

9 October 2020

Green & Resilient Places Division
Department of Planning, Industry & Environment
Parramatta Square
12 Darcy Street,
Parramatta, NSW 2150

Dear Sir/Madam

Re: Public Exhibition of the draft Cumberland Plain Conservation Plan

Thank you for the opportunity to make a submission on the draft Cumberland Plain Conservation Plan (the Plan).

As you are aware, Council has long advocated for the strategic conservation planning of the Greater Macarthur Priority Growth Area, including for the establishment of appropriate east-west connections in South Campbelltown and protection of our local koala population as part of this process. Council welcomes the planning intent of the Plan as generally consistent with its adopted strategies for the Greater Macarthur Priority Growth Area and Councils approved Comprehensive Koala Plan of Management.

In particular, Council is highly supportive of the recommendations made in the Chief Scientists report, which is consistent with the research of Dr Steve Phillips (Biolink) in relation to corridor widths and home range requirements of koalas and associated corridor width recommendations. Council would like to see these recommendations incorporated to their full capacity into the Plan.

Council would be pleased to offer specialist input directly to the Department, and outline some of the concerns related to the strategic conservation planning of the Greater Macarthur region as identified in the Plan.

This submission (as attached) has been compiled with the intent to provide the Department with broad assessment feedback relating to various aspects of the Plan, from a local government perspective; whilst outlining the specific local and regional considerations identified for the Greater Macarthur Area and koala habitat planning considerations. I hope this submission assists the Department in undertaking a thorough and robust review of the Plan.

Council sought an extension of time to 14 October 2020 to allow more time to provide a more refined and well considered response. The importance of the Plan cannot be overstated and a 6 week exhibition period, further compounded by the closing two weeks of the public

exhibition coinciding with the school holiday period, is less than ideal. Many key staff have been on leave and not available to provide input, review or endorse the submission. As such, Council has provided the attached submission as an initial response, and will furnish the Department with a final submission on 14 October 2020.

In conclusion, I am pleased to see a broad consensus emerging in the review and would request that the Department consider Council's draft and final submissions before the Plan is finalized.

Council is eager to see the Plan incorporate appropriate consideration of issues raised by local government to deliver sustainable biodiversity planning outcomes for South-western Sydney.

Should you have any questions, or would like to discuss the content of this submission, please contact Mr Fletcher Rayner, Executive Manager Urban Release and Engagement on [REDACTED]
[REDACTED]

Yours sincerely,



Jim Baldwin
Director City Development

Appendix A: Campbelltown City Council submission to the Department on the draft Cumberland Plain Conservation Plan

Public exhibition of the Plan

Inadequate timeframe for the review of the Plan and preparation of submissions

The designated review timeframe for submissions on the Cumberland Plain Conservation Plan (“the Plan”) is considered to be inadequate for the public exhibition of “*one of the largest strategic conservation plans to be undertaken in Australia and the first strategic biodiversity certification to be undertaken under the NSW Biodiversity Conservation Act 2016*”.

Given the substantial scope and size of the land release program, the biodiversity and socio-economic impacts of land rezoning, in addition to the biocertification and strategic planning implications; the expectation that community and local government stakeholders would have the resourcing capacity and ability to review and compile an adequate submission in the allotted 6 week timeframe, the last two of which were during school holiday leave period, is unreasonable. This is further exacerbated by the fact that the supporting documents to be reviewed comprise hundreds of pages, and need to be reviewed simultaneously, including review of the various spatial viewer layers.

Recommendation: That the Plan, supporting documents and spatial viewer, be subject to a secondary public exhibition period associated with the revised Plan, and release of the associated SEPP (as detailed in the Explanation of Intended Effect (EIE)). The length of the public exhibition period should be commensurate with the vital importance of the Plan and proposed SEPP.

Strategic planning outcomes

Livability and sustainability should be further prioritized and enforced in the Plan

The importance of the draft Cumberland Plain Conservation Plan 2020-2056 ‘The Plan’ as an integral part of a framework for a sustainable Western City Parkland City cannot be overstated.

The Plan’s vision is noted to ‘support Western Sydney’s biodiversity and growth’, with such being further expanded to detail ‘it will support the delivery of infrastructure, housing and jobs for people in the Western Sydney Parkland while protecting important biodiversity.’

It seeks to ‘offset the biodiversity impacts of future urban development, while ensuring a vibrant and liveable city.’

Notwithstanding its overarching conservation objective, the need for balance and “liveability” needs to be reinforced. The Plan must facilitate limited public use (of certain designated conservation areas) together with environmental conservation. True ‘liveability’ does not conclude with conservation as an end to itself.

The Plan claims to support increased public access to green space to improve opportunities for recreation, wellbeing, and social connection. Yet the Plan’s 28 commitments are silent regarding limited public access and use of strategic areas and linkages. Ecofriendly pathways integrated with natural corridors are eminently consistent with conservation outcomes.

Limited access and use will importantly engender greater ownership by local and district citizens and assist in minimising human induced degradation.

Recommendation: The Plan should adopt a more holistic context and ensure liveability objectives are integrated with conservation outcomes.

Greater Sydney Region Plan and Western City District Plan

The Plan cites as its foundation core sustainability outcome as highlighted by;

- Objective 26 – A cool and green parkland city in the Wianamatta (South Creek) corridor
- Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced.

The Plan supports the implementation of the Greater Sydney Region Plan for a Western Parkland City, and liveability planning priorities in the Western City District Plan, including:

- Planning Priority W13 – Creating a Parkland City urban structure and identity, with Wianamatta (South Creek) as a defining spatial element
- Planning Priority W14 – Protecting and enhancing bushland and biodiversity
- Planning Priority W16 – Protecting and enhancing scenic and cultural landscapes.

These outcomes provide a sound foundation for the Plan, but equally the Plan should also acknowledge.

Greater Sydney Region Plan - A City of Great Places (Designing places for people)

- Objective 12 – Great places that bring people together (including increased access to open space).

Western City District Plan

- Planning Priority W6 – Creating and renewing great places and local centres and respecting the district's heritage

Recommendation: The Plan should acknowledge broader “liveability” principles as encapsulated in objectives and planning priorities of the Greater Sydney Region Plan and Western City District Plan respectively

Western Sydney Major Infrastructure Corridors

The Plan reinforces the NSW Government's commitment to the strategic direction contained in “Future Transport Strategy 2056” and the delivery of a number key infrastructure corridors in Western Sydney as detailed in Table 2. It also notes the limited exclusion of other major corridors and relevant biodiversity approvals.

The exclusion of Appin Road and Menangle Road and other major planned structure plan distributor and collector roads and conservation principles attached to the same is considered to be a shortfall in the Plan.

Recommendation: That other major transport corridors at a District Level and the relevant conservation principles that should attach to the same, should be detailed, at least as an Attachment to the Plan.

<i>Land categorization scheme and planning prescriptions</i>

E2 zoning proposed under ‘Non certified - Biodiversity Avoided lands’

Council holds concerns that the blanket application of an E2 zoning under the 'Non-certified – Biodiversity Avoided lands' category will be detrimental to the conservation intent of the land categorization scheme. In particular, with regards to landholdings in private ownership, as the application of this category effectively sterilizes the affected lands from having the potential to participate in the offset scheme - which means that these lands cannot generate a funding source to assist with their long-term conservation management.

Appendix C. Plan of Commitments does not appear to propose any physical works to improve biodiversity and habitat connectivity within the proposed E2 zoned land e.g. revegetation.

The proposed objective of the E2 zoned land is to "*improve the management of biodiversity and help protect threatened ecological communities and species in these areas*". Whilst zoning the land E2 is a step forward to securing biodiversity, it is not considered to be enough to 'improve' biodiversity and 'protect' threatened communities/species to the full potential.

Some of the proposed E2 zoned land is sparsely vegetated. If the land is acquired by the NSW Government, it should follow through with the ecological improvement of the land with actual revegetation works etc.

If the land is not acquired by the NSW Government, it should consider providing grants or incentives to landowners to revegetate and maintain native vegetation within the proposed E2 zoned land.

Recommendation: That the Plan be amended to consider the inclusion of a funding source and/or financial compensation scheme to support landowners that have been prescribed environmental conservation zoning, to ensure that these areas are able to be protected and managed in perpetuity and are encouraged and supported to "*improve the management of biodiversity and help protect threatened ecological communities and species in these areas*"

The CPCP spatial viewer fails to identify lands subject to existing conservation agreements and/or Biobank sites

Council has identified a number of parcels of land that are subject to existing conservation agreements, that have not been picked up under the Plan in association with the 'Already protected lands' category (Appendix B, Figure 1):

Mt Gilead Stage 1

- *Hillsborough Biobank site:* The biobanking site for Shale Sandstone Transition Forest (SSTF) (comprising a total of 3.61 ha of SSTF in two distinct patches; 2.06 ha and 1.55 ha) associated with the Lend Lease Mt Gilead Stage 1 Biocertification offset lands – located at [REDACTED]

Airds Bradbury Renewal Project

A total of eight land parcels associated with the federal approval for the Airds-Bradbury Renewal project EPBC 2011/6169 and subject to a Bushland Management Plan

- *Sugarloaf Farm, Gilead* (20.99 ha): This biodiversity offset site for CPW - located at [REDACTED]
- *St Helens Park triangle* (20.45 ha): This biodiversity offset site for SSTF - located at [REDACTED]
- *BC1 - Smiths Creek corridor* (1.91 ha): Onsite conservation area for SSTF
- *BC2 - Kevin Wheatley VC Reserve* (5.26ha): Onsite conservation area for CPW

- *BC3-BC4 - Peppin Crescent North & Peppin Crescent South (0.57ha combined):* Onsite conservation area for SSTF
- *BC5 - Riverside Drive (0.74ha):* Onsite conservation area for SSTF
- *BC6 - Greengate Road (0.76ha):* Onsite conservation area for SSTF

Recommendation: That the CPCP spatial viewer be revised and updated to include all lands subject to existing conservation agreements, to ensure an accurate depiction of the 'Already protected lands' land categorization scheme under the Plan.

Inconsistent application of land categorization scheme under the Plan

Council is concerned with the inconsistent application of land categorization proposed under the Plan. For example, on review of the CPCP spatial viewer, there appears to be a number of land parcels in private ownership located in areas that are affected by the Plan (eg mapped as Strategic Conservation Areas and identified as containing areas of Important Koala Habitat) (Appendix B, Figure 4), that are excluded under the Plan; including [REDACTED] Kellerman Drive St Helens Park and Lot [REDACTED] St Helens Park.

Recommendation: That those land parcels proposed to be avoided under the Plan be identified within the Cumberland Plain Assessment Report for transparency purposes, accompanied by a detailed rationale for each landholding.

Impacts of proposed land categorization scheme on current precinct planning matters and traffic infrastructure requirements

Council is currently collaborating with the NSW Government in regards to finalizing the design of an existing roundabout in Glenfield. The roundabout is located just north of the Glenfield multi-level carpark, and currently links Glenfield Road, Roy Watts Road and the Sharp Street railway overpass. The western leg of this roundabout is located on the Hurlstone Agricultural High School site, and an extension of this leg is required through the School grounds of which the route alignment has not yet been finalized.

Under the Plan, the identified extension route for the western leg of the roundabout would be largely prevented from being progressed as a result of the imposed land categorization scheme. The CPCP spatial viewer show lands directly adjacent to the roundabout where the required extension route is required, now mapped as 'Non-certified Avoided for biodiversity'. The rezoning of this land to E2 would largely prevent the roundabout upgrade from being progressed in line with the precinct planning for the area. This would in turn create an impediment to the safe and efficient traffic movement for future development of the Glenfield precinct, in particular provision of an important second access point to the Hurlstone Agricultural High School site.

Recommendation: That the Plan be reviewed with consideration to current and future precinct planning matters, and that the CPCP spatial viewer be updated in line with the existing infrastructure requirements to ensure that land categorization being applied under the Plan doesn't interfere with (or prevent) precinct planning outcomes.

Clarification required on what land use prescriptions apply to lands with overlapping land categorizations

Council would like to seek clarification on areas that are subject to multiple overlapping land categorization schemes under the Plan, that assign land use prescriptions which are by virtue, incompatible. One example of this is where land parcels are subject to both the

'Strategic Conservation Area' and 'Avoided 'Non-certified – Biodiversity Avoided lands' layers.

Recommendation: For clarity purposes, the Plan should be updated to detail the hierarchy associated with the land categorization scheme.

Potential for Council to inherit unmanageable lands

Council understands that lands identified under the Plan as 'Non-certified – Avoided for biodiversity' are proposed as part of the avoidance measures under the strategic impact assessment that form part of the 'biodiversity reservation areas' under the Plan.

Accordingly, the SEPP requires:

Additional matters that a consent authority must be satisfied of before granting consent for subdivision include - that the subdivision will result in the continued protection and long-term management of the high-value native vegetation

Council is concerned with the future long-term management of these lands. Specifically, that based on a business as usual scenario, that in order to satisfy the avoidance criteria under the Plan, that this requirement will result in developers offloading these E2 avoidance areas onto Council for care and control with little more than the informal allocation of a 3-5 year management funding, for example under a Vegetation Management Plan (VMP).

There is further concern that these lands will be targeted for locating development-associated activities such as Asset Protection Zones (APZs) and water management infrastructure (such as detention basins) that will further deteriorate the intention and integrity of the applied zoning of the land to conserve biodiversity values.

Recommendation: That the Plan be updated to specify management prescriptions for E2 lands, and give consideration to excluding certain development activities in these areas; particularly in high quality bushland areas. This could be achieved by way of establishing certain thresholds (eg related to high condition, connectivity and/or threatened species habitat) to ensure the intent of these lands are retained and protected into the future. Furthermore, the Department could look to incorporate a database system (subject to local government input), to track the progression of the management of these lands under the Plan.

Impacts to biodiversity under the Plan

Scope and extent of biodiversity assessment conducted to inform the Plan

The Plan area covers a total of 200,000 hectares of Western Sydney, from Wilton in the south to Windsor and Kurrajong in the north.

According to the Plan, an area of between 2,190¹ - 2,630² hectares has been accessed for field survey investigations as part of the preparation of the draft Cumberland Plain Assessment Report.

Therefore the area subject to assessment and ground-truthing in the development of the Plan comprises approximately 1% of the area covered by the Plan; which is greatly concerning.

With such little survey effort conducted to inform the preparation of the Plan, Council is concerned that there has been little to no consideration given to locally and/or regionally rare species and populations; and that these habitat areas may be affected by the Plan without any form of adequate impact assessment. Council considers this to be a key limitation of the assessment, which is required to be addressed with the undertaking of more comprehensive field survey and assessment.

Recommendation: That the Plan be revised specifically with consideration to the undertaking of more comprehensive field assessment which takes into consideration locally and/or regionally rare species and populations (subject to stakeholder engagement of both local government and relevant experts).

Measures to ‘avoid and minimise’ impacts to Threatened Ecological Communities and Serious and Irreversible Impact entities are inconsistent with the Biodiversity Assessment Method

The concept of serious and irreversible impacts (SAIL) is a central component of the NSW biodiversity offsets scheme. It is fundamentally about protecting threatened species, populations and TEC’s that are most at risk of extinction from potential development impacts or activities.

The *Biodiversity Conservation Act 2016* (BC Act) and the *Local Land Services Act 2013* (LLS Act) imposes various obligations on decision-makers in relation to impacts on biodiversity values that are at risk of a serious and irreversible impact. These obligations generally require a decision-maker to determine whether or not any of the residual impacts of a proposed development, activity, biodiversity certification or vegetation clearing on biodiversity values (that is, the impacts that would remain after any proposed avoid or mitigate measures have been taken) are serious and irreversible.

The framework to make this determination is provided under the BC Act (and the Biodiversity Regulation 2017 (BC Regulation)). This framework consists of a series of principles defined in the BC Regulation and supporting guidance, provided for under section 6.5 of the BC Act, to interpret these principles.

The principles broadly align with the criteria prepared by the International Union for the Conservation of Nature (IUCN) to assess the extinction risk of species and ecological communities. These criteria were derived by the IUCN from a wide review aimed at detecting extinction risk factors across a broad range of organisms and ecosystems. The consistency of the principles with the IUCN criteria provides a transparent and robust approach to identifying entities most at risk of extinction if impacted by development, clearing or certification.

