and it's costing people lives, money and a sense of wellbeing.

For too long, pressure from landowner and developers, especially in the Western Sydney region, has resulted in successive governments putting the private profits of the property sector ahead of the long-term interests of affected communities and society as a whole.

Typically, these private landholders complain loudly and successfully when sensible government plans and regulations to protect biodiversity potentially affect the development potential or value of their land. The [weakening of the Koala SEPP](#) being just the latest example.

Unfortunately, a public outcry from affected landowners about the potential loss of windfall profits from possible future zoning changes led to the [abandonment](#) of a sensible proposal in 2005 to create permanent green zones in Western Sydney. As a consequence, we are now saddled with a developer-driven, market based approach to planning that is proving totally inadequate for the protection not only of our environment and heritage but the social welfare of our state's current and future citizens.

The Draft Cumberland Plain Conservation Plan is being used to justify overdevelopment on the fragile Cumberland Plain

The Draft Cumberland Plain Conservation Plan (the Plan) is not really a conservation plan. Despite claims that it presents "an exciting opportunity to protect the best of the remaining woodland habitat in Western Sydney and to enhance connectivity of a fragmented landscape," it's being used to justify the reclassification of around 10,000 hectares of rural land as 'urban capable'.

The Plan itself acknowledges that the release of this land for development will eventually destroy 1,780 hectares of endangered ecosystems including 1,014 hectares or 16% of the remaining Commonwealth listed critically endangered Cumberland Plain Woodland. Before European settlement, an estimated 107,000 hectares of Cumberland Plain Woodland covered the subregion.

Home to 100 threatened or migratory animal and plant species, 680 kilometres of waterways including three water catchment areas and 68 hectares of wetlands of national importance, the fact that the wondrous Cumberland Plain subregion is in close vicinity to so much urban density is not surprising. The Australian Conservation Foundation recently released a report, [The extinction crisis in Australia's cities and towns](#), which noted that "around 25% of Australia's threatened plants and 46% of threatened animals can be found

in cities and towns." Understandably, human, animal and plant species all gravitate toward the most fertile, accessible and temperate areas of our vast but mainly arid country.

Urban sprawl is "fast-tracking an extinction crisis"

But this ongoing pattern of seemingly endless urban sprawl is "fast-tracking an extinction crisis" for native vegetation and wildlife in our cities, according to the above report. Sydney was listed alongside Brisbane, Gold Coast–Tweed Heads, Townsville and the Sunshine Coast as the five worst urban areas for forested habitat destruction between 2000 and 2017.

The future of recovering local Koala population, one of the most important populations in NSW, will be jeopardised if the Plan goes ahead

If the Plan is implemented in its current form, it will put the recovering and chlamydia-free population of 600 to 1,000 koalas in the Campbelltown and Wollondilly Local Government Areas at risk of extinction.

Last season's horrific bushfires killed thousands of koalas and destroyed as much as a fifth of their habitat in NSW. The state's koala population is now predicted to become functionally extinct in the wild well before 2050, according to a report released in June by the Upper House Inquiry into [Koala populations and habitat in NSW](#).

The Plan says that 'only' 26% of "important" koala habitat will be impacted by development but it fails to take into account the impact of the proposed Mount Gilead development on the koalas' vital east-west and north-south (Nepean River) habitat corridors despite the Chief Scientist's report, [Advice on the protection of the Campbelltown Koala population](#) (Chief Scientist Koala Report) recommending that the Plan adopt a holistic approach to managing the impacts of development on the region's koalas.

The Plan also fails to set aside, either through proposed acquisition, biodiversity stewardship agreements or environmental zoning, the Chief Scientist Koala Report's recommendation for multiple east-west corridors between the Nepean and Georges rivers. These essential movement corridors currently allow the koalas to move through the landscape for cross-breeding with other colonies; thus ensuring that their habitat is not fragmented and that they can continue to expand to new areas and multiply.

Surely, the public deserves answers about why so many of the recommendations put forward in the Chief Scientist Koala Report have either been ignored or determined unworkable, especially because the future of the state's koalas populations is so precarious?

After all, the Report says the expert panel was tasked by the Government to "maximise koala population persistence and abundance, koala habitat amount and connectivity and minimise contact between koalas and the urban environment to reduce hazards and threats." These goals are in line with the Government's oft repeated commitment to double the Koala population by 2050.

Sydney's food bowl is at risk

The Plan also represents a continuation of the death by a thousand cuts approach to the maintenance of Sydney's local food supply at a time when the COVID-19 pandemic has highlighted the [vulnerability](#) of both food production and supply chains in Australia's cities, according to RMIT Professor Michael Buxton, co-author of *The Future of the Fringe*. Professor Buxton is urging governments to rethink their cities' growing dependency on international and interstate food, arguing that rural land within 150 kilometres of the city is essential for human survival this century.