¹ https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00+-+CPCP/Summary+Assessment+Report

² <https://www.planning.nsw.gov.au/-/media/Files/DPE/Factsheets-and-fags/Policy-and-legislation/Strategic-conservation-planning/Snapshot-Draft-Cumberland-Plain-Conservation-Plan-2020-08.pdf?la=en>

The plan proposes the clearing of 1,788 hectares of TEC's – which are intended to be directly managed through the Plans offset program. The bulk of this clearing impact is to SAI entities, including:

- 1,014.5 ha of CPW,
- 487.7 ha of SSTF,
- 165.1 ha of River Flat Eucalypt Forest (RFEF),
- 52.2 ha of Shale Gravel Transition Forest (SGTF), and
- 36.9 ha of Cooks River-Castlereagh Ironbark Forest (CRCIF).

Based on the proportionate impacts to CPW alone proposed under the Plan (and not considering any indirect or residual impacts associated with this loss), the Plan offers little in terms of demonstrating how impacts to SAI entities (that are most at risk of extinction from development pressure), have been adequately avoided.

Recommendation: Further consideration to SAI entities is required under the Plan, in particular with regards to avoidance of impacts to TECs which is not considered to be acceptable in its current form.

The Plan is likely to lead to the functional extinction of Cumberland Plain Woodland

Cumberland Plain Woodland occurs on soils derived from Wianamatta Shale, and throughout the driest part of the Sydney Basin. Before European settlement, this community was extensive across the Cumberland Plain, consistent with western Sydney suburbs. Today, less than 9 percent of the original extent remains intact, with the remnants scattered widely across the Cumberland Plain³.

The extent of occurrence of CPW, as described in the Final Determination for CPW (Paragraph 13) – estimates that the community occurs within an extent of occurrence of 2810 km² and an area of occupancy of just under 2100 km²:

Based on aerial photography flown in November 1998, Tozer (2003) estimated the total extent of woody vegetation referred to as Cumberland Plain Woodland was 11 054 (±1 564) ha (upper and lower plausible bounds, *sensu* Keith et al. 2009), representing 8.8 (±1.2)% of the pre-European distribution of the community. Patches of the community lacking woody vegetation are very small in extent and can be considered to be included within the plausible bounds. For that part of the community's distribution to the east of the Hawkesbury-Nepean River, earlier mapping at coarser resolution by Benson & Howell (1990b) suggests a similar level of depletion, with an estimated 6 420 ha of 'Cumberland Plain Woodlands', representing 6% of the pre-European distribution east of the Hawkesbury-Nepean River. An update of Tozer's (2003) map, based on interpretation of imagery flown in January-March 2007 shows that the extent of Cumberland Plain Woodland east of the Hawkesbury – Nepean River had declined by 442±46 ha, a reduction of 5.2±0.6% in 9 years (NSW Scientific Committee & Simpson 2008). These estimates indicate that the geographic distribution of the community has undergone a very large reduction over a time frame appropriate to the life cycle and habitat characteristics of its component species.

³ <https://www.environment.nsw.gov.au/threatenedSpeciesApp/profile.aspx?id=10191>

The geographic distribution of the CPW, as described in the Final Determination for CPW (Paragraph 15) – estimates the extent of occurrence of the community to be no greater than 11 054 ha:

The reduction in the geographic distribution of Cumberland Plain Woodland was initially due to tree-felling for timber and clearing for crops and pastures (Benson & Howell 1990a). Benson & Howell (1990b) estimated that the community had been reduced to approximately half of its pre-European extent by 1850. Following World War II, there was a marked acceleration in urban and industrial development, which continues to deplete the distribution of the community to the present day. These trends appear likely to continue into the future as the urban area continues to expand to accommodate Sydney's increasing population, which is projected to grow by 1.0-1.1 million people during the 20 years 2007-2026 and 2.2-3.3 million during the 50 years 2007-2056 (Australian Bureau of Statistics 2008). Recent draft plans to develop growth centres in north-west and south-west Sydney, for example, identify staged release of land for residential and employment development over the next 25 years. These areas contain approximately 2000 ha (one-fifth) of the estimated remaining Cumberland Plain Woodland based on Tozer (2003), of which about two-thirds will be available for development, the loss of which is planned for offsetting through voluntary land acquisition and/or the establishment of conservation agreements on lands outside the Growth Centres (Growth Centres Commission 2007) for the primary purpose of biodiversity conservation. While important examples of Cumberland Plain Woodland are represented within conservation reserves, much of the remaining area of the community occurs on private land or on public easements, where it is at risk from small-scale clearing associated with housing, industrial development and transport infrastructure. There are significant logistic and technological constraints and time lags associated with efforts to restore the community (Wilkins *et al.* 2003; Nichols 2005; Nichols *et al.* 2005). 'Clearing of native vegetation' is listed as a Key Threatening Process under the *Threatened Species Conservation Act 1995*.⁴

The Commonwealth Department of the Environment indicates that a substantially lower amount of CPW in fact remains, and that of the original 107,000 ha of CPW across the Sydney Basin, only 6,400 ha remains - equating to just 6%⁵.

This is where the area values put forth by the Plan are considered to be contentious. The Plan states that the extent of occurrence of CPW within the Plan area purportedly supports 20 500 ha of Cumberland Plain Woodland. Confusingly, this figure suggests that the extent of geographic distribution of CPW (which is restricted to the Sydney Basin), is in fact – double that size just in the area subject to the Plan.

The Plan proposes to clear 1,014 hectares of critically endangered CPW. Using the values for the extent of occurrence of CPW put forth in the Final Determination, this would represent an area >10% of the entire remaining ecosystem which would likely result in the functional extinction of this community.

⁴ <https://www.environment.nsw.gov.au/Topics/Animals-and-plants/Threatened-species/NSW-Threatened-Species-Scientific-Committee/Determinations/Final-determinations/2008-2010/Cumberland-Plain-Woodland-critically-endangered-ecological-community-listing>

⁵ <https://www.environment.gov.au/resource/cumberland-plain-woodland>

Recommendation: In its current format, the Plan proposes a scale of impact to CPW that is likely to result in the functional extinction of this community – which is considered to be an unacceptable impact to this SAI candidate entity. The Plan should be revised to substantially reduce its impact to CPW, and where possible completely avoid impacts to CPW.

Impacts to koalas and koala habitat under the Plan

On 26 August 2020, the Office of the NSW Chief Scientist and Engineer released their report on the protection of the Campbelltown koala population. The Chief Scientists report was prepared at the request of the Minister for Energy and Environment (Hon Matt Kean) and Minister for Planning and Public Places (Hon Rob Stokes), and an independent expert panel of scientists (the Panel) was established to provide advice on measures required to protect the Campbelltown koala population. Notably, the expert advice was prepared with consideration to the Mount Gilead Stage 2 development, and with regard to the strategic conservation planning for the Greater Macarthur Priority Growth area, as directed by the Plan.

Loss of connectivity and fragmentation of koala habitat under the Plan

The Chief Scientist report states that “few dense urban new developments in Australia have successfully, over the long term, avoided declining koala populations in the context of rapid growth in urban infrastructure, dwellings, and the threats that arise from thousands of human residents.”

The Cumberland Plain Assessment report states that 26% of existing koala habitat within the area covered by the Plan will be impacted. However, the biggest impact to koalas and their habitat proposed under the Plan, is the further fragmentation of habitat, and subsequent loss of connectivity as a result of the implementation of the Plan.

The strategic planning proposed by way of the Plan does not avoid existing Reserves and habitat corridors, and will result in the further isolation of bushland areas. The Plan will result in the isolation of approximately 12,807 ha, which is equal to around 59% of the region.

Campbelltown supports a generally healthy koala population. The local colony is free of Chlamydia infection and showing signs of recovering numbers with a positive population trajectory. As the koalas in this region continue to re-occupy the Cumberland Plain, the introduction of further barriers to movement by way of the Plan and fragmentation of habitat will likely prevent the ability of the local koala population to continue to recolonize areas of suitable habitat as it continues to expand. With habitat isolation one of the main drivers causing species loss and declines in biodiversity, the risk posed by this Plan is that the resulting loss of connectivity may present a real threat to the ongoing viability of the koala population into the future.

To support future growth and service urban development in the Greater Macarthur region, Council recognizes the need for the strategic certification process proposed under the Plan to facilitate land release and provision of associated and essential infrastructure to assist precinct planning in the region in the form of new roads or road upgrades, heavy rail lines, utilities and pipelines, with the geographic distribution of the development generally requiring north-south orientated linear infrastructure.

Recommendation: At a minimum, the Plan should include predictive habitat suitability modelling and population viability analyses to estimate the extinction probabilities of the

koala population related to the strategic biocertification development scenario proposed under the Plan.

The draft Plan fails to fully realise and incorporate the recommendations made in the Chief Scientist report

In order to provide a holistic and consistent approach to the protection of koalas in the region, the advice contained within the Chief Scientists report outlines specific findings and recommendations to improve the koala conservation measures proposed for the Mount Gilead Stage 2 development, and the CPCP. This is realised through a risk based analysis and detailed assessment of a range of possible scenarios for koala habitat in the area. In particular, the findings of the report focus on eight nominal corridors located in the South Campbelltown region associated with the Greater Macarthur Priority Growth Area, including two north-south corridors, and six east-west corridors (being A-F) linking the Nepean and Georges River; with the Panel identifying site-specific mitigation and protection measures for each corridor.

The Chief Scientists report makes four recommendations to ensure the long-term viability of the koala population in Campbelltown into the future, including:

1. The establishment of the Georges River Koala Reserve
2. Protection of koala habitat corridors and connectivity – including koala exclusion fencing, road crossing structures and specifying corridor widths
3. Monitoring and adaptive management of the koala population across the region
4. Disease prevention program – with a focus on the development of vaccinations for Chlamydia and Koala retrovirus (KoRV)

The Plan, however, fails to fully realise and incorporate Recommendation 2 (*Connectivity and habitat of east-west corridors*) as made in the Chief Scientist report.

Recommendation: That the Plan ensure that the recommendations made in the Chief Scientist report, particularly connectivity and habitat of east-west corridors, are fully incorporated into the Plan.

The corridor prescriptions specified in the Chief Scientist report are diminished by way of the Plan

‘Recommendation 2 within the Chief Scientist report applies to the connectivity and habitat of east-west corridors in South Campbelltown, and can be broken down into two general categories: The first which applies to the Mount Gilead development (Corridors A, B, C), and the second which applies to the south of the Mount Gilead development as covered by the Plan (Corridors D, E, F) (Appendix B, Figure 2).

The Panel outlines the following corridor measures and requirements for east-west connectivity (which applies to all corridors A-F), that habitat within identified corridors should be:

- Protected (especially from development creep)
- Widened through revegetation – average size 390 – 425m
- include a buffer on either side of the corridor habitat that is at least 30m wide from the corridor to the exclusion fence with feed trees permitted in this buffer area
- include, between the buffer area and the urban areas, koala proof fencing to prevent the movement of koalas out of the corridor into urban areas (with trees more than 3 m from the fencing to avoid damage) and the movement of domestic dogs (amongst other potential threats) into the corridor

- for sites where exclusion fencing is infeasible due to steep terrain, then additional buffer width should be utilised (buffer ~60 m), with a traffic speed limit of 40 km/h and predator / dog monitoring
- APZ is outside the exclusion fencing, within the development footprint
- Further, connectivity structures within corridors should also be assessed including local roads and other infrastructure (e.g. the Upper Canal).

The Chief Scientist report specifies that buffers and APZ's are to comprise additional areas (to the corridor) that extend into the development footprint from the exclusion fencing:

'The Panel finds that the functional roles of APZs and of buffer zones to protect koalas are different, and as such need to be differentiated in the design of the interface. APZs serve a role of protecting people and property from bushfire hazard, while buffers associated with koala protection reduce the impact of threats, light and noise on koalas. The goal being to reduce stress on koalas which has general health benefits and impacts on mortality and breeding rates. For this reason, the Panel finds that buffers should be more clearly defined in MGS2 material in terms of their purpose, with buffers being in place on both sides of the corridor and be in addition to APZs'⁶.

Therefore, the corridor equation put forth by the Chief Scientist report can be summarised below:

Corridor Calc = Corridor width + buffer (within exclusion fence) + APZ (outside)

The Plan confirms that the APZ must be located within the urban capable land, and outside the environmental conservation zoning which is consistent with the Chief Scientist report. This is outlined in Commitment 2 (Action 6) of the Conservation program (Sub-Plan A):

'When preparing new precinct plans for nominated areas, ensure that asset protection zones are located wholly within certified - urban capable land'

However, the Plan fails to commit to the provision of an additional 30m buffer area required for a safe koala corridor as recommended in the Chief Scientist report. Instead, Commitment 12 (Action 5) of the Conservation program (Sub-Plan B Koalas) states that the Plan intends to:

'Facilitate koala movement for at least one east-west corridor by constructing a koala crossing at Appin Road and, through restoration, ensure the corridor is at least 390m wide with an adequate or additional buffer wherever feasible, for koala viability and movement'

Recommendation: That the Plan include the findings and recommendations of the Chief Scientist report in their entirety, and provide certainty under the Plan to ensure that buffer areas are specifically included in corridor width calculations.

The Plan cherry picks the findings and corridor scenarios identified under the Chief Scientist report

For corridors covered under the Plan (eg those located south of the Mount Gilead development), the Chief Scientist report outlines the following specific requirements:

⁶ Refer Figure 10 of the Chief Scientist report - https://www.chiefscientist.nsw.gov.au/_data/assets/pdf_file/0005/318830/Koalas-Advice-Final.pdf

- *Corridor D:* The Mallaty Creek to Georges River Road should be fenced if feasible and protected in the event that suitable land cannot be purchased to finalise corridor. If a crossing at E cannot be progressed, then an underpass across Appin Road should be developed at Corridor D. The measures to protect the corridors should be applied.
- *Corridor E:* The Ouesdale Creek to Appin North Corridor should be secured as the east-west corridor to connect the Georges River Reserve and Nepean Corridors. A suitable crossing structure (e.g. culvert) should be constructed at Appin Road. If a crossing at Corridor E is secured and crossing at Appin Road for Corridor D not pursued, then a decision would need to be made based on the risk/benefits of maintaining the koalas and mitigation measures in Corridor D without a crossing at Appin Road.
- *Corridor F:* The habitat in Corridor F should be protected including with exclusion fencing to minimise risks from threats, and with monitoring of risks to avoid a population sink.

On review of the Plan however, the Plan commits to delivering just one corridor suitable for koala movement in South Campbelltown as outlined in Commitment 12 (Action 5) of the Conservation program (Sub-Plan B Koalas):

‘All east–west koala corridors within the Plan Area will be protected (for vegetation) using environmental conservation zoning. Where not feasible due to width, the corridor will be fenced to exclude koalas but can be considered for future restoration to support koala movement, noting at least one will be secured for koala movement including safe crossing of Appin Road through the Plan⁷’.

The Plan also proposes to install exclusion fencing within some east-west corridors to actively exclude koalas, which is not supported as this would result in a further loss of habitat for the local population and permanently displace those individual koalas already residing in these areas.

Recommendation: That the Plan include the findings and recommendations of the Chief Scientist report in their entirety, and provide a commitment under the Plan that appropriate mitigation measures and corridor prescriptions are incorporated into all east-west corridors.

Koala habitat and connectivity along Appin Road

The Plan addresses the koala mitigation measures proposed by Transport for NSW as part of the Appin Road upgrade and safety improvement works. This includes the installation of fauna exclusion fencing and barriers along Appin Road. The fencing proposed by TfNSW is predominantly focused on the eastern side of Appin Road, however as part of these works there will be some koala-exclusion fencing along the western side of Appin Road at Noorumba Reserve. The barriers proposed by TfNSW in association with the fauna exclusion fencing include the installation of cattle grids at driveway access points onto Appin Road. The intent of the cattle grids are to maintain vehicular access, but to prevent koala movements into the road corridor.

Council staff have previously raised concerns in relation to the infrastructure upgrades proposed by TfNSW for Appin Road, including made in writing to a number of State and Federal Ministers and submissions to NSW Government departments.

⁷ [https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00+--+CPCP/edited_5.+Draft+Sub-Plan+B+Koalas+\(in+template\).pdf](https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00+--+CPCP/edited_5.+Draft+Sub-Plan+B+Koalas+(in+template).pdf)

For the last few years, Council has been strongly advocating for the need for improved coordination between State and Local Government agencies to ensure that planning for biodiversity outcomes in the South Campbelltown area are addressed during the strategic planning process. This is supported by a number of Council resolutions, in relation to:

- A requirement for the installation of fauna exclusion fencing, appropriate tunnels and high crossing points, to enable safe access through wildlife corridors as part of future development in Mt Gilead (April, 2017)
- Immediate installation of overpasses and koala exclusion fencing along the current alignment of Appin Road (June, 2017)
- A policy position and principles relating to natural asset corridors (November, 2017)
- The findings of the South Campbelltown Koala Habitat Connectivity Study (Biolink, 2017) which were provided to DP&E, RMS and OEH; reiterating the need to establish east-west natural asset corridors across Appin Road to be supported by wildlife underpasses and overpasses (March, 2018)
- Councils approved Comprehensive Koala Plan of Management (July, 2020)

On review of the Plan, it appears that the Department has taken into consideration the inconsistencies in the design of the mitigation measures proposed by TfNSW under the Appin Road upgrade and safety improvement works; with the Plan proposing to fund the installation of koala-exclusion fencing between Mount Gilead and Appin Village in all remaining areas outside of those proposed to be fenced by TfNSW as part of the Appin Road upgrade. Council is supportive of this outcome, as it would facilitate the continuity of koala-exclusion fencing along both sides of Appin Road and ensure koalas were prevented from accessing the carriageway and being struck by motor vehicles.

Recommendation: Council is supportive of the Plan's commitment to ensuring that the extent of koala exclusion fencing along Appin Road is fenced in its entirety.

Suitability of biodiversity offsets under the Plan

Biodiversity offsets on average fail to secure environmental outcomes

The failure of biodiversity offset agreements, in general, to live up to their promised environmental outcomes has been well studied, and was recently highlighted in an Interim Report on the 10-year statutory Review of the Environmental Protection Biodiversity Conservation Act (EPBC Act); which concluded that:

'Offsets do not offset the impact of development, and overall there is a net loss of habitat.'

The Plan proposes a number of offsets, however these offsets do not appear to be targeted and won't be secured prior to development impacts.

Recommendation: Council strongly recommends that the Plan be required to secure biodiversity offsets upfront, and in advance of development impacts. The need to establish offsets up front is particularly important for offset areas comprising partial or full reconstruction of ecological communities under the Plan. Furthermore, these areas should be subject to a pre-established period of 10 years (prior to development impact), to minimise the temporal gap (eg 'time lag') associated with the impact and the delivery of the offset.

Proposed offsets under the Plan are unsuitable

The Plan proposes to establish three new public reserves within the first five years of the Plan's implementation to deliver three strategic keystone offsets. These include the:

- Georges River Koala Reserve, comprising 1,885 ha
- Gulguer Reserved Investigation Area (boundary undefined), comprising 1,800 ha
- Confluence Investigation Area (boundary undefined), comprising 600 ha

However, all of the keystone offset areas proposed predominately constitute Sandstone communities, which are not associated with the community subjected to the highest level of impact under the Plan, being Cumberland Plain Woodland.

In order to deliver adequate, and 'like for like' offsets that would be suitable for the proposed removal of > 1000 ha of CPW under the Plan; the Plan would need to deliver approximately 3000 ha of CPW offsets.

It is noted in the Plan that as the proposed development has been determined by the NSW Minister to be considered for approval under a strategic biodiversity certification, that the offset rules under the BC Regulation do not apply and that the Minister can determine any measure to be a conservation measure.

Recommendation: That the Plan focus on providing suitable and targeted keystone offsets for CPW, equivalent to the impacts proposed under the Plan.

Exclusion of 'small lots' from participating in biodiversity offset program

A number of small lots have been effectively excluded from the Plan through application of the land categorization scheme proposed under the Plan. For example, those lots subject to the E2 zoning imposed under the 'Non certified - Biodiversity Avoided lands' (that are not dually mapped as SCA) appear to likely be ineligible for offsets.

This is because most of these lands are of a very small size and don't meet the appropriate criteria for offsets in accordance with the Biodiversity Conservation Trust (BCT). It is understood that the BCT won't process applications for BSA sites under 20 ha in size, as areas on this scale have proven to be too expensive to manage under the current offsetting arrangements. For example, not only will the Part B costs associated with the land value be inadequate for smaller lots under the scheme; but with low ecosystem credit prices, the cost for conservation, management and administration fees associated with the Part A costs end up far exceeding the total credit value.

Recommendation: The Plan should reconsider its approach to the land categorization scheme to one that supports landowners to protect biodiversity values on their land and encourages participation in the biodiversity offset program, instead of an approach that marginalizes and disincentivizes landowners in these areas.

The Plan should prioritise conservation opportunities that protect existing bushland areas

Restoration targets proposed under the Plan include undertaking up to 1,370 ha of ecological restoration of threatened ecological communities in priority areas – which are said to comprise up to 25% of the conservation target for impacted native vegetation under the Plan.

It has been well established through scientific research, that revegetation and reconstruction approaches are a poor replacement for the conservation of existing bushland areas. There is

substantial evidence that the best biodiversity conservation outcomes are achieved by the reservation and protection of intact communities and that rehabilitated sites rarely approach the biodiversity values of intact, or even degraded communities.

In particular, the ecological reconstruction of TEC's when used for biodiversity offsets are known to be high risk, expensive, and have high failure rates; as confirmed by the findings of an independent analysis of global offset programs (including programs from NSW), which found:

'inherently large time lags, uncertainty, and risk of restoration failure require offset ratios that far exceed what is currently applied in practice. Restoration offset policy therefore leads to a net loss of biodiversity and represents an inappropriate use of the otherwise valuable tool of ecosystem restoration⁸.

The success of restoration approaches as described in the Final Determination for CPW (Paragraph 14) – are well known to be problematic, especially in locations that have endured historical soil disturbance:

'Some areas of Cumberland Plain Woodland subjected to a history of partial clearing and grazing have recently undergone a change in management to conserve the community. Examples include Mt Annan Botanic Garden, Scheyville National Park, Western Sydney Regional Park, Elizabeth Macarthur Agricultural Institute, Orchard Hills Defence Site and the former Australian Defence Industries site at St Marys. Experience from these areas suggests that the community is capable of some recovery, provided the soil has not been disturbed by earthworks, cultivation, fertiliser application or other means of nutrient or moisture enrichment (Benson & Howell 2002; Pellow 2003; Keith et al. 2005; J. Howell in litt. August 2007; J. Sanders in litt. January 2008). In contrast, restoration of Cumberland Plain Woodland has proved to be problematic on sites that have been exposed to such soil disturbance. At Western Sydney Regional Park, for example, Wilkins et al. (2003), Nichols (2005) and Nichols et al. (2005) studied the recovery of abandoned pastures that had been planted with more than 20 native tree and shrub species of Cumberland Plain Woodland. Over 10 years they found no evidence of convergence in species composition with nearby remnant stands of the community and the species composition of restored areas remained indistinguishable from untreated pastures. There was some evidence that restored vegetation had begun to develop more species-rich assemblages of moths and butterflies compared to untreated pastures, although after 10 years, it lacked a number of species characteristic of remnant woodland (Lomov et al. 2006). Ant communities also showed marked differences between restored and remnant vegetation although some ecological processes, such as pollination and seed dispersal, showed some evidence of development at restored sites (Lomov 2005). These results suggest that sites with a history of soil disturbance will be extremely slow to recover characteristics of Cumberland Plain Woodland, if at all, and that experimentation with alternative restoration technologies is required. As a large proportion of the former distribution of the community has either undergone similar histories of soil disturbance or are now occupied by urban development, opportunities for restoration of the community across significant areas appear limited.'

This is supported by the results of recent revegetation projects undertaken at Western Sydney Parklands which proceeded on a large scale despite scientific advice that this

⁸ Curran et al (2004) Is there any empirical support for biodiversity offset policy? *Applied Ecology* 24(4):617-32

approach would not deliver the biodiversity outcomes claimed⁹. The poor results originally predicted have now been retrospectively demonstrated.

Council is concerned with the amount of land being proposed for reconstruction under the Plan, and the lack of available science to support the viability of this offsetting approach. This is best exemplified by the large areas of cleared farmland in Gilead (located on the eastern side of Appin Road) that have been identified under the Plan for reconstruction as part of the keystone offset contributions for the Georges River Koala Reserve.

Recommendation: The Plan should prioritise conservation opportunities that protect areas of existing bushland areas, rather than focus its attention on ecological reconstruction of cleared farmland that has been subject to historical disturbance regimes.

Establishment of Council Reserves as ‘Conservation Lands’ under the Plan

Conservation lands established through the conservation program will include both new reserves and additions to existing reserves. The term ‘reserves’ in the Plan can refer to national parks, nature reserves, state conservation areas, regional parks (all managed by National Parks and Wildlife Service), council reserves and community-based reserves, as long as they have secure (on-title) agreements in place and will be managed for conservation in perpetuity.

Recommendation: That further clarification be provided in the Plan regarding the mechanism for establishment of Council reserves that are included in the CPCP and if the mechanism will come with a guarantee of funding for management or if there is a requirement for Council to fund management in perpetuity. Further to this clarification is required with regards to capitalising funds and if they will be managed through developer contributions in perpetuity.

The Plan adopts a failed strategic assessment model

According to the Growth Centres Biodiversity Offset Program’s most recent annual report, this landscape-scale approach to offsetting is said to ‘support a more streamlined and cost-effective land-release program’ while enabling ‘the NSW Government to be strategic in meeting its goals for biodiversity conservation’.

Council holds concerns with the ability for the Plan to deliver a successful Growth Centres program. Contrary to the purported success of the Growth Centres Biodiversity Offset Program, the approach is understood to have been largely unsuccessful in the past. For example, the same model proposed under the Plan was used for the Western Sydney Growth Centres program, which failed to protect conservation lands - and instead resulted in hundreds of hectares of native vegetation being cleared over and above what was subject to biocertification order under the strategic assessment.

Recommendation: That the Plan consider the models used under previous Growth Centres programs, to investigate the failures of these past programs and take a ‘lessons learned’ approach to inform the improved and progressive development of the Plan.

Georges River Koala Reserve proposed under the Plan

⁹ Nichols et al (2010) Testing a facilitation model for ecosystem restoration: Does tree planting restore ground layer species in a grassy woodland? *Austral Ecology* **35**(8):888-897

Information sharing of local knowledge and issues

Council, its staff and the local community have been engaged with the proposed Reserve area over the past 70 or so years and as such have an extensive understanding of management issues. Council in particular has directly managed works including bush regeneration, priority weed management, Aboriginal and European heritage conservation, reserve access issues and recreation upgrades and has many documents to support this.

Recommendation: It would therefore be paramount and beneficial that an early collaborative approach to future management be undertaken, preferably prior to funding allocations under proposed Biodiversity Stewardship Agreements (BSA) to ensure that there are no shortfalls.

Inclusion of Council Reserves into the proposed Georges River Koala Reserve

The proposed Reserve incorporates various Council owned and/or Council managed reserves (Care, Control and Management), some of which have high recreational value and have seen significant investment from Council over the many years of active management. This is particularly of reference with regards to future expenditure and maintenance works during the extensive reserve establishment phase and to reduce any double up with items that may already be costed. The Council owned reserves in question include Scattergood Park, St Helens Park, rear of Foxlow Pl, Airds, Canally Reserve, Airds and Ingleburn Reserve, Ingleburn. The Council managed Crown Lands include The Woolwash, Airds and Freres Crossing and Keith Longhurst Reserves (The Basin or Georges River Nature Reserve), Kentlyn.

Recommendation: Council requests clarification as to the arrangements under the proposed Georges River Koala Reserve for both Council owned and Council managed reserves.

Inconsistent boundary delineation of proposed Georges River Koala Reserve

To aid in managing future conflicts and for ease of installation and overall effectiveness of Reserve exclusion fencing, the proposed Reserve boundary should be amended to include all lands to the east of existing roads and/or properties. This will assist adjoining land owners in identifying Reserve lands and will reduce confusion with land ownership between private and public land owners. In addition many of the proposed boundaries cross large creek lines (such as Spring Creek, St Helens Park) or do not align with existing roads. This will be problematic for future management and will impact on creating a secure reserve network that addresses existing issues such as illegal trailbike and 4WD access.

Recommendation: The practical application of the Reserve boundary as currently proposed under the Plan is problematic. To more adequately support the future management system of the Reserve, the Plan should adopt more appropriate fencing delineation which could be achieved by incorporating all properties on the eastern periphery of the Reserve boundary.

Community access and existing use rights

Council has over many years received feedback from local residents and visitors with regards to reserve uses and access at key reserves include Freres Crossing and Keith Longhurst Reserve (The Basin or Georges River Nature Reserve) with similar concerns also raised with regards to many other informal DPIE owned lots through-out Kentlyn and Minto Heights. Currently the majority of the proposed reserve is zoned RE1 under the *Campbelltown Local Environmental Plan 2015* and our residents have been vocal about maintaining access rights to these reserves in accordance with the uses of the zone, in

particular horse riding. Many of the residents originally purchased property in the rural areas of Campbelltown to utilise the benefits of the surrounding land for recreational activities and as such these undertakings should be considered in future management.

Recommendation: The Plan should take into consideration community access and existing use rights into the future management of the Georges River Koala Reserve.

Acquisition of private lands associated with the proposed Georges River Koala Reserve

Council understands that landowners in Campbelltown affected by the Plan (in particular those located within the proposed Georges River Koala Reserve eg along Georges River Road, Kentlyn), have been subject to a mail out from the Department in relation to the Plan. As a result, Council has received a high number of calls from concerned residents enquiring into how the Plan affects their land, and in particular if their individual properties will be subject to future compulsory acquisition clauses under the Plan.

Exhibition of the Plan has been undertaken without the provision of the appropriate level of detailed information for residents to understand how they will be impacted by the proposal, and this has caused a high level of uncertainty and fear in the community. This has also put undue pressure on Council resources to respond to the resultant enquiries stemming from residents in relation to the exhibition of the Plan.

Recommendation: A more active engagement of affected landowners is required to be undertaken by the Department to address the uncertainty caused by the Plan

Lack of consideration given to the Georges River Recreational Trail under the Plan

The proposed Georges River Recreational Trail extends from the Dharawal National Park in the south to Glenfield in the north and runs along the entire length of the Georges River along the eastern side of the Campbelltown LGA. The proposed trail primarily utilises existing fire trails and largely traverses land owned by the NSW Government and interlinks many existing Council and Crown Reserves (under Council's care, control and management), all of which are within the proposed koala reserve. Its consideration during the planning stage of the proposed reserve is essential, particularly with establishment of stewardship sites and calculations of biodiversity credits.

The proposed trail has been in the planning in various forms over the last 30 years, firstly in the late 1990's as the 'The Great Kaimia Way' to more recent Council led studies under the auspice of the Georges River Recreation Trail. Council led discussions begun on the 8 November 2016 when Council at its meeting resolved:

1. That a report be presented to Council investigating the potential to establish a Georges River Bush Cycle Track from Glenfield to Wedderburn.
2. The report is to include possible route and various access points, potential and existing sources of funding - Local, State, Federal and Non-Governmental Organisation, estimated initial construction costs and ongoing maintenance costs, suggested time frame and schedule, potential impediments to the development and an assessment of environmental issues.

In 2017 Council engaged Tredwell Pty Ltd to undertake an Initial Scoping Study/Feasibility Report of the Georges River Recreational Trail. The report provided locations for trail entrances, consolidated many existing fire trails and locations where new trails could be developed to ensure continuity along its entire length adjacent to the Georges River.

At its meeting held on 12 December 2017 Council resolved:

1. That Council endorse the Georges River Recreational Trail initial Scoping Report.
2. That Council support the undertaking of a detailed feasibility study for a River Recreational Trail subject to available funding.

In addition to the support of the proposed trail by Councillors, support is also included within both local and state government documents including:

- Campbelltown Destination Management Plan 2018 - recognises the Georges River Recreational Trail as a key activation area for infrastructure development
- South-West Sydney Green Grid – identifies the importance of the Georges River South and the opportunity to complete the missing gaps in the Campbelltown to Wollongong trail via the Georges River
- Western City District Plan – identified the Georges River Corridor as a regional open space and walking and cycling corridor, as well as protecting and enhancing the wetlands and ecological communities and improving stormwater management from the surrounding development.
- A Plan for Growing Sydney – identifies the need to protect and provide environmental recreation and tourism opportunities within the Georges River corridor.

The development of an extensive formalised recreational trail system throughout the proposed reserve has widespread support from the community and will serve as an important natural, educational and recreational resource for the Campbelltown LGA and broader Macarthur region. In addition proposed trail and would provide Campbelltown with a unique opportunity to attract tourists to the area generating increased economic benefits whilst preventing ongoing impacts of unsanctioned and illegal trails and protecting the environment through increased visitation.

Recommendation: Council would like to see the Plan take into consideration the Georges River Recreational Trail. To assist with this, Council can provide the Scoping Report as well as detailed on ground mapping that has been completed over the last two years.