Growth Centres Biodiversity Offset Program is a failure

Despite claims that the Plan will set a new benchmark for a strategic landscape approach to conservation planning, it's essentially modelled on [The Growth Centres Biodiversity Offset Program](#) (Program) for the North-West and South-West Growth Centres. In too many respects this Program can be considered a failure.

The practice of securing biodiversity offsets, for example, to coincide with land release and development has meant that in the 11 years of the Program's operation, it has [delivered only 715 hectares of native vegetation](#) including 369 hectares of state-listed critically endangered Cumberland Plain Woodland and 324 hectares of threatened ecological communities other than Cumberland Plain Woodland.

These figures are far short of the long-term target of at least 2,400 hectares of Commonwealth-listed Cumberland Plain Woodland or other 'grassy woodland' communities. This enhanced target, imposed on the Program by the federal government as a requirement for biodiversity certification in 2012, was recognition of the Cumberland Plain's already very fragile environment.

Further, the Program's most recent [annual report](#) acknowledges that land suitability and cost effectiveness constraints may impede the Program's ability to deliver all of the required biodiversity offsets on the Cumberland Plain. Unfortunately, this task has now become a lot more difficult because, as previously mentioned, the Plan acknowledges that 1,014 hectares of the critically endangered Cumberland Plain Woodland will be impacted by development.

These issues highlight why the [Interim Report](#) of the Review of the Environment Protection Biodiversity Conservation Act 1999 (EPBC Act 1999) was extremely critical of the use of biodiversity offset programs. It observed that:

Offsets do not offset the impact of development, and overall there is a net loss of habitat. Proponents are permitted to clear habitat in return for protecting other areas of the same habitat from future development. It is generally not clear if the area set aside for the offset is at risk from future development.

The Plan does not incorporate the principles of ecologically sustainable development

The Chief Judge of the Land and Environment Court, the Honorable Justice Brian J Preston, [explains](#) that "The concept of ecologically sustainable development involves the

integration of three components - economic development, social development and environmental protection - as interdependent and mutually reinforcing pillars.”

If this approach is honestly and effectively adopted by governments, then the community or public values and benefits, especially with respect to environmental health, should always come first. As Justice Preston elaborates, ecologically sustainable development is meant to ensure “not only intergenerational equity or equity between the present and the future generations but also intragenerational equity, which involves ensuring equality within the present generation, such that each member has an equal right to benefit from access the earth’s natural and cultural resources and to benefit from a clean and healthy environment.”

Consequently, by embracing the principles of ecologically sustainable development, governments incur a special fiduciary duty to protect the environment for present and future generations.

The bar is deliberately set high and is informed by the precautionary principle, which demands “that public and private decisions should be guided by: (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and (ii) an assessment of the risk-weighted consequence of various options.”

The Plan inexplicably fails to avoid ‘serious or irreversible consequences’ to the critically endangered Cumberland Plain Woodland and also fails to avoid deleterious impacts or destruction of important Koala habitat and movement corridors. It also seems to ignore or discount ‘practicable’ advice from the Chief Scientist Koala Report of measures that can and should be taken to mitigate the likely decline in the koala population due to the anticipated “rapid growth in urban infrastructure, dwellings, and the threats that arise from thousands of human residents.”

For these reasons alone, the Plan must be rejected in full.

Additionally, the Plan’s potential impact on water security, air quality, liveability, biodiversity, habitat and wildlife connectivity are just a few of the multiple reasons why the planners must go back to the drawing board and reconsider the need for any further development on this unique and fragile subregion within the framework of ecologically sustainable development.

Key Criticisms of the Plan

- The Plan proposes adding up to four new growth centres on the Cumberland Plain, a region previously designated as a “first priority biodiversity offset investment area” for two other major Growth Centres.
- The Plan will reclassify a total of 10,014 hectares of rural land as ‘urban capable’ while setting aside only 5,475 hectares of native vegetation in new conservation lands.
- If the Plan receives biodiversity certification, land reclassified as ‘urban capable’ can be released for development without the need for further environmental assessments.