<i>Compliance authority assigned under the Plan</i>
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Allocating enforcement responsibility to local Councils for compliance matters

Council currently notes many existing and ongoing issues with the proposed Reserve including illegal firewood collection, rubbish dumping, illegal 4WD/trail bike access and illegal land clearing. To date many of these are largely managed by Council using finite resources and when escalated are often not acted upon by DPIE as they are considered 'too small' for prosecution and investigation. Under the proposed management arrangement it is suggested that resourcing for compliance activities are appropriately funded and staffed above and beyond existing NPWS ranger levels. This is of particular importance given the many historical issues, large urban interface and namely the significant population increases projected for the Campbelltown and broader Macarthur area during the reserve establishment phase.

Recommendation: The Plan should engage with local Councils to discuss funding and staffing requirements related to the allocation of enforcement responsibility to local Councils for compliance matters.

Auditing of Part 5 Environmental Assessments in Strategic Conservation Areas as prescribed under the Plan

Clarification is required regarding Council compliance to oversee Part 5 impact assessments by in strategic conservation areas. This creates confusion and currently there is no real requirement for Part 5 assessment activities to take into account the Biodiversity Values Map. Proposed guidelines for these activities will not be legislated requirements and will likely be ignored by Councils when undertaking works. To ensure its effectiveness inclusion of impact triggers should be included within the SEPP to direct Part 5 impact assessments to include assessment with regard to:

- requirements for public authorities to avoid, minimise, mitigate and offset impacts to biodiversity when undertaking essential infrastructure development on non-certified land in the nominated areas identified under the Plan
- planning controls for the strategic conservation area that the determining authority must consider when assessing activities under Part 5 of the EP&A Act
- mitigation measures to address indirect and prescribed impacts on threatened ecological communities and species from infrastructure development in the nominated areas.

Recommendation: Council would like to seek clarification in relation to the compliance process proposed under the Plan for the undertaking of Part 5 assessments in strategic conservation areas.

Proposed funding of Council-based Compliance Officers under the Plan

Local councils will play a key compliance role, ensuring that conservation measures are implemented in accordance with the Plan. The Plan commits to providing funding for at least three council-based officers across Western Sydney to ensure compliance with the conservation program. These officers will work closely with council rangers to monitor activities such as illegal dumping and vegetation clearing.

Council requires further confirmation as to the proposed timelines for the role out of these officers as residents are already raising concerns and illegal impacts are ongoing, albeit expected to increase with the looming adoption of the plan. Further clarification is also required as to whether these roles will be responsible for Council land only and if they would assist with or be responsible for monitoring Part 5 compliance internally with Council works if works are within avoided or non-certified avoided for biodiversity lands. In addition clarification is required as to whether CPCP officers would be responsible for delivery of strategic actions/project management of conservation works/tracking of 'actual avoided land for biodiversity' to support the CPCP conservation outcomes.

Further clarification is also required with regards to CPCP officers regarding responsibility for managing compliance on development sites with regard to avoiding impact to E2 avoided lands during construction activities and if these officers will be undertaking compliance actions or just directing incidents to Council rangers for compliance actions.

Within the plan, it is not clear how areas that are mapped, but will continue to be managed under 'existing use rights' will fall within the new SEPP. Clarification is needed regarding the E2 zoning and if it is on paper only until triggered by development or an action onsite. This makes it difficult to understand how compliance will be enacted and whether the CPCP officer will need to be authorised to investigate any potential breaches and what legislation this would occur under.

Recommendation: Further detail is required to be provided on the compliance role of local Councils as directed under the Plan, particularly how 3 Council-based officers are to be funded and managed across 8 council areas.

Land tenure agreements

Lack of internal consultation regarding existing land transfer agreements

Councils Property Development team holds strong concerns about the lack of internal consultation and dialogue between the Department and the Office of Strategic Lands (OSL) in the preparation and development of the Plan, especially with regards to existing land transfer agreements being progressed between OSL and Council.

Council has been in ongoing and lengthy negotiations for a substantial period regarding large areas of OSL-owned lands that were in the process of being transferred to Council – however these areas are also identified as keystone offsets required to be delivered under the Plan.

Recommendation: Council encourages the Department to consult with the OSL to ensure a whole of government approach and to ensure that lands required as offsets under the Plan are capable of being delivered.

Spatial Information

Provision of datasets associated with the Plan

Council requires clarification with regards to how and if the Plan's data will be available to inform Council biodiversity planning and conservation management. Through the development process of the local strategic planning statement (LSPS) process, DPIE has worked closely with Councils to provide them with integrated datasets for the strategic conservation area. It is understood that Councils can use these datasets in local and regional planning and that data from the Plan could provide:

- input for councils biodiversity conservation planning priorities
- input to guide councils as they establish biodiversity stewardship sites on council lands
- data to support developing biodiversity strategies and plans, including for habitat corridors
- input for LSPS and local environmental plan reviews to help guide land-use planning for biodiversity conservation.

Recommendation: That datasets associated with the Plan be provided to Council to ensure the fullest potential to assess the validity and any increased opportunities for conservation management within their strategic areas, as well an understanding of how impacts were accessed specific to the LGA.

Implementation of the Plan

Implementation (General)

The Plan has understandably taken a landscape approach to the broad ranging conservation outcomes targeted, including new and additions to existing public reserves (including national parks), investing in biodiversity stewardship sites on privately owned land and ecological restoration of native vegetation.

It needs, however, to establish some guiding principles for its implementation at a local precinct level, potentially as an Attachment so as to not dilute the strategic focus of the plan.

At this level it could establish principles in respect of;

- The location/juxtaposition of Bushfire Asset Protection Zones and ecological corridors. Should they form part of the outer edge of the corridor or should they be excluded from the corridor (as currently proposed)?
- Should the corridors be publically owned and how is their on-going management to be funded, including potential outer asset protection zones, the practical management of domestic animals?
- The nature and extent of public access.
- The location/juxtaposition of stormwater management facilities and ecological corridors.

Recommendation: That the Plan include an Attachment containing guiding principles for its implementation at a local precinct level. This may even form part of Sub-Plan B (Conservation Program and Implementation).

Implementation (Development Control Plans/LEPs/SEPP)

The Plan identifies development controls to be central to “avoid, mitigate or minimise the indirect and prescribed impacts associated with increased urbanisation and growth”.

Development Control Plans are highlighted to importantly include objectives and controls, including model clauses for DCPs proposed by the Department of Planning, Industry and Environment (DPIE).

For statutory effect it is considered that critical objectives and controls should be detailed in the relevant State Environmental Planning Policy for Strategic Conservation Planning.

Recommendation: That critical objectives and controls be detailed in the relevant State Environmental Planning Policy for Strategic Conservation Planning. Only “lower order” objectives and controls should be detailed in DCPs

Funding under the Plan

Funding Conservation - Outcomes and Equity

The Plan proposed major initial funding to address the documented commitments and actions. Additionally, it proposes that the conservation program be funded through developer contributions as a biodiversity component of a Special Infrastructure Contribution, including potentially full cost recovery.

The nexus between urban development and desired conservation outcomes cannot be disputed.

It is noted, however, that not all the conservation requirements are occasioned by urban development. Accordingly, other funding mechanisms should be explored to fund non developer “induced” impacts

Recommendation: That funding of desired conservation outcomes which extend beyond compensatory development impacts should be the subject of other forms of public funding.

Funding Conservation for ongoing management

The Plan implies significant ongoing management responsibility and accordingly cost implications for a range of bodies, including in particular Councils.

It is not appropriate that Councils are responsible for a range of ongoing management actions and associated costs without access to any extraordinary resourcing or assistance.

Recommendation: That the ongoing management responsibility for diverse natural areas be acknowledged and appropriate extraordinary resourcing provided beyond Councils traditional revenue sources

Potential for the provision of a Special Infrastructure Contribution

The Plan states that:

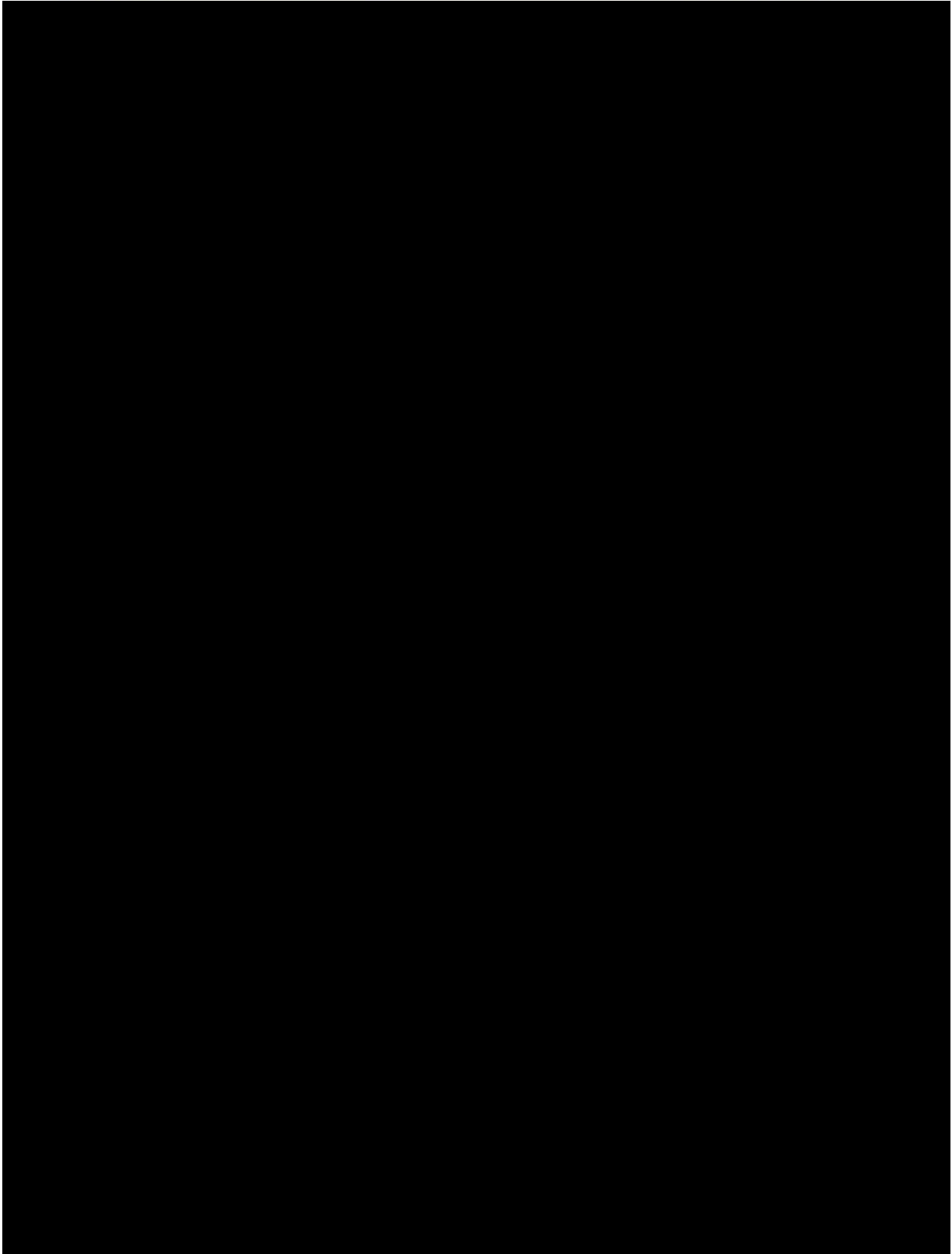
‘A Special Infrastructure Contribution (SIC) levy fund for biodiversity of [REDACTED] per dwelling was proposed in the Wilton and Greater Macarthur Growth Areas draft Land Use and Infrastructure Implementation Plans. The NSW Minister for Planning will consider a range of developer contribution levels, including full cost recovery, prior to making a final determination on the biodiversity component of the Special Infrastructure Contribution before the Plan is approved.’

Recommendation: That further clarification be provided in the Plan regarding requirements for Council and if there will be a requirement to formulate its own policy/negotiate VPAs for each E2 avoided land areas individual or require informal offset strategies based on TFD values using the BAM-C. This method appears to be too loose and will create potential for an endless number of negotiations where the development contributions provided are inadequate to cover managing ‘high quality biodiversity assets’ after development construction is completed.

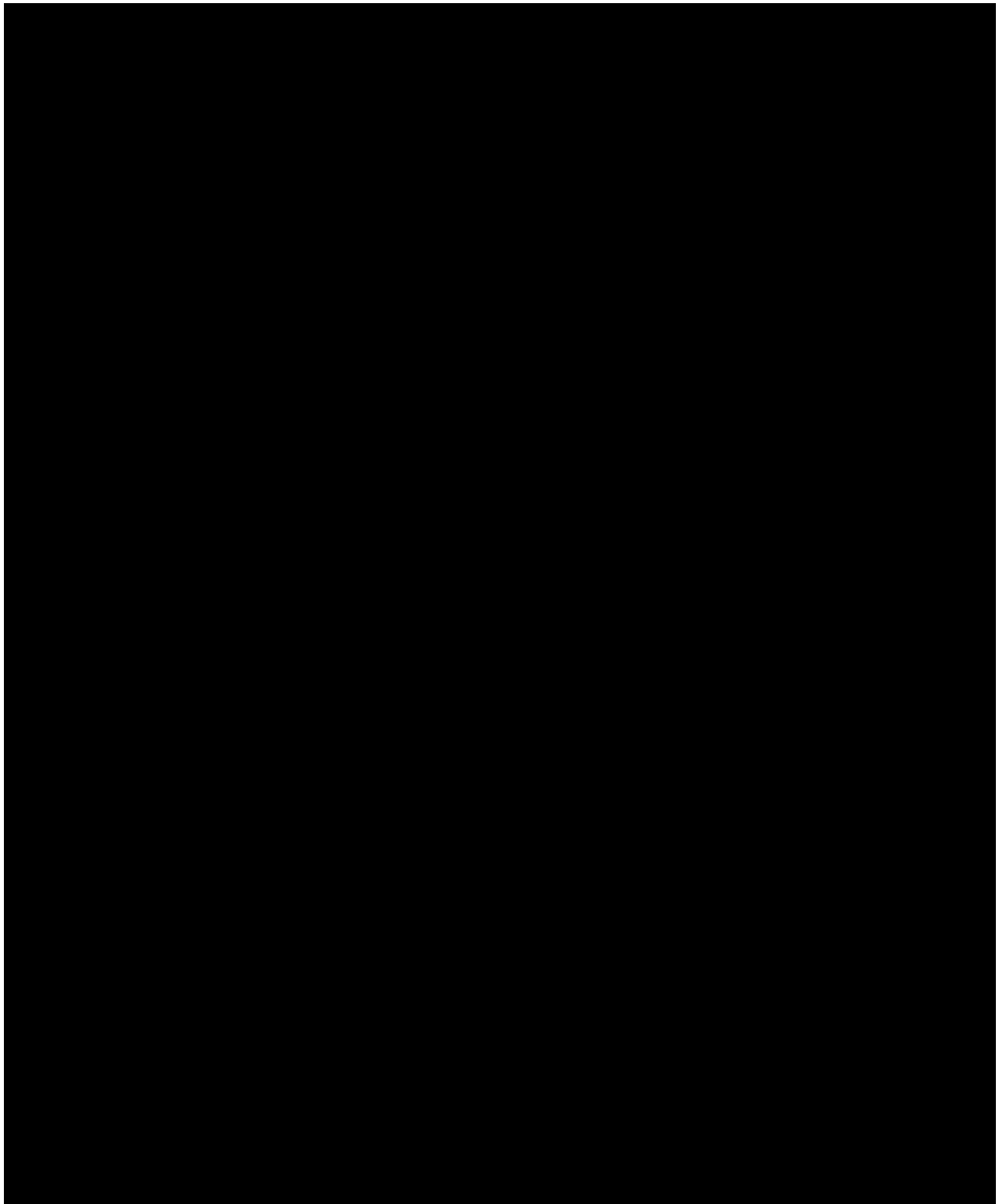
Appendix B: Supporting Reference materials

Figure 1: 'Already Protected Lands' not identified under the Plan

- i. Hillsborough Biobank site (Lend Lease Mt Gilead Stage 2)



- ii. Location of the Gilead and St Helens Park biodiversity offset sites (associated with the federal approval for the Airds-Bradbury Renewal Project)



- iii. Location of biodiversity offset sites BC1-6 (associated with the federal approval for the Airds-Bradbury Renewal Project)

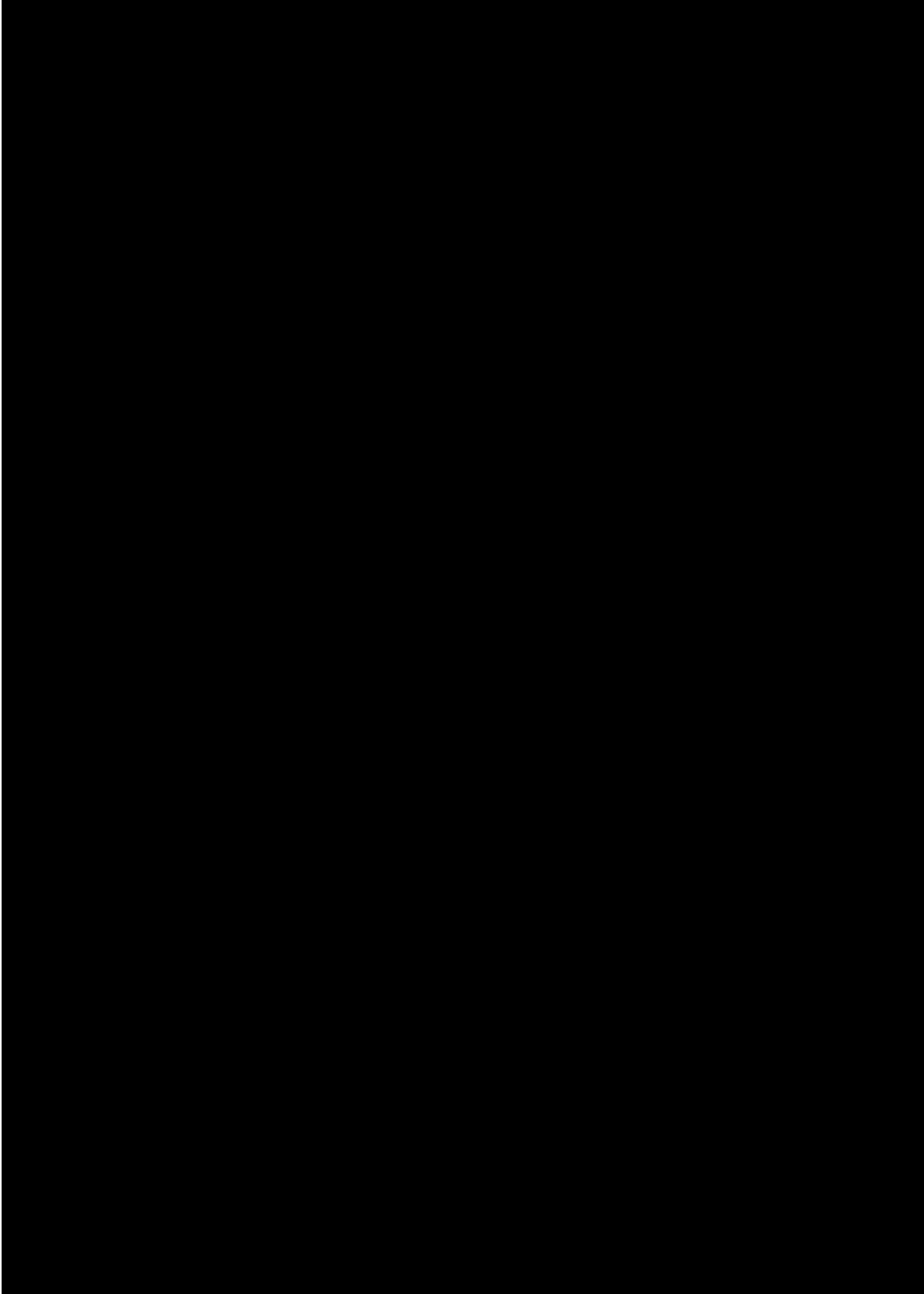


Figure 2: Chief Scientist report – potential east-west wildlife corridors

Potential east-west wildlife corridors, labelled A-F connecting the Nepean River to the Georges River (Figure 5 of the CS report)

A) Menangle Creek to Noorumba, B) Woodhouse Creek to Beulah, C) Nepean Creek to Beulah, D) Mallaty Creek to Georges River, E) Ousedale Creek to Appin North, F) Elladale Creek and Simpsons Creek to the colliery

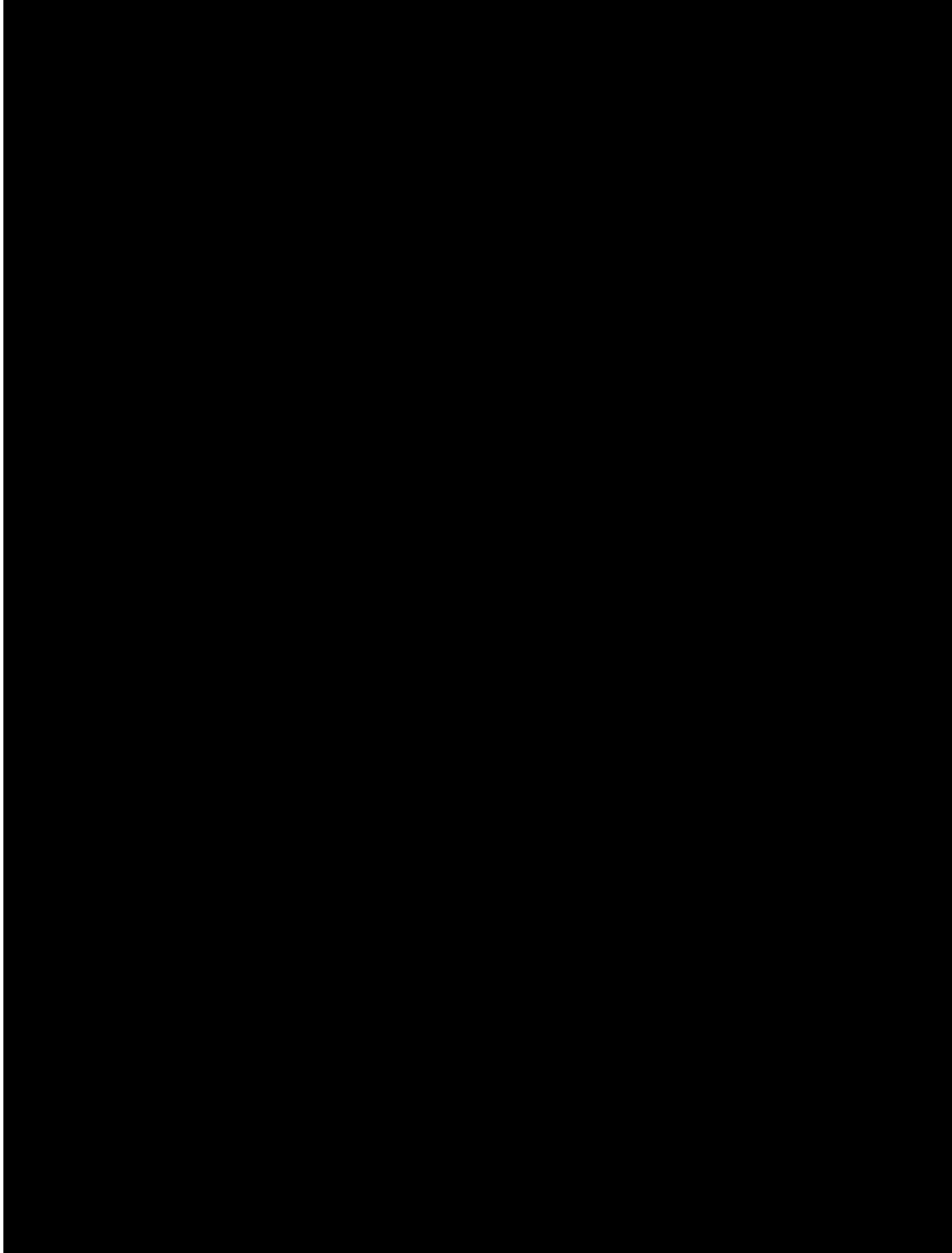


Figure 3: Screenshot of CPCP spatial viewer – east-west wildlife corridors identified under the Plan

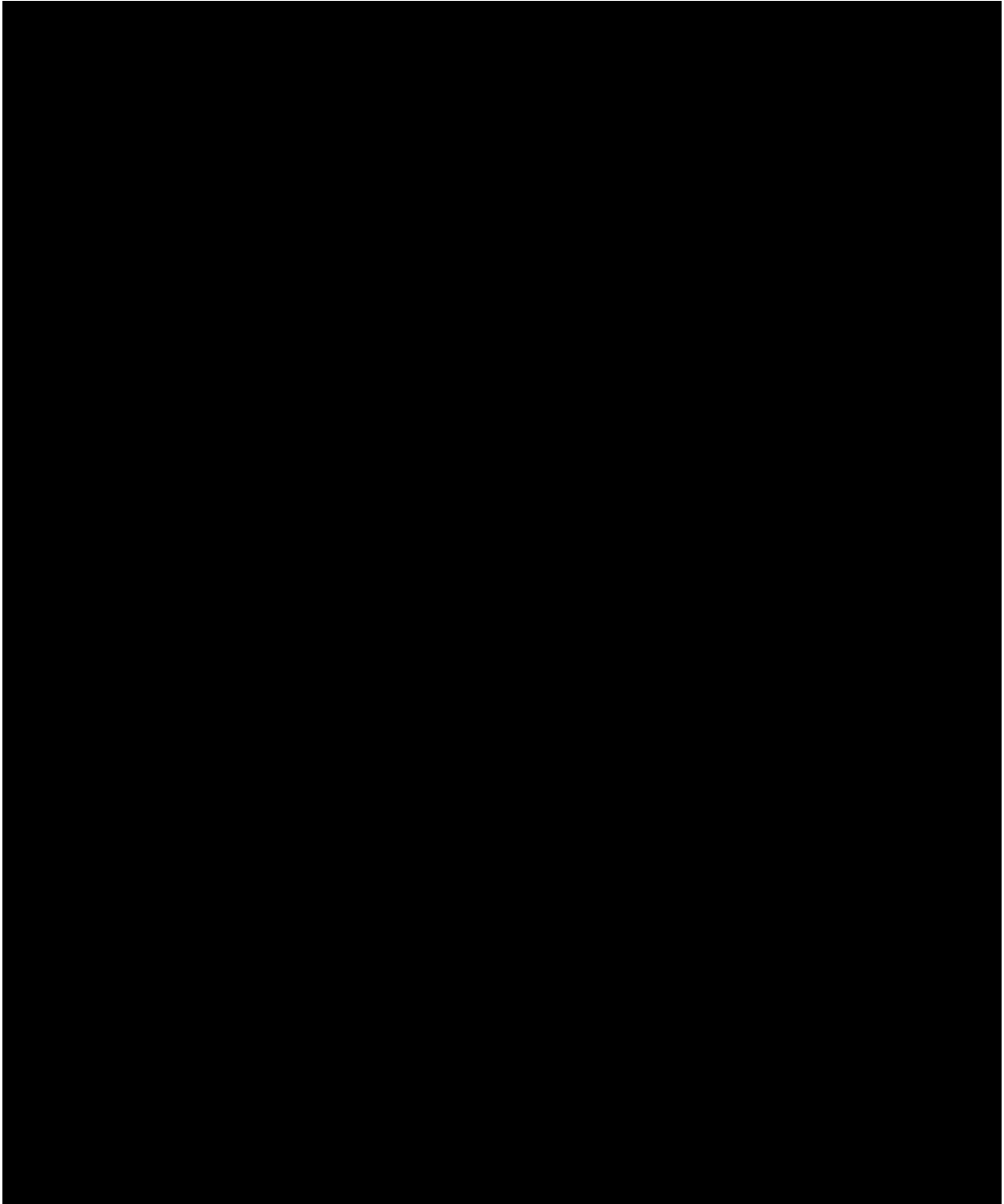
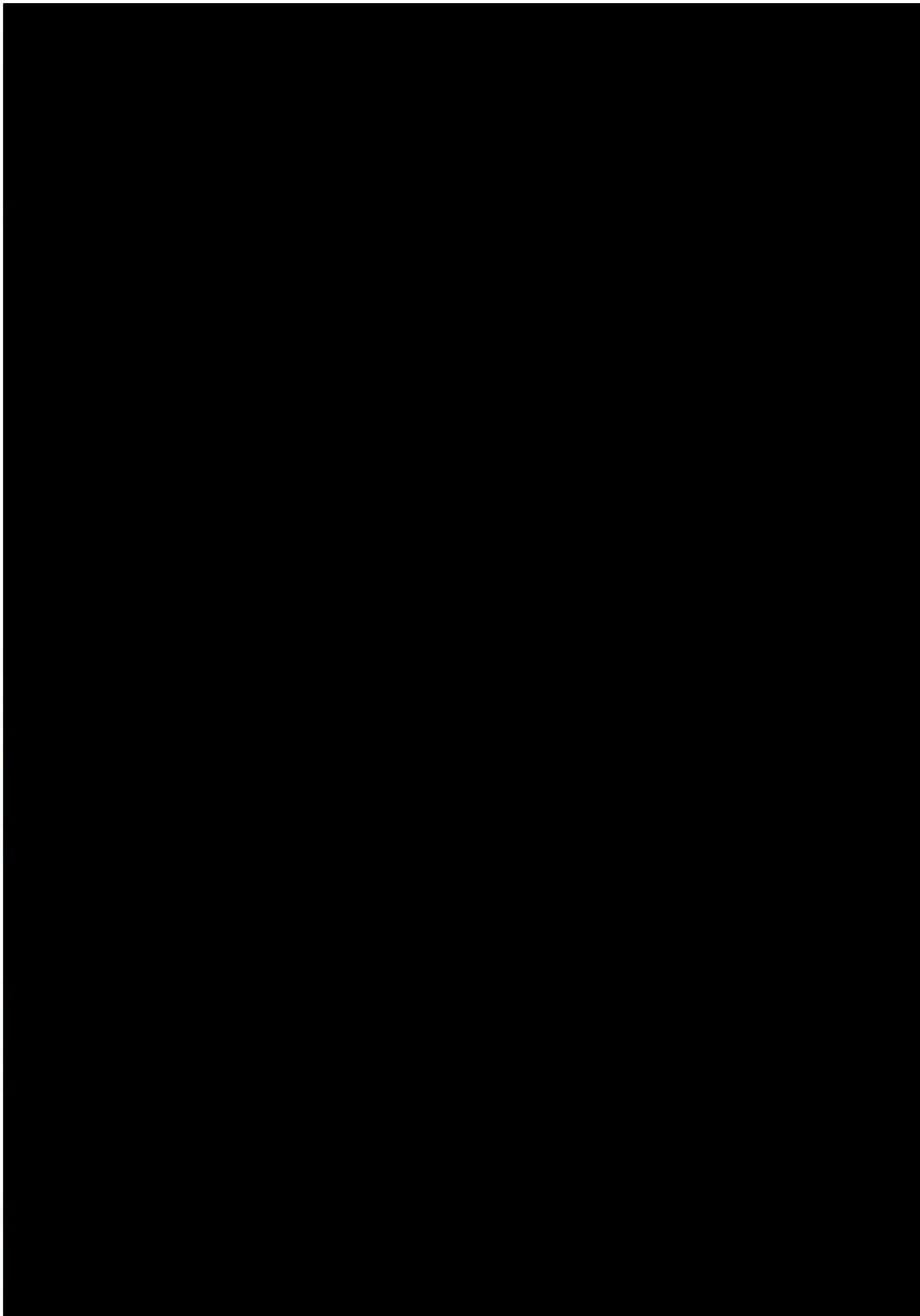


Figure 4: Sub-Plan B (Koalas) – ‘Important Koala Habitat’ identified under the Plan



16 October 2020

Green & Resilient Places Division
Department of Planning, Industry & Environment
Parramatta Square
12 Darcy Street,
Parramatta, NSW 2150

Dear Sir/Madam

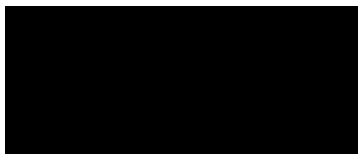
Re: Public Exhibition of the draft Cumberland Plain Conservation Plan

Thank you for the opportunity to make a submission on the draft Cumberland Plain Conservation Plan (the Plan).

As outlined in Council's previous letter dated 9 October, please see a replacement submission attached that has been reviewed by senior staff. The matters raised in the submission will be presented to the Ordinary Council meeting of Council on 10 November 2020, whereby a formal resolution of Council will be sought to support the making of the submission.

Should you have any questions, or would like to discuss the content of this submission, please contact me on [REDACTED]

Yours sincerely,



Fletcher Rayner
Executive Manager
Urban Release and Engagement

Appendix A: Campbelltown City Council submission to the Department on the draft Cumberland Plain Conservation Plan

Public exhibition of the Plan

Inadequate timeframe for the review of the Plan and preparation of submissions

The designated review timeframe for submissions on the Cumberland Plain Conservation Plan ("the Plan") is considered to be inadequate for the public exhibition of "*one of the largest strategic conservation plans to be undertaken in Australia and the first strategic biodiversity certification to be undertaken under the NSW Biodiversity Conservation Act 2016*".