- A significant percentage of land classified as 'urban capable' is either 'important' koala habitat or movement corridors that are vital for ensuring that the recovering koala population can move across the landscape in order to cross-breed and expand into new areas.
- The Plan acknowledges that 1,014.6 hectares of critically endangered Cumberland Plain Woodland or around 16% of the remaining 6,400 hectares will be impacted by the proposed development.
- The Plan provides no assessment about how the loss of so much rural land will impact the Sydney region's food bowl capacity.
- The Plan acknowledges that the urban heat island effect in Western Sydney "will increase as urbanisation increases" but proposes only minimal measures to mitigate its effect. This area regularly experiences record summer temperatures.
- The Plan fails to set aside enough land to properly protect a thriving population of 600 to 1,000 koalas, the largest chlamydia-free koala population in NSW.
- The Plan's proposed construction of 120 km of koala exclusion fencing will isolate and fragment koala colonies, especially because the Plan protects only one of the six east-west movement corridors recommended for protection in the Chief Scientist Koala Report.
- The Plan acknowledges that conservation land will only be secured slowly over time. No firm commitment has been made about how much land will eventually be protected.
- The Plan does not address the significant adverse impact on the scenic, historic and physical qualities of one of the most heritage rich and picturesque rural landscapes in NSW.
- The Plan relies on biodiversity offsetting, a scheme described as a failure by in the Interim Report of the Review of the federal government's EPBC Act.
- If biodiversity certification is granted to the Plan, rural land reclassified as 'urban capable' will be automatically certified and exempt from further environmental impact assessments.

Detailed Analysis:

- **Massive urban development is being proposed in a subregion that has been previously designated as a "first priority" biodiversity offset investment area.**

The Cumberland Plain was designated as a "first priority" offset investment area when the federal government granted strategic biodiversity certification to the North West and South West Growth Centres in 2012 (Growth Centres Biodiversity Offset Program). Now four more growth centres will be added in or near the

subregion, representing more than a 100% increase in land now classified as 'urban capable'. More intensive development than originally planned has also been proposed for both the North West and South West Growth Centres, and the population of Menangle Park, Mount Gilead and Appin, an area that is home to the Campbelltown koalas, will swell from 3,000 to 109,00 people over the next 36 years.

- **The Plan will release a total of 10,014 hectares of rural land for urban redevelopment while setting aside only 5,475 hectares of native vegetation in new conservation lands.**

The conservation program will include the likely addition of three new reserves but some of this land is already publicly held. The Office of Strategic Reserves, for example, currently owns 60% of the 1,130 hectares of land to be initially set aside for the proposed Georges River Koala Reserve. At least 25% of the targeted 5,475 hectares of native vegetation will be delivered through the ecological restoration of threatened native vegetation. Agreements will also be entered for biodiversity stewardships on private lands.

- **The Plan will impact 1,014.6 hectares or almost 16% of the critically endangered Cumberland Plain Woodland.**

Only [6,400 hectares or 6% of the original 107,00 hectares](#) of Cumberland Plain Woodland still exists. The Growth Centres Biodiversity Offset Program is meant to protect at [least 2,400 hectares](#) of Cumberland Plain Woodland or other 'grassy woodland' communities. Its most recent [Annual Report](#) acknowledges that cost and suitability constraints may impede its ability to secure high-value biodiversity offsets on the Cumberland Plain. To date, this Program has only protected [715 hectares of native vegetation](#), of which 369 hectares is Cumberland Plain Woodland. Because land purchases and biodiversity stewardship agreements are primarily funded by Special Infrastructure Contributions levied on developers, they are staged to coincide with the rate of development instead of being secured upfront.

- **The Plan only commits to the creation of one reserve - the Georges River Koala Reserve.**

Two other reserves, the Gulguer and the Confluence are still under investigation for feasibility. The Plan also acknowledges that the 755 hectares of land to be incorporated into the Georges River Koala Reserve will only be secured by 2040. Sufficient clarity is also lacking about the representation of Cumberland Plain Woodland or other 'grassy woodland communities' in the 4,795 hectares of 'avoided land' to be zoned E2 (environmental conservation).

- **The Plan lacks a firm commitment to the amount of land to be protected and acknowledges that conservation land will be secured slowly over time.**

The Plan says "it expects that around 11,000 hectares, or approximately double the Plan's offset commitment of 5,475 hectares of impacted native vegetation, will

be protected within new conservation lands.” Through a peer-review process, a “strategic conservation area” of 28,300 hectares, which includes 18,300 hectares of native vegetation, has been identified. It apparently “represents the areas in the Cumberland subregion that are considered most likely to be viable in the long-term and to maximise ecological function and connectivity across the landscape.” But the Plan does not indicate whether any steps will be taken to protect the integrity of the strategic conservation area before the additional land can be set aside. Consequently, the Plan could face suitability and cost constraints, like those identified in the Growth Centres Biodiversity Offset Program’s most recent annual report.

- **The Plan provides no assessment about how the loss of so much rural land will impact the Sydney region’s food bowl capacity.**

A [recent article](#) in *The Australian* quoted research that shows that agricultural production in the Greater Sydney region accounts for a \$1 billion of the state’s \$16 billion annual total. According to the recently published [Sydney’s Food Futures Report](#), produced by UTS’s Institute for Sustainable Futures, if current trends in urbanisation continue, the Sydney region will lose 60% of its total food production by 2031. Instead of meeting 20% of the city’s fresh food needs, in just over a decade, the Sydney basin will provide just 5% of demand.