Given the substantial scope and size of the land release program, the biodiversity and socio-economic impacts of land rezoning, in addition to the biocertification and strategic planning implications; the expectation that community and local government stakeholders would have the resourcing capacity and ability to review and compile an adequate submission in the allotted 6 week timeframe, the last two of which were during school holiday leave period, is unreasonable. This is further exacerbated by the fact that the supporting documents to be reviewed comprise hundreds of pages, and need to be reviewed simultaneously, including review of the various spatial viewer layers.

Recommendation: That the Plan, supporting documents and spatial viewer, be subject to a secondary public exhibition period associated with the revised Plan, and release of the - associated SEPP (as detailed in the Explanation of Intended Effect (EIE)). The length of the public exhibition period should be commensurate with the vital importance of the Plan and proposed SEPP.

Strategic planning outcomes

Livability and sustainability should be further prioritized and enforced in the Plan

The importance of the draft Cumberland Plain Conservation Plan 2020-2056 'The Plan' as an integral part of a framework for a sustainable Western City Parkland City cannot be overstated.

The Plan's vision is noted to 'support Western Sydney's biodiversity and growth' and to 'support the delivery of infrastructure, housing and jobs for people in the Western Sydney Parkland while protecting important biodiversity.'

It seeks to 'offset the biodiversity impacts of future urban development, while ensuring a vibrant and liveable city.'

Notwithstanding its overarching conservation objective, the need for balance and "liveability" needs to be reinforced. The Plan must facilitate limited public use (of certain designated conservation areas) together with environmental conservation. True 'liveability' does not conclude with conservation as an end to itself.

The Plan claims to support increased public access to green space to improve opportunities for recreation, wellbeing, and social connection. Yet the Plan's 28 commitments are silent regarding limited public access and use of strategic areas and linkages. Ecofriendly pathways integrated with natural corridors are eminently consistent with conservation outcomes.

Limited access and use will importantly engender greater ownership by local and district citizens and assist in minimising human induced degradation.

Recommendation: The Plan should adopt a more holistic context and ensure liveability objectives are integrated with conservation outcomes.

Greater Sydney Region Plan and Western City District Plan

The Plan cites as its foundation, core sustainability outcomes as highlighted by;

- Objective 26 – A cool and green parkland city in the Wianamatta (South Creek) corridor
- Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced.

The Plan supports the implementation of the Greater Sydney Region Plan for a Western Parkland City, and liveability planning priorities in the Western City District Plan, including:

- Planning Priority W13 – Creating a Parkland City urban structure and identity, with Wianamatta (South Creek) as a defining spatial element
- Planning Priority W14 – Protecting and enhancing bushland and biodiversity
- Planning Priority W16 – Protecting and enhancing scenic and cultural landscapes.

These outcomes provide a sound foundation for the Plan, but equally the Plan should also acknowledge.

Greater Sydney Region Plan - A City of Great Places (Designing places for people)

- Objective 12 – Great places that bring people together (including increased access to open space).

Western City District Plan

- Planning Priority W6 – Creating and renewing great places and local centres and respecting the district's heritage

Recommendation: The Plan should acknowledge broader “liveability” principles as encapsulated in objectives and planning priorities of the Greater Sydney Region Plan and Western City District Plan respectively

Western Sydney Major Infrastructure Corridors

The Plan reinforces the NSW Government's commitment to the strategic direction contained in “Future Transport Strategy 2056” and the delivery of a number key infrastructure corridors in Western Sydney as detailed in Table 2. It also notes the limited exclusion of other major corridors and relevant biodiversity approvals.

The exclusion of Appin Road and Menangle Road and other major planned structure plan distributor and collector roads and conservation principles attached to the same is considered to be a shortfall in the Plan.

Recommendation: That other major transport corridors at a District Level and the relevant conservation principles that should attach to the same, should be detailed in the Plan.

Land categorization scheme and planning prescriptions

E2 zoning proposed under ‘Non certified - Biodiversity Avoided lands’

Concern is raised that the blanket application of an E2 Environmental Conservation zoning under the ‘Non-certified – Biodiversity Avoided lands’ category will be detrimental to the

conservation intent of the land categorization scheme. In particular, landholdings in private ownership would be excluded from having the potential to participate in the offset scheme - which means that these lands cannot generate a funding source to assist with their long-term conservation management.

Appendix C. Plan of Commitments does not appear to propose any physical works to improve biodiversity and habitat connectively within the proposed E2 zoned land such as revegetation.

The proposed objective of the E2 zoned land is to “*improve the management of biodiversity and help protect threatened ecological communities and species in these areas*”. Whilst zoning the land E2 is a step forward to securing biodiversity, it is not considered to be enough to ‘improve’ biodiversity and ‘protect’ threatened communities/species to the full potential.

Some of the proposed E2 zoned land is sparsely vegetated. If the land is acquired by the NSW Government, it should follow through with the ecological improvement of the land with actual revegetation works.

If the land is not acquired by the NSW Government, it should consider providing grants or incentives to landowners to revegetate and maintain native vegetation within the proposed E2 zoned land.

Recommendation: That the Plan be amended to consider the inclusion of a funding source and/or financial compensation scheme to support landowners that have been prescribed environmental conservation zoning, to ensure that these areas are able to be protected and managed in perpetuity and are encouraged and supported to “*improve the management of biodiversity and help protect threatened ecological communities and species in these areas*”

The CPCP spatial viewer fails to identify lands subject to existing conservation agreements and/or Biobank sites

Council has identified a number of parcels of land that are subject to existing conservation agreements, that have not been picked up under the Plan in association with the ‘Already protected lands’ category (Appendix B, Figure 1):

Mt Gilead Stage 1

- *Hillsborough Biobank site:* The biobanking site for Shale Sandstone Transition Forest (SSTF) (comprising a total of 3.61 ha of SSTF in two distinct patches; 2.06 ha and 1.55 ha) associated with the Lend Lease Mt Gilead Stage 1 Biocertification offset lands – located at [REDACTED]

Airds Bradbury Renewal Project

A total of eight land parcels associated with the federal approval for the Airds-Bradbury Renewal project EPBC 2011/6169 and subject to a Bushland Management Plan

- *Sugarloaf Farm, Gilead* (20.99 ha): This biodiversity offset site for CPW - located at [REDACTED]
- *St Helens Park triangle* (20.45 ha): This biodiversity offset site for SSTF - located at [REDACTED]
- *BC1 - Smiths Creek corridor* (1.91 ha): Onsite conservation area for SSTF
- *BC2 - Kevin Wheatley VC Reserve* (5.26ha): Onsite conservation area for CPW
- *BC3-BC4 - Peppin Crescent North & Peppin Crescent South* (0.57ha combined): Onsite conservation area for SSTF
- *BC5 - Riverside Drive* (0.74ha): Onsite conservation area for SSTF
- *BC6 - Greengate Road* (0.76ha): Onsite conservation area for SSTF

Recommendation: That the CPCP spatial viewer be revised and updated to include all lands subject to existing conservation agreements, to ensure an accurate depiction of the 'Already protected lands' land categorization scheme under the Plan.

Inconsistent application of land categorization scheme under the Plan

Concern is raised with the inconsistent categorization of land proposed under the Plan. For example, on review of the CPCP spatial viewer, there appears to be a number of land parcels in private ownership located in areas that are affected by the Plan (eg mapped as Strategic Conservation Areas and identified as containing areas of Important Koala Habitat) (Appendix B, Figure 4), that are excluded under the Plan.

Recommendation: That land parcels proposed to be avoided under the Plan be identified within the Cumberland Plain Assessment Report for transparency purposes, accompanied by a detailed rationale for each landholding.

Impacts of proposed land categorization scheme on current precinct planning matters and traffic infrastructure requirements

Council is currently collaborating with the NSW Government in regards to finalizing a structure plan for Glenfield that requires access to the existing roundabout in Glenfield. The roundabout is located just north of the Glenfield multi-level carpark, and currently links Glenfield Road, Roy Watts Road and the Sharp Street railway overpass. The western leg of this roundabout is located on the Hurlstone Agricultural High School site, and an extension of this leg may be required through the School grounds of which the route alignment has not yet been finalised.

Under the Plan, the identified extension route for the western leg of the roundabout would be largely prevented from being progressed as a result of the imposed land categorisation scheme. The CPCP spatial viewer show lands directly adjacent to the roundabout where the required extension route is required, now mapped as 'Non-certified Avoided for biodiversity'.

The rezoning of this land to E2 may prevent the roundabout upgrade from being progressed in line with the precinct planning for the area. This would in turn create an impediment to the safe and efficient traffic movement for future development of the Glenfield precinct, in particular provision of an important second access point to the Hurlstone Agricultural High School site.

Recommendation: That the Plan be reviewed with consideration to current and future precinct planning matters, and that the CPCP spatial viewer be updated in line with the existing infrastructure requirements to ensure that land categorization applied under the Plan does not impact on current planning for the Glenfield precinct, which is being led by the NSW Department of Planning, Infrastructure and Environment.

Clarification required on what land use prescriptions apply to lands with overlapping land categorizations

Clarification is sought on areas that are subject to multiple overlapping land categorization schemes under the Plan, that assign land use prescriptions which may be incompatible. One example of this relates to land parcels subject to both the 'Strategic Conservation Area' and 'Avoided 'Non-certified – Biodiversity Avoided lands' layers.

Recommendation: For clarity purposes, the Plan should be updated to detail the hierarchy associated with the land categorization scheme.

Potential for Council to inherit unmanageable lands

Council understands that lands identified under the Plan as 'Non-certified – Avoided for biodiversity' are proposed as part of the avoidance measures under the strategic impact assessment that form part of the 'biodiversity reservation areas' under the Plan.

Accordingly, the SEPP requires:

Additional matters that a consent authority must be satisfied of before granting consent for subdivision include - that the subdivision will result in the continued protection and long-term management of the high-value native vegetation

Concern is raised with the future long-term management of these lands. Specifically, that based on a business as usual scenario, that in order to satisfy the avoidance criteria under the Plan, this requirement may result in developers seeking to offload E2 avoidance areas onto Council for care and control with little more than the allocation of a 3-5 year management funding, for example under a Vegetation Management Plan (VMP).

Recommendation: That the Plan be updated to specify management prescriptions for E2 Environmental Conservation land, and give consideration to excluding certain development activities in these areas; particularly in high quality bushland areas. This could be achieved by way of establishing certain thresholds (eg related to high condition, connectivity and/or threatened species habitat) to ensure the intent of these lands are retained and protected into the future. Furthermore, the Department could look to incorporate a database system (subject to local government input), to track the progression of the management of these lands under the Plan.

Impacts to biodiversity under the Plan

Scope and extent of biodiversity assessment conducted to inform the Plan

The Plan area covers a total of 200,000 hectares of Western Sydney, from Wilton in the south to Windsor and Kurrajong in the north.

According to the Plan, an area of between 2,190 - 2,630 hectares has been accessed for field survey investigations as part of the preparation of the draft Cumberland Plain Assessment Report.

Therefore the area subject to assessment and ground-truthing in the development of the Plan comprises approximately 1% of the area covered by the Plan; which is of concern.

With such little survey effort conducted to inform the preparation of the Plan, concern is raised there has been little to no consideration given to locally and/or regionally rare species and populations; and that these habitat areas may be affected by the Plan without any form of adequate impact assessment. Council considers this to be a key limitation of the assessment, which is required to be addressed with the undertaking of more comprehensive field survey and assessment.

Recommendation: That the Plan be revised specifically with consideration to the undertaking of more comprehensive field assessment which takes into consideration locally and/or regionally rare species and populations (subject to stakeholder engagement of both local government and relevant experts).

Measures to ‘avoid and minimise’ impacts to Threatened Ecological Communities and Serious and Irreversible Impact entities are inconsistent with the Biodiversity Assessment Method

The concept of serious and irreversible impacts (SAIL) is a central component of the NSW biodiversity offsets scheme. It is fundamentally about protecting threatened species, populations and TEC’s that are most at risk of extinction from potential development impacts or activities.

The *Biodiversity Conservation Act 2016* (BC Act) and the *Local Land Services Act 2013* (LLS Act) imposes various obligations on decision-makers in relation to impacts on biodiversity values that are at risk of a serious and irreversible impact. These obligations generally require a decision-maker to determine whether or not any of the residual impacts of a proposed development, activity, biodiversity certification or vegetation clearing on biodiversity values (that is, the impacts that would remain after any proposed avoid or mitigate measures have been taken) are serious and irreversible.

The framework to make this determination is provided under the BC Act (and the Biodiversity Regulation 2017 (BC Regulation)). This framework consists of a series of principles defined in the BC Regulation and supporting guidance, provided for under section 6.5 of the BC Act, to interpret these principles.

The principles broadly align with the criteria prepared by the International Union for the Conservation of Nature (IUCN) to assess the extinction risk of species and ecological communities. These criteria were derived by the IUCN from a wide review aimed at detecting extinction risk factors across a broad range of organisms and ecosystems. The consistency of the principles with the IUCN criteria provides a transparent and robust approach to identifying entities most at risk of extinction if impacted by development, clearing or certification.

The plan proposes the clearing of 1,788 hectares of TEC’s – which are intended to be directly managed through the Plans offset program. The bulk of this clearing impact is to SAIL entities, including:

- 1,014.5 ha of CPW,
- 487.7 ha of SSTF,
- 165.1 ha of River Flat Eucalypt Forest (RFEF),
- 52.2 ha of Shale Gravel Transition Forest (SGTF), and
- 36.9 ha of Cooks River-Castlereagh Ironbark Forest (CRCIF).

Based on the proportionate impacts to CPW (and not considering any indirect or residual impacts associated with this loss), the Plan does not sufficiently demonstrate how impacts to SAIL entities (that are most at risk of extinction from development pressure), have been adequately avoided.

Recommendation: Further consideration to SAIL entities is required under the Plan, in particular with regards to avoidance of impacts to TECs which is not considered to be acceptable in its current form.

Impacts to koalas and koala habitat under the Plan

On 26 August 2020, the Office of the NSW Chief Scientist and Engineer released their report on the protection of the Campbelltown koala population. The Chief Scientists report was prepared at the request of the Minister for Energy and Environment (Hon Matt Kean) and Minister for Planning and Public Places (Hon Rob Stokes), and an independent expert panel

of scientists (the Panel) was established to provide advice on measures required to protect the Campbelltown koala population. Notably, the expert advice was prepared with consideration to the Mount Gilead Stage 2 development, and with regard to the strategic conservation planning for the Greater Macarthur Priority Growth area, as directed by the Plan.

Loss of connectivity and fragmentation of koala habitat under the Plan

The Chief Scientist report states that “few dense urban new developments in Australia have successfully, over the long term, avoided declining koala populations in the context of rapid growth in urban infrastructure, dwellings, and the threats that arise from thousands of human residents.”

The Cumberland Plain Assessment report states that 26% of existing koala habitat within the area covered by the Plan will be impacted. However, the biggest impact to koalas and their habitat proposed under the Plan, is the further fragmentation of habitat, and subsequent loss of connectivity as a result of the implementation of the Plan.

The strategic planning proposed by way of the Plan does not avoid existing Reserves and habitat corridors, and will result in the further isolation of bushland areas. The Plan will result in the isolation of approximately 12,807 ha, which is equal to around 59% of the region.

Recommendation: At a minimum, the Plan should include predictive habitat suitability modelling and population viability analyses to estimate the extinction probabilities of the koala population related to the strategic biocertification development scenario proposed under the Plan.

The draft Plan fails to fully realise and incorporate the recommendations made in the Chief Scientist report

In order to provide a holistic and consistent approach to the protection of koalas in the region, the advice contained within the Chief Scientists report outlines specific findings and recommendations to improve the koala conservation measures proposed for the Mount Gilead Stage 2 development, and the CPCP.

This is realised through a risk based analysis and detailed assessment of a range of possible scenarios for koala habitat in the area. In particular, the findings of the report focus on eight nominal corridors located in the South Campbelltown region associated with the Greater Macarthur Priority Growth Area, including two north-south corridors, and six east-west corridors (being A-F) linking the Nepean and Georges River; with the Panel identifying site-specific mitigation and protection measures for each corridor.

The Chief Scientists report makes four recommendations to ensure the long-term viability of the koala population in Campbelltown into the future, including:

1. The establishment of the Georges River Koala Reserve
2. Protection of koala habitat corridors and connectivity – including koala exclusion fencing, road crossing structures and specifying corridor widths
3. Monitoring and adaptive management of the koala population across the region
4. Disease prevention program – with a focus on the development of vaccinations for Chlamydia and Koala retrovirus (KoRV)

The Plan, however, fails to fully realise and incorporate Recommendation 2 (*Connectivity and habitat of east-west corridors*) as made in the Chief Scientist report.