- **The Plan acknowledges that the urban heat island effect in Western Sydney "will increase as urbanisation increases," but measures to mitigate its impact are minimal.**

Western Sydney University [research](#) has identified that in Western Sydney’s treeless urban areas, morning summer surface temperatures are nearly 13 degrees celsius higher than in vegetated areas. Summer temperatures can often soar to over 50 degrees celsius in Western Sydney. While the Plan notes that "large amounts of hard and dark-coloured surfaces such as roads and roofs cause localised warming," the main solution put forward to address the heat island effect is ‘Greening our city’ - a Premier’s Priority program that was announced in 2019 and designed to ensure one million trees are planted by 2022. In the meantime, developers have already been granted permission to remove even small clusters of mature trees and dams on rural properties for new housing estates. New block sizes are typically too small to accommodate trees or even significant greenery.

- **The Plan fails to set aside enough land to properly protect the koala population.**

The proposed Georges River Koala Reserve will eventually set aside 1,885 hectares to protect the koalas’ important north-south primary habitat corridor and the Plan commits to protecting an additional 610 hectares of important koala habitat. But it falls far short of securing all of the primary, secondary and tertiary koala habitat corridors. The Department of Planning, Industry and Environment (DPIE) 2018 report, [Conserving Koalas in the Wollondilly and Campbelltown Local Government Areas](#) estimated that 8,293.46 hectares would need to be set aside for this purpose.

- **The Plan's lack of emphasis on adequately protecting koala habitat for a healthy and expanding population is surprising given that recent events have decimated the state's koala populations.**

Last season's horrific bushfires killed thousands of koalas and destroyed as much as a fifth of their habitat in NSW. In fact, a recent study by Biolink, commissioned by the World Wide Fund for Nature Australia, reported an [overall 71 per cent fall in the koala population across six firegrounds](#), from south of Port Macquarie on NSW's mid-north coast to near Ballina in the state's north. The state's koala population is now predicted to become functionally extinct in the wild before 2050, according to a report released in June by the Upper House Inquiry into [Koala populations and habitat in NSW](#).

- **The Plan does not accept the Chief Scientist's recommendation to secure all of the east-west habitat corridors for the koalas.**

The Plan acknowledges "east-west connectivity between the Georges and Nepean rivers is important for the resilience of the Southern Sydney koala population," but it discounts the recommendation made in the Chief Scientist Koala Report to protect the habitat of the six east-west corridors. Instead, the Plan sites unspecified "scientific advice from the department and the research community...that the existing six east-west corridors in the Greater Macarthur Growth Area are too fragmented and not wide enough to support koalas over the long term." Only the suboptimal Ousedale Creek to Appin North east-west corridor, which is very fragmented especially near Appin Road, will be protected.

- **The Plan has not adopted a holistic planning approach to protecting the South West Sydney koalas.**

The Plan does not address the importance of maintaining the Woodhouse Creek to Beulah (east-west corridor) at Mount Gilead, which is the fastest and easiest route for the koalas between the Georges and Nepean rivers. Mount Gilead and Menangle Park are not part of the land subject to biodiversity certification in the Plan because they are covered by an alternative development assessment process. Nevertheless, the Chief Scientist Koala Report highlights "the importance of a holistic planning approach," arguing that "by their very nature, the habitat corridors within the two study areas cross multiple tenures and landscapes, connect internally and with each other," and that "koalas, in using these corridors, do not recognise lines on maps." With respect to the benefit of maintaining east-west connectivity between the Georges River and Nepean River, the Chief Scientist Koala Report underscores its importance:

The habitat in this region contains high quality feed trees due to the sandstone shale transition forest. The Campbelltown koala population is expanding and therefore it is essential that this habitat supports the movement of koalas such that dispersing koalas can move through the landscape, can breed to ensure genetic diversity, and can access refugia in times of stress, drought or other threats.

- **The proposed construction of 120 km of Koala exclusion fencing will isolate and fragment an expanding and thriving koala population.**

While the Chief Scientist Koala Report also recommends koala fencing to keep wildlife away from roads and residential areas, the Plan does not incorporate the Report's recommendation for habitat corridors with a recommended width of 390-450 metres, to be enhanced by 'Asset Protection Zones' and 30 metre wide buffers on either side of the corridor to "reduce the impact of threats, light and noise on koalas." Further, the Chief Scientist Koala Report notes that the Ousedale Creek to Appin North corridor, the Plan's preferred east-west corridor, is impeded by "numerous suburban and rural properties between the habitat edge and road surface, on both the east and west sides." The Plan also doesn't specify an adequate number of koala underpasses or suitable crossings across busy Appin Road.

- **The Plan only includes limited measures to mitigate the effects of climate change on wildlife.**

The Plan acknowledges that "koala habitat in river and creek valleys provides important refugia and resilience to warming and drying climates, a characteristic that is likely to become increasingly important with climate change." But if the proposal to build 120 km of koala fencing is implemented without an adequate number of appropriately sized movement corridors, the koalas will be trapped. The Chief Scientist Koala Report confirms the need to maintain connectivity, noting that it helps to "avoid the creation of dead ends where koalas face threats without routes of escape." The Report notes that "once housing development occurs along the western flank of the Mount Gilead site" (Stage 2 of the Lendlease Mount Gilead development), "the route for koalas to move east or west will be through a narrow strip of habitat at the confluence of the Nepean River and Menangle Creek...and conceptual plans illustrate this habitat being potentially surrounded by three roads." Effectively this habitat corridor will become a functional 'dead-end.'

- **The Plan does not address the significant adverse impact on the scenic, historic and physical qualities of this unique landscape.**

The protection of the undeveloped, rural character of the landscape of the Scenic Hills around Campbelltown has been a priority since the earliest planning schemes of the Post-WW2 period. This Plan will completely undo a visionary planning process that attempted to constrain the footprint of the urban areas and encourage only development that is sympathetic to the scenic and cultural values of one of the most picturesque and historic rural landscapes in NSW.

- **The Plan is likely to become a template for other biodiversity certification schemes that will also fail to guarantee that appropriate offsets to expected environmental damage are secured.**

If the Plan is approved, land can be released for urban development without the need for further environmental impact assessments and without assurances that the offsets

required to compensate for biodiversity loss are acquired. The [Interim Report](#) of the Review of the federal government's Environment Planning and Biodiversity Conservation 1999 Act (EPBC Act) highlights the failure to date of biodiversity offset schemes:

Offsets do not offset the impact of development, and overall there is a net loss of habitat. Proponents are permitted to clear habitat in return for protecting other areas of the same habitat from future development. It is generally not clear if the area set aside for the offset is at risk from future development.

The Interim Report also recommended that "the EPBC Act should require that offsets only be considered when options to avoid and then mitigate impacts have been demonstrably exhausted. Where applied, offsets should deliver genuine restoration, avoiding a net loss."