Recommendation: That the Plan ensure that the recommendations made in the Chief Scientist report, particularly connectivity and habitat of east-west corridors, are fully incorporated into the Plan.

The corridor prescriptions specified in the Chief Scientist report are diminished by way of the Plan

'Recommendation 2 within the Chief Scientist report applies to the connectivity and habitat of east-west corridors in South Campbelltown, and can be broken down into two general categories: The first which applies to the Mount Gilead development (Corridors A, B, C), and the second which applies to the south of the Mount Gilead development as covered by the Plan (Corridors D, E, F) (Appendix B, Figure 2).

The Panel outlines the following corridor measures and requirements for east-west connectivity (which applies to all corridors A-F), that habitat within identified corridors should be:

- Protected (especially from development creep)
- Widened through revegetation – average size 390 – 425m
- include a buffer on either side of the corridor habitat that is at least 30m wide from the corridor to the exclusion fence with feed trees permitted in this buffer area
- include, between the buffer area and the urban areas, koala proof fencing to prevent the movement of koalas out of the corridor into urban areas (with trees more than 3 m from the fencing to avoid damage) and the movement of domestic dogs (amongst other potential threats) into the corridor
- for sites where exclusion fencing is infeasible due to steep terrain, then additional buffer width should be utilised (buffer ~60 m), with a traffic speed limit of 40 km/h and predator / dog monitoring
- APZ is outside the exclusion fencing, within the development footprint
- Further, connectivity structures within corridors should also be assessed including local roads and other infrastructure (e.g. the Upper Canal).

The Chief Scientist report specifies that buffers and APZ's are to comprise additional areas (to the corridor) that extend into the development footprint from the exclusion fencing:

'The Panel finds that the functional roles of APZs and of buffer zones to protect koalas are different, and as such need to be differentiated in the design of the interface. APZs serve a role of protecting people and property from bushfire hazard, while buffers associated with koala protection reduce the impact of threats, light and noise on koalas. The goal being to reduce stress on koalas which has general health benefits and impacts on mortality and breeding rates. For this reason, the Panel finds that buffers should be more clearly defined in MGS2 material in terms of their purpose, with buffers being in place on both sides of the corridor and be in addition to APZs.

Therefore, the corridor equation put forth by the Chief Scientist report can be summarised below:

Corridor Calc = Corridor width + buffer (within exclusion fence) + APZ (outside)

The Plan confirms that the APZ must be located within the urban capable land, and outside the environmental conservation zoning which is consistent with the Chief Scientist report. This is outlined in Commitment 2 (Action 6) of the Conservation program (Sub-Plan A):

'When preparing new precinct plans for nominated areas, ensure that asset protection zones are located wholly within certified - urban capable land'

Recommendation: Council considered a report at its ordinary meeting on 13 October 2020 whereby it considered an update on the Draft Biodiversity Certification Application for the Mount Gilead Stage 2 Precinct.

The report outlined a peer review undertaken by Dr Steve Phillips (Biolink Ecological Consultants) of a Koala Corridor Review Report and Koala Carrying Capacity Assessment Report submitted to Council by Lendlease (prepared by Ecological Australia) in relation to Mount Gilead Stage 2. Copies of these reports were also provided to the Koala Independent Expert Panel by Lendlease prior to finalisation of their advice. A copy of Council's report and advice is attached and should be referred to in relation to the design of strategic linkage areas which differs from previous advice that is referenced by the Chief Scientist.

The Plan cherry picks the findings and corridor scenarios identified under the Chief Scientist report

Concern is raised that the Plan commits to delivering just one corridor suitable for koala movement in South Campbelltown as outlined in Commitment 12 (Action 5) of the Conservation program (Sub-Plan B Koalas):

'All east-west koala corridors within the Plan Area will be protected (for vegetation) using environmental conservation zoning. Where not feasible due to width, the corridor will be fenced to exclude koalas but can be considered for future restoration to support koala movement, noting at least one will be secured for koala movement including safe crossing of Appin Road through the Plan¹'.

The Plan also proposes to install exclusion fencing within some east-west corridors to actively exclude koalas, which is not supported as this would result in a further loss of habitat for the local population and permanently displace those individual koalas already residing in these areas.

Recommendation: That the Plan include the findings and recommendations of the Chief Scientist report in their entirety, and provide a commitment under the Plan that appropriate mitigation measures and corridor prescriptions are incorporated into all east-west corridors.

Koala habitat and connectivity along Appin Road

The Plan addresses the koala mitigation measures proposed by Transport for NSW as part of the Appin Road upgrade and safety improvement works. This includes the installation of fauna exclusion fencing and barriers along Appin Road. The fencing proposed by TfNSW is predominantly focused on the eastern side of Appin Road, however as part of these works there will be some koala-exclusion fencing along the western side of Appin Road at Noorumba Reserve. The barriers proposed by TfNSW in association with the fauna exclusion fencing include the installation of cattle grids at driveway access points onto Appin Road. The intent of the cattle grids are to maintain vehicular access, but to prevent koala movements into the road corridor.

Council staff have previously raised concerns in relation to the infrastructure upgrades proposed by TfNSW for Appin Road, including made in writing to a number of State and Federal Ministers and submissions to NSW Government departments.

For the last few years, Council has been strongly advocating for the need for improved coordination between State and Local Government agencies to ensure that planning for

¹ [https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00+-+CPCP/edited_5.+Draft+Sub-Plan+B+Koalas+\(in+template\).pdf](https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00+-+CPCP/edited_5.+Draft+Sub-Plan+B+Koalas+(in+template).pdf)

biodiversity outcomes in the South Campbelltown area are addressed during the strategic planning process. This is supported by a number of Council resolutions, in relation to:

- A requirement for the installation of fauna exclusion fencing, appropriate tunnels and high crossing points, to enable safe access through wildlife corridors as part of future development in Mt Gilead (April, 2017)
- Immediate installation of overpasses and koala exclusion fencing along the current alignment of Appin Road (June, 2017)
- A policy position and principles relating to natural asset corridors (November, 2017)
- The findings of the South Campbelltown Koala Habitat Connectivity Study (Biolink, 2017) which were provided to DP&E, RMS and OEH; reiterating the need to establish east-west natural asset corridors across Appin Road to be supported by wildlife underpasses and overpasses (March, 2018)
- Councils approved Comprehensive Koala Plan of Management (July, 2020)

On review of the Plan, it appears that the Department has taken into consideration the inconsistencies in the design of the mitigation measures proposed by TfNSW under the Appin Road upgrade and safety improvement works; with the Plan proposing to fund the installation of koala-exclusion fencing between Mount Gilead and Appin Village in all remaining areas outside of those proposed to be fenced by TfNSW as part of the Appin Road upgrade. Council is supportive of this outcome, as it would facilitate the continuity of koala-exclusion fencing along both sides of Appin Road and ensure koalas were prevented from accessing the carriageway and being struck by motor vehicles.

Recommendation: Council is supportive of the Plan's commitment to ensuring that the extent of koala exclusion fencing along Appin Road is fenced in its entirety.

Suitability of biodiversity offsets under the Plan

Proposed offsets under the Plan are unsuitable

The Plan proposes to establish three new public reserves within the first five years of the Plans implementation to deliver three strategic keystone offsets. These include the:

- Georges River Koala Reserve, comprising 1,885 ha
- Gulguer Reserved Investigation Area (boundary undefined), comprising 1,800 ha
- Confluence Investigation Area (boundary undefined), comprising 600 ha

However, all of the keystone offset areas proposed predominately constitute Sandstone communities, which are not associated with the community subjected to the highest level of impact under the Plan, being Cumberland Plain Woodland.

In order to deliver adequate, and 'like for like' offsets that would be suitable for the proposed removal of > 1000 ha of CPW under the Plan; the Plan would need to deliver approximately 3000 ha of CPW offsets.

Recommendation: That the Plan focus on providing suitable and targeted keystone offsets for CPW, equivalent to the impacts proposed under the Plan.

Exclusion of 'small lots' from participating in biodiversity offset program

A number of small lots appear to be excluded from the Plan through application of the land categorization scheme proposed under the Plan. For example, those lots subject to the E2

Environmental Conservation zoning imposed under the 'Non certified - Biodiversity Avoided lands' (that are not dually mapped as SCA) appear to likely be ineligible for offsets.

This is because most of these lands are of a very small size and don't meet the appropriate criteria for offsets in accordance with the Biodiversity Conservation Trust (BCT). It is understood that the BCT won't process applications for BSA sites under 20 ha in size, as areas on this scale have proven to be too expensive to manage under the current offsetting arrangements. For example, not only will the Part B costs associated with the land value be inadequate for smaller lots under the scheme; but with low ecosystem credit prices, the cost for conservation, management and administration fees associated with the Part A costs end up far exceeding the total credit value.

Recommendation: The Plan should reconsider its approach to the land categorization scheme to one that supports landowners to protect biodiversity values on their land and encourages participation in the biodiversity offset program, instead of an approach that excludes landowners in these areas.

The Plan should prioritise conservation opportunities that protect existing bushland areas

Restoration targets proposed under the Plan include undertaking up to 1,370 ha of ecological restoration of threatened ecological communities in priority areas – which are said to comprise up to 25% of the conservation target for impacted native vegetation under the Plan.

Revegetation and reconstruction approaches are generally considered an inferior replacement for the conservation of existing bushland areas. There is substantial evidence that the best biodiversity conservation outcomes are achieved by the reservation and protection of intact communities and that rehabilitated sites rarely approach the biodiversity values of intact, or even degraded communities.

In particular, the ecological reconstruction of TEC's when used for biodiversity offsets are known to be high risk, expensive, and have high failure rates; as confirmed by the findings of an independent analysis of global offset programs (including programs from NSW), which found:

'inherently large time lags, uncertainty, and risk of restoration failure require offset ratios that far exceed what is currently applied in practice. Restoration offset policy therefore leads to a net loss of biodiversity and represents an inappropriate use of the otherwise valuable tool of ecosystem restoration²'.

The success of restoration approaches as described in the Final Determination for CPW (Paragraph 14) – are well known to be problematic, especially in locations that have endured historical soil disturbance.

Concern is raised with the amount of land being proposed for reconstruction under the Plan, and the lack of available science to support the viability of this offsetting approach.

Recommendation: The Plan should prioritise conservation opportunities that protect areas of existing bushland areas, rather than focus its attention on ecological reconstruction of cleared farmland that has been subject to historical disturbance regimes.

Establishment of Council Reserves as 'Conservation Lands' under the Plan

² Curran et al (2004) Is there any empirical support for biodiversity offset policy? *Applied Ecology* 24(4):617-32

Conservation lands established through the conservation program include both new reserves and additions to existing reserves. The term 'reserves' in the Plan can refer to national parks, nature reserves, state conservation areas, regional parks (all managed by National Parks and Wildlife Service), council reserves and community-based reserves, as long as they have secure (on-title) agreements in place and will be managed for conservation in perpetuity.

Recommendation: That further clarification be provided in the Plan regarding the mechanism for establishment of Council reserves that are included in the CPCP and if the mechanism will come with a guarantee of funding for management or if there is a requirement for Council to fund management in perpetuity. Further to this, clarification is required with regards to capitalising funds and if they will be managed through developer contributions in perpetuity.

Georges River Koala Reserve proposed under the Plan

Information sharing of local knowledge and issues

Council, its staff and the local community have been engaged with the proposed Reserve area over the past 70 or so years and as such have an extensive understanding of management issues. Council in particular has directly managed works including bush regeneration, priority weed management, Aboriginal and European heritage conservation, reserve access issues and recreation upgrades and has many documents to support this.

Recommendation: That an early collaborative approach to future management be undertaken, preferably prior to funding allocations under proposed Biodiversity Stewardship Agreements (BSA) to ensure that there are no shortfalls.

Inclusion of Council Reserves into the proposed Georges River Koala Reserve

The proposed Reserve incorporates various Council owned and/or Council managed reserves (Care, Control and Management), some of which have high recreational value and have seen significant investment from Council over the many years of active management.

The Council owned reserves in question include Scattergood Park, St Helens Park, rear of Foxlow Pl, Airds, Canally Reserve, Airds and Ingleburn Reserve, Ingleburn. The Council managed Crown Lands include The Woolwash, Airds and Freres Crossing and Keith Longhurst Reserves (The Basin or Georges River Nature Reserve), Kentlyn.

Recommendation: Council requests clarification as to the arrangements under the proposed Georges River Koala Reserve for both Council owned and Council managed reserves.

Inconsistent boundary delineation of proposed Georges River Koala Reserve

To aid in managing future conflicts and for ease of installation and overall effectiveness of Reserve exclusion fencing, the proposed Reserve boundary should be amended to include all lands to the east of existing roads and/or properties. This will assist adjoining land owners in identifying Reserve lands and will reduce confusion with land ownership between private and public land owners. In addition, many of the proposed boundaries cross large creek lines (such as Spring Creek, St Helens Park) or do not align with existing roads. This will be problematic for future management and will impact on creating a secure reserve network that addresses existing issues such as illegal trailbike and 4WD access.

Recommendation: The practical application of the Reserve boundary as currently proposed under the Plan is problematic. To more adequately support the future management system of

the Reserve, the Plan should adopt more appropriate fencing delineation which could be achieved by incorporating all properties on the eastern periphery of the Reserve boundary.

Community access and existing use rights

Council has over many years received feedback from local residents and visitors regarding the use of reserves such as Freres Crossing and Keith Longhurst Reserve (The Basin or Georges River Nature Reserve) and DPIE owned lots through-out Kentlyn and Minto Heights. Currently the majority of the proposed reserve is zoned RE1 Public Recreation under the *Campbelltown Local Environmental Plan 2015* and our residents have been vocal about maintaining access rights to these reserves for uses such as horse riding. Many of the residents originally purchased property in the rural areas of Campbelltown to utilise the benefits of the surrounding land for recreational activities and as such these undertakings should be considered in future management.

Recommendation: The Plan should take into consideration community access and existing use rights into the future management of the Georges River Koala Reserve.

Acquisition of private lands associated with the proposed Georges River Koala Reserve

Council has received a high number of calls from concerned residents enquiring into how the Plan affects their land, and in particular if their individual properties will be subject to future compulsory acquisition clauses under the Plan.

Exhibition of the Plan has been undertaken without the provision of the appropriate level of detailed information for residents to understand how they will be impacted by the proposal, and this has caused a high level of uncertainty and fear in the community. This has also put undue pressure on Council resources to respond to the resultant enquiries stemming from residents in relation to the exhibition of the Plan.

Recommendation: A more active engagement of affected landowners is required to be undertaken by the Department to address the uncertainty caused by the Plan

Lack of consideration given to the Georges River Recreational Trail under the Plan

The proposed Georges River Recreational Trail extends from the Dharawal National Park in the south to Glenfield in the north and runs along the entire length of the Georges River along the eastern side of the Campbelltown LGA. The proposed trail primarily utilises existing fire trails and largely traverses land owned by the NSW Government and interlinks many existing Council and Crown Reserves (under Council's care, control and management), all of which are within the proposed koala reserve. Its consideration during the planning stage of the proposed reserve is essential, particularly with establishment of stewardship sites and calculations of biodiversity credits.

The proposed trail has been in planning over the last 30 years, firstly in the late 1990's as the 'The Great Kaimia Way' to more recent Council led studies under the auspice of the Georges River Recreation Trail.

The development of an extensive formalised recreational trail system throughout the proposed reserve has widespread support from the community and will serve as an important natural, educational and recreational resource for the Campbelltown LGA and broader Macarthur region. In addition, the proposed trail and would provide Campbelltown with a unique opportunity to attract tourists to the area generating increased economic benefits whilst

preventing ongoing impacts of unsanctioned and illegal trails and protecting the environment through increased visitation.

Recommendation: Council would like to see the Plan take into consideration the Georges River Recreational Trail. To assist with this, Council can provide the Scoping Report as well as detailed on ground mapping that has been completed over the last two years.

<i>Compliance authority assigned under the Plan</i>
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Allocating enforcement responsibility to local Councils for compliance matters

Council currently notes many existing and ongoing issues with the proposed Reserve including illegal firewood collection, rubbish dumping, illegal 4WD/trail bike access and illegal land clearing. To date many of these are largely managed by Council using finite resources and when escalated are often not acted upon by DPIE as they are considered 'too small' for prosecution and investigation. Under the proposed management arrangement, it is suggested that resourcing for compliance activities are appropriately funded and staffed above and beyond existing NPWS ranger levels. This is of particular importance given the many historical issues, large urban interface and significant population increases projected for the Campbelltown and broader Macarthur area during the reserve establishment phase.