Appendix: See Maps

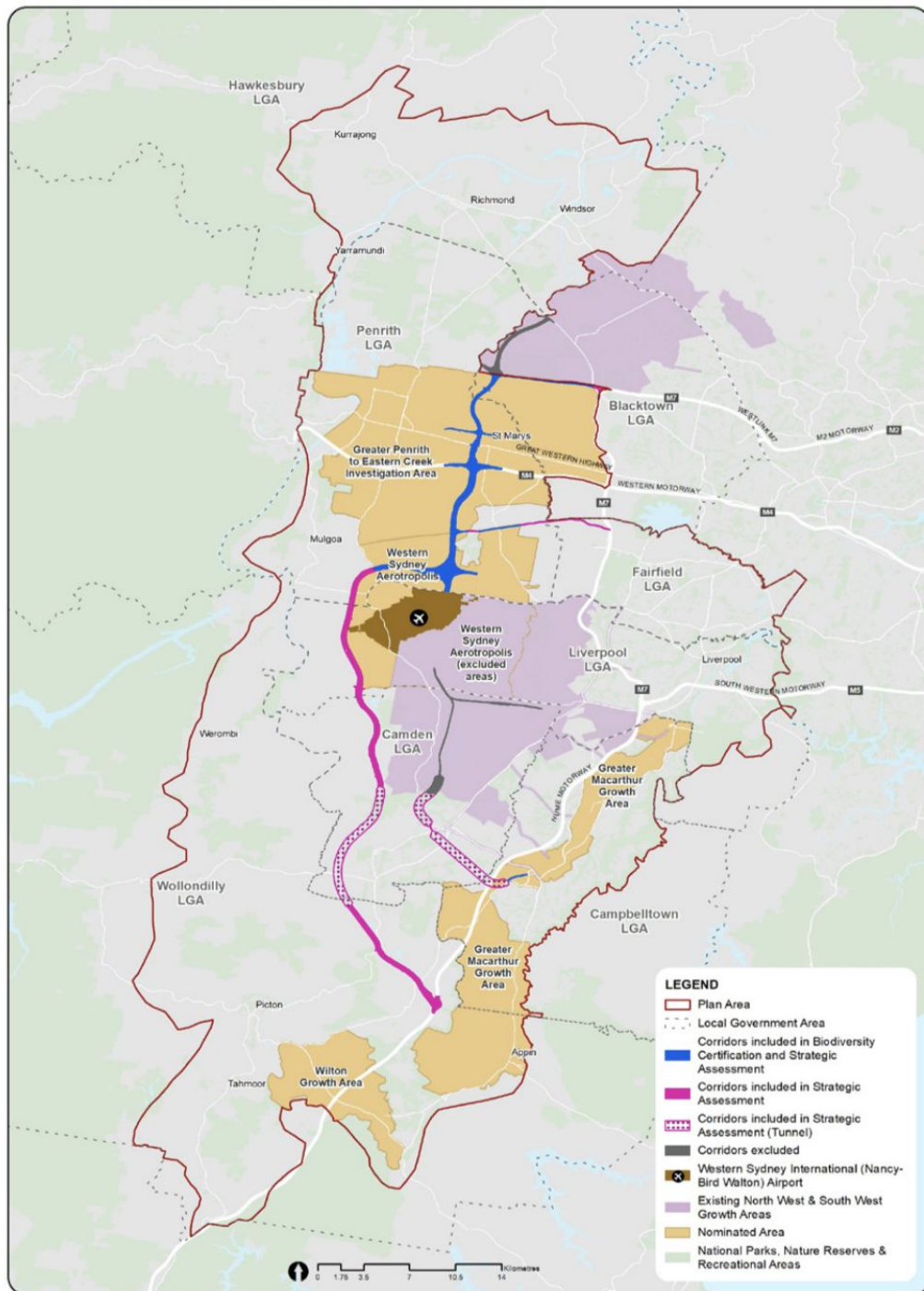


Figure 2. Draft Cumberland Plain Conservation Plan Area and scope

Notes: The yellow areas are the new nominated Growth Areas. It highlights how the amount of land now designated as 'urban capable' has increased by over 100%.

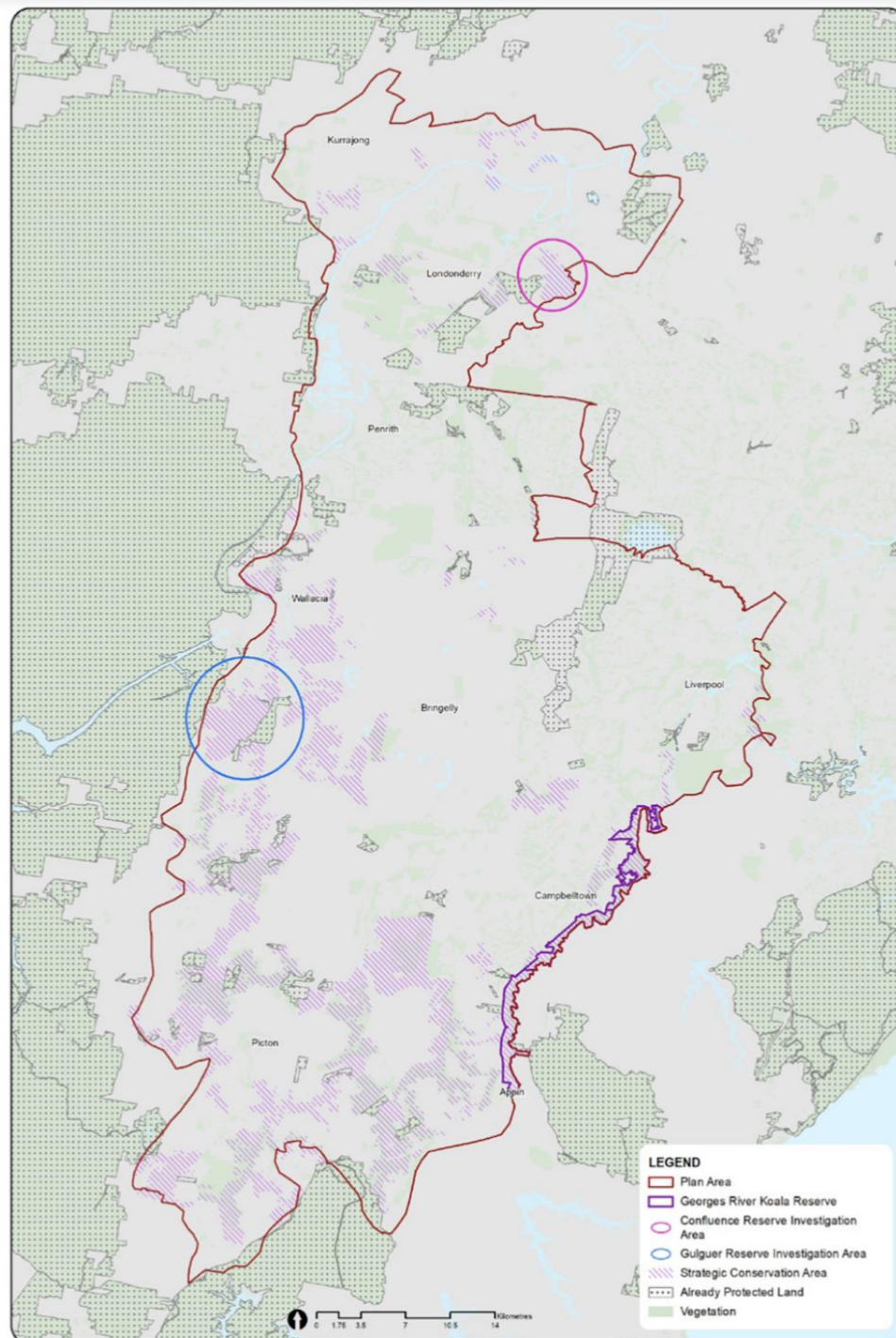
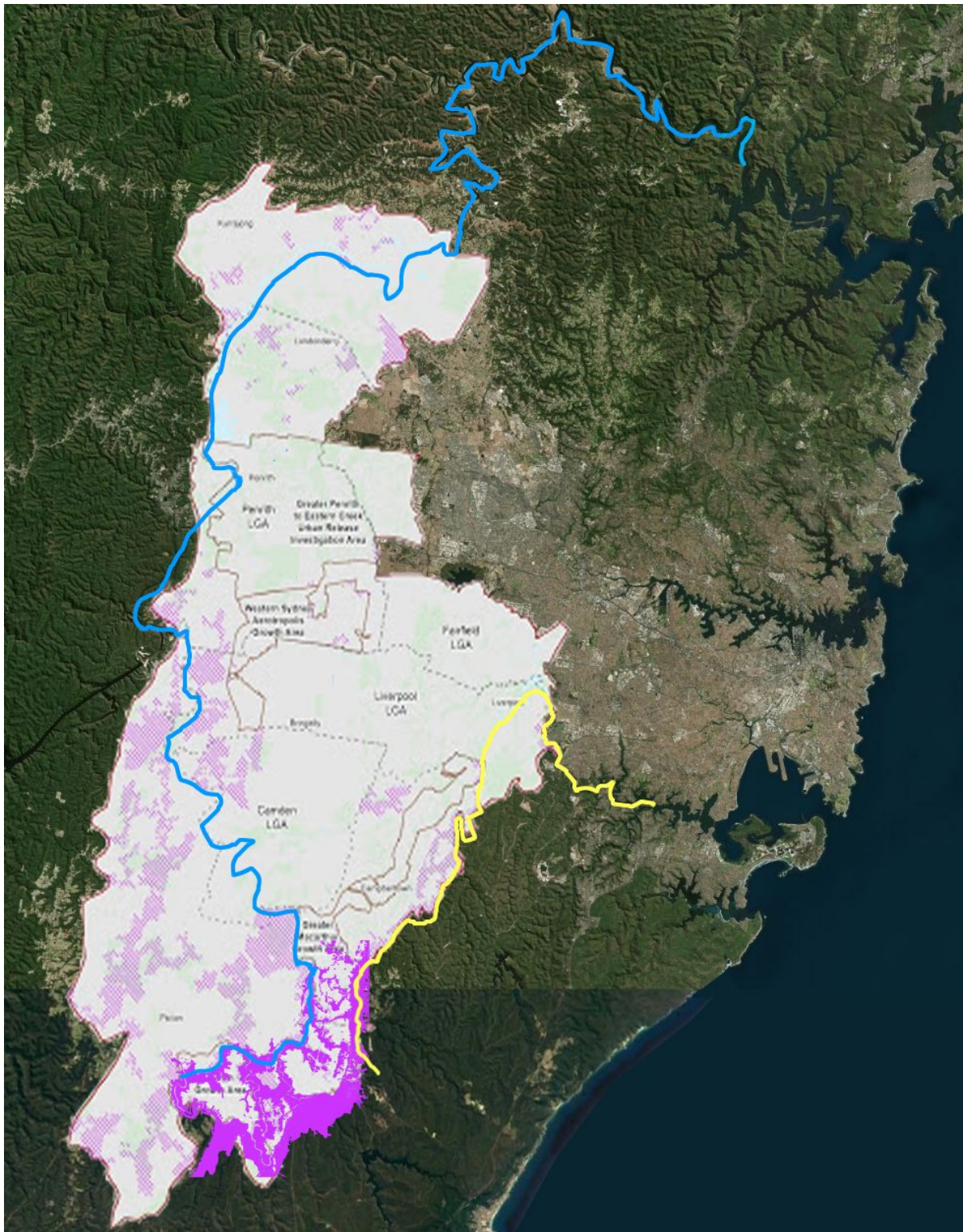
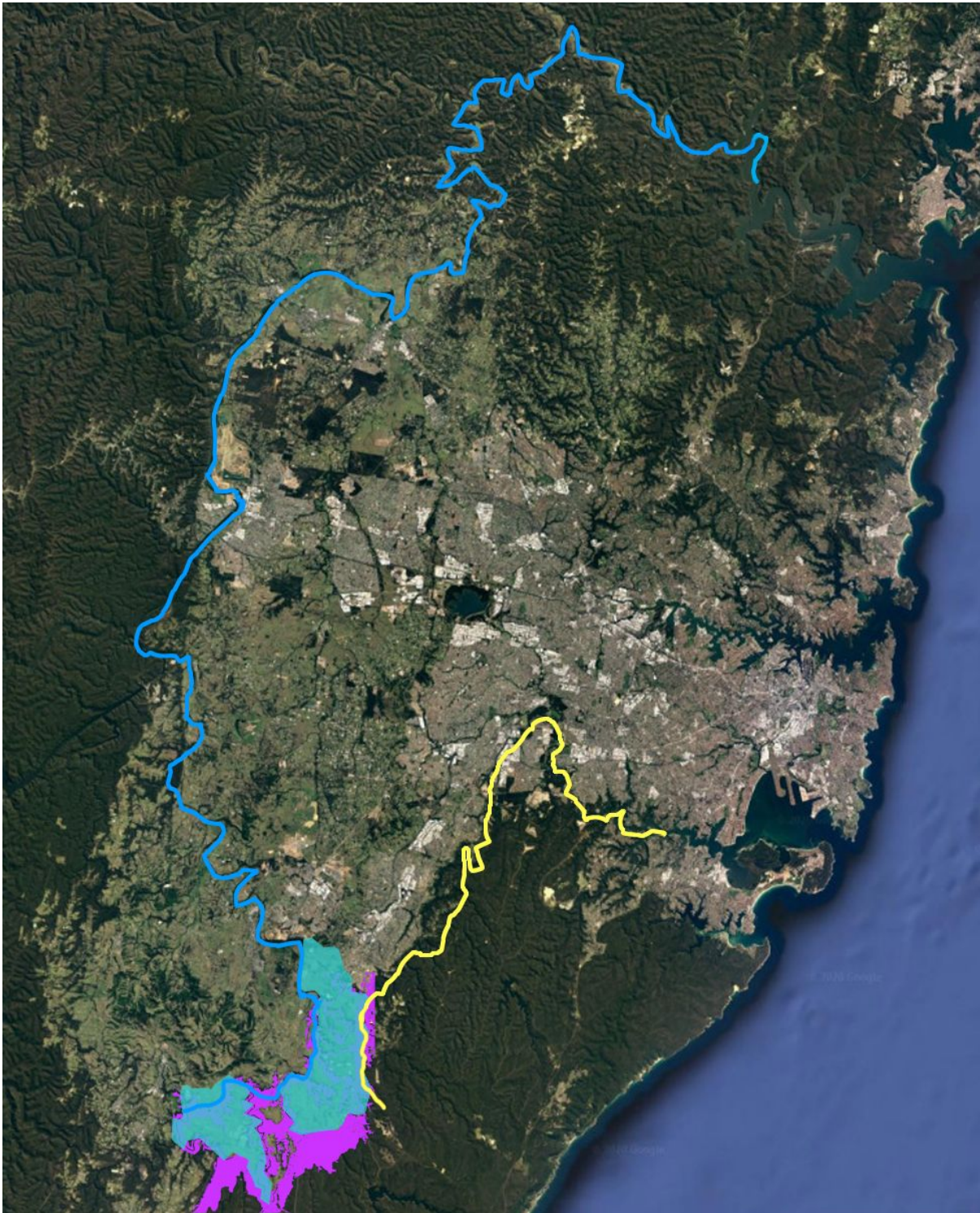


Figure 4. Western Sydney strategic conservation area and reserve investigation areas

Note: Only the Georges River Koala Reserve (outlined in dark purple) has so far been designated for protection. The Plan says it expects that around 11,000 hectares of the Strategic Conservation Area (around 28,300 hectares) will be protected over the life of the Plan (30+ years) but no guarantee is given about when or if the land will be permanently secured for biodiversity conservation. Assurances are also lacking about how the Strategic Conservation Area will be protected in the interim period from environmental degradation or further development pressures. Cost and suitability constraints are already impacting the ability of the Biodiversity Offset Program for the South West and North West Growth Centres to secure biodiversity offsets of high conservation value on the Cumberland Plain.



Note: The Yellow line is the Georges River and the Blue line is the Nepean River. The dark Purple area was mapped by the former Office of the Environment and Heritage to show koala habitat and the important east-west linkages that allow the koalas to move with relative ease between the two rivers. (Source: Total Environment Centre)



Note: The Aqua overlay on the dark Purple koala habitat (highlighted in the previous map) is rural land that has been reclassified as ‘urban capable’ in the Plan. This map highlights just how much koala habitat will be lost if the urban development proceeds. (Source: Total Environment Centre)