Recommendation: The Department should engage with local councils to discuss funding and staffing requirements related to the allocation of enforcement responsibility for compliance matters.

Auditing of Part 5 Environmental Assessments in Strategic Conservation Areas as prescribed under the Plan

Clarification is required regarding Council compliance to oversee Part 5 impact assessments in strategic conservation areas. This creates confusion and currently there is no real requirement for Part 5 assessment activities to take into account the Biodiversity Values Map.

Unless the proposed guidelines are legislated, councils would not be obligated to consider these when undertaking works. To ensure effectiveness, inclusion of impact triggers should be included within the SEPP to direct Part 5 impact assessments to include assessment with regard to:

- requirements for public authorities to avoid, minimise, mitigate and offset impacts to biodiversity when undertaking essential infrastructure development on non-certified land in the nominated areas identified under the Plan
- planning controls for the strategic conservation area that the determining authority must consider when assessing activities under Part 5 of the EP&A Act
- mitigation measures to address indirect and prescribed impacts on threatened ecological communities and species from infrastructure development in the nominated areas.

Recommendation: That clarification is provided in relation to the compliance process proposed under the Plan for the undertaking of Part 5 assessments in strategic conservation areas.

Proposed funding of Council-based Compliance Officers under the Plan

Local councils will play a key compliance role, ensuring that conservation measures are implemented in accordance with the Plan. The Plan commits to providing funding for at least three council-based officers across Western Sydney to ensure compliance with the conservation program. These officers will work closely with council rangers to monitor activities such as illegal dumping and vegetation clearing.

Recommendation: Further detail is required to be provided on the compliance role of local Councils as directed under the Plan, particularly how 3 Council-based officers are to be funded and managed across 8 council areas.

Land tenure agreements

Lack of internal consultation regarding existing land transfer agreements

Concern is raised about the lack of internal consultation and dialogue between the Department and the Office of Strategic Lands (OSL) in the preparation and development of the Plan, especially with regard to existing land transfer agreements being progressed between OSL and Council.

Existing ongoing and lengthy negotiations for a substantial period regarding large areas of OSL-owned lands that were in the process of being transferred to Council. However, it now appears these areas are also identified as keystone offsets required to be delivered under the Plan.

Recommendation: Council encourages the Department to consult with the OSL to ensure a whole of government approach and to ensure that lands required as offsets under the Plan are capable of being delivered.

Implementation (Development Control Plans/LEPs/SEPP)

The Plan identifies that development controls to “avoid, mitigate or minimise the indirect and prescribed impacts associated with increased urbanisation and growth” would be required.

Development Control Plans are highlighted to importantly include objectives and controls, including model clauses for DCPs proposed by the Department of Planning, Industry and Environment (DPIE).

Recommendation: That critical objectives and controls be detailed in the relevant State Environmental Planning Policy for Strategic Conservation Planning. Only “lower order” objectives and controls should be detailed in DCPs.

Funding under the Plan

Funding Conservation - Outcomes and Equity

The Plan proposes initial funding to address the documented commitments and actions. Additionally, it proposes that the conservation program be funded through developer contributions as a biodiversity component of a Special Infrastructure Contribution, including potential for full cost recovery.

However, not all the conservation requirements are occasioned by urban development and there should be funding provision for other non-developed “induced” impacts.

Recommendation: That funding of desired conservation outcomes which extend beyond compensatory development impacts should be the subject of other forms of public funding.

Funding Conservation for ongoing management

The Plan implies significant ongoing management responsibility and cost implications for a range of bodies, including councils.

It is not appropriate that councils are responsible for a range of ongoing management actions and associated costs without access to additional resourcing or assistance.

Recommendation: That the ongoing management responsibility for diverse natural areas be acknowledged and appropriate resourcing provided beyond councils traditional revenue sources.

Potential for the provision of a Special Infrastructure Contribution

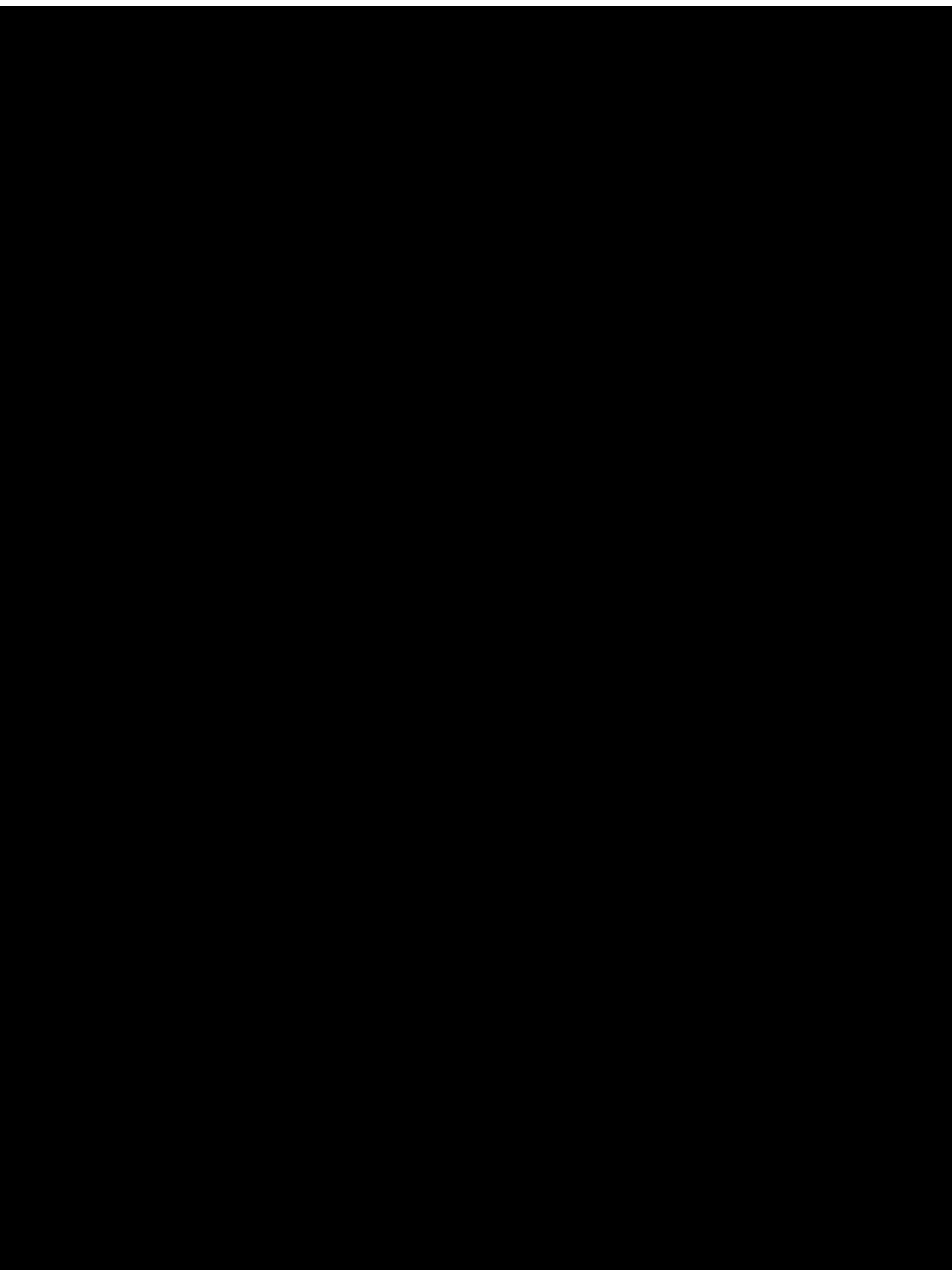
The Plan states that A Special Infrastructure Contribution (SIC) levy fund for biodiversity of [REDACTED] per dwelling was proposed in the Wilton and Greater Macarthur Growth Areas draft Land Use and Infrastructure Implementation Plans. The NSW Minister for Planning will consider a range of developer contribution levels, including full cost recovery, prior to making a final determination on the biodiversity component of the Special Infrastructure Contribution before the Plan is approved.’

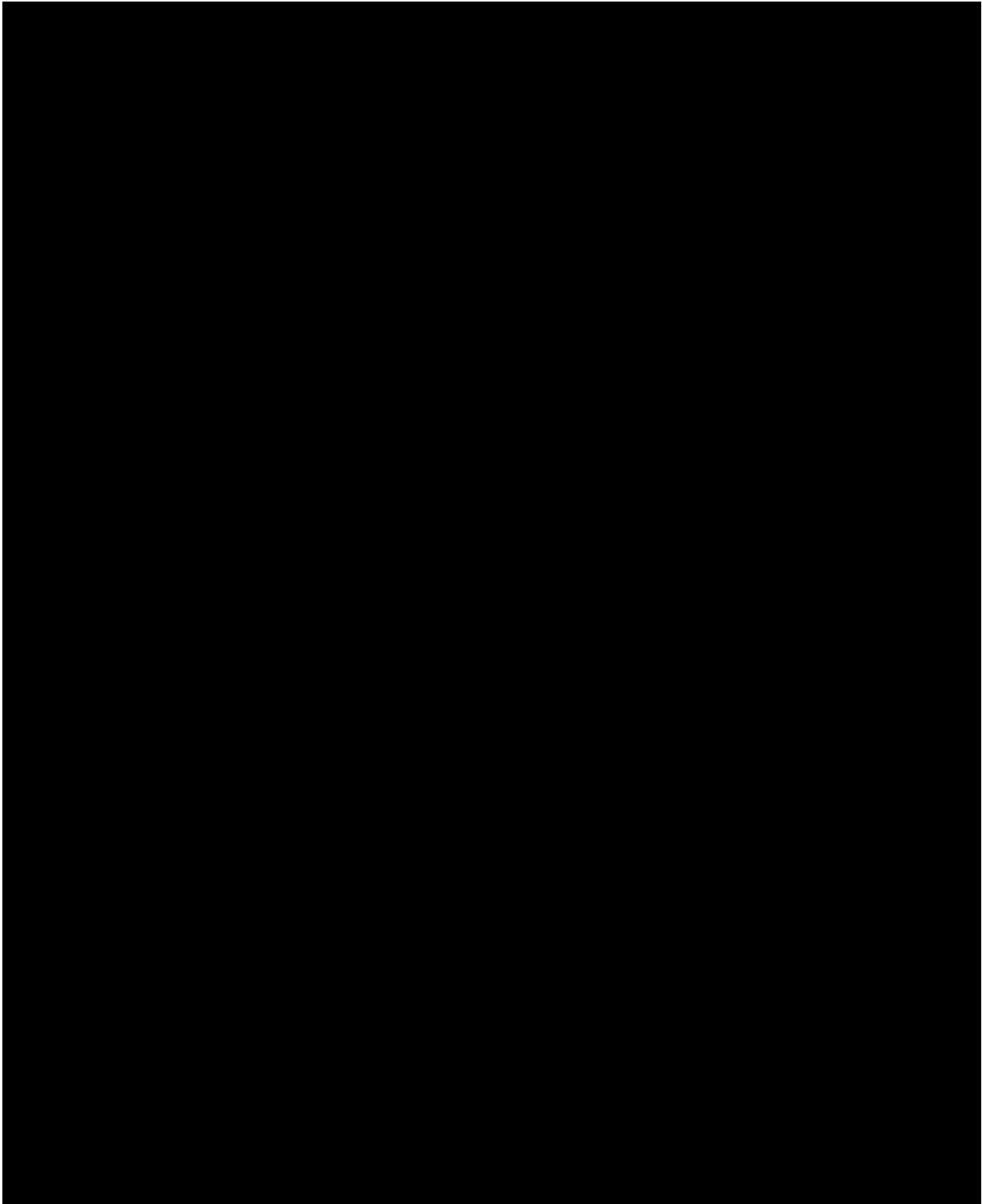
Recommendation: Clarification is required regarding whether councils are required to formulate their own policy positions for the negotiation of VPAs for avoided land areas or require informal offset strategies based on TFD values using the BAM-C.

Appendix B: Supporting Reference materials

Figure 1: 'Already Protected Lands' not identified under the Plan

- i. Hillsborough Biobank site (Lend Lease Mt Gilead Stage 2)

- 
- ii. Location of the Gilead and St Helens Park biodiversity offset sites (associated with the federal approval for the Airds-Bradbury Renewal Project)



- iii. Location of biodiversity offset sites BC1-6 (associated with the federal approval for the Airds-Bradbury Renewal Project)

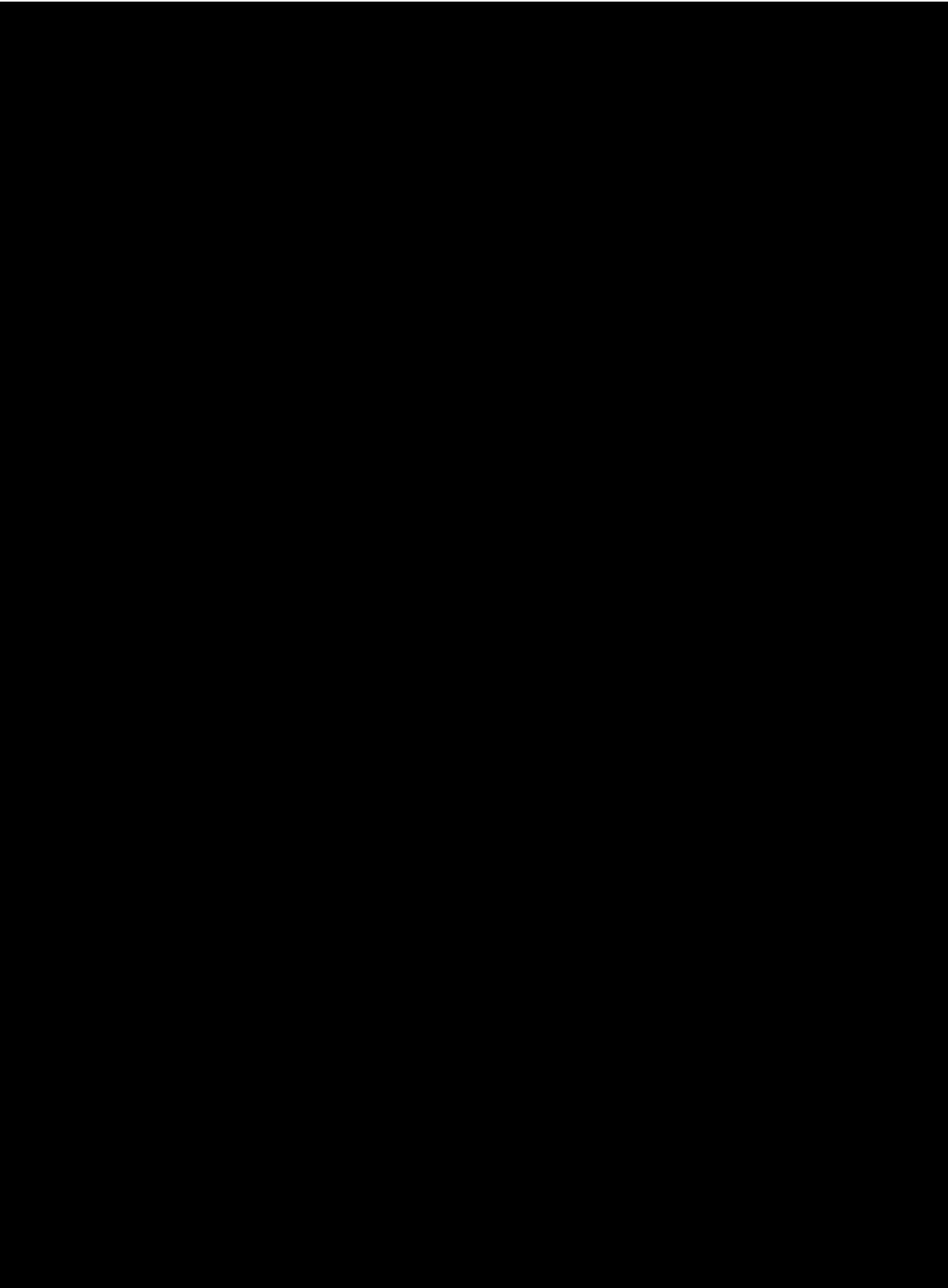


Figure 2: Chief Scientist report – potential east-west wildlife corridors

Potential east-west wildlife corridors, labelled A-F connecting the Nepean River to the Georges River (Figure 5 of the CS report)

A) Menangle Creek to Noorumba, B) Woodhouse Creek to Beulah, C) Nepean Creek to Beulah, D) Mallaty Creek to Georges River, E) Ousedale Creek to Appin North, F) Elladale Creek and Simpsons Creek to the colliery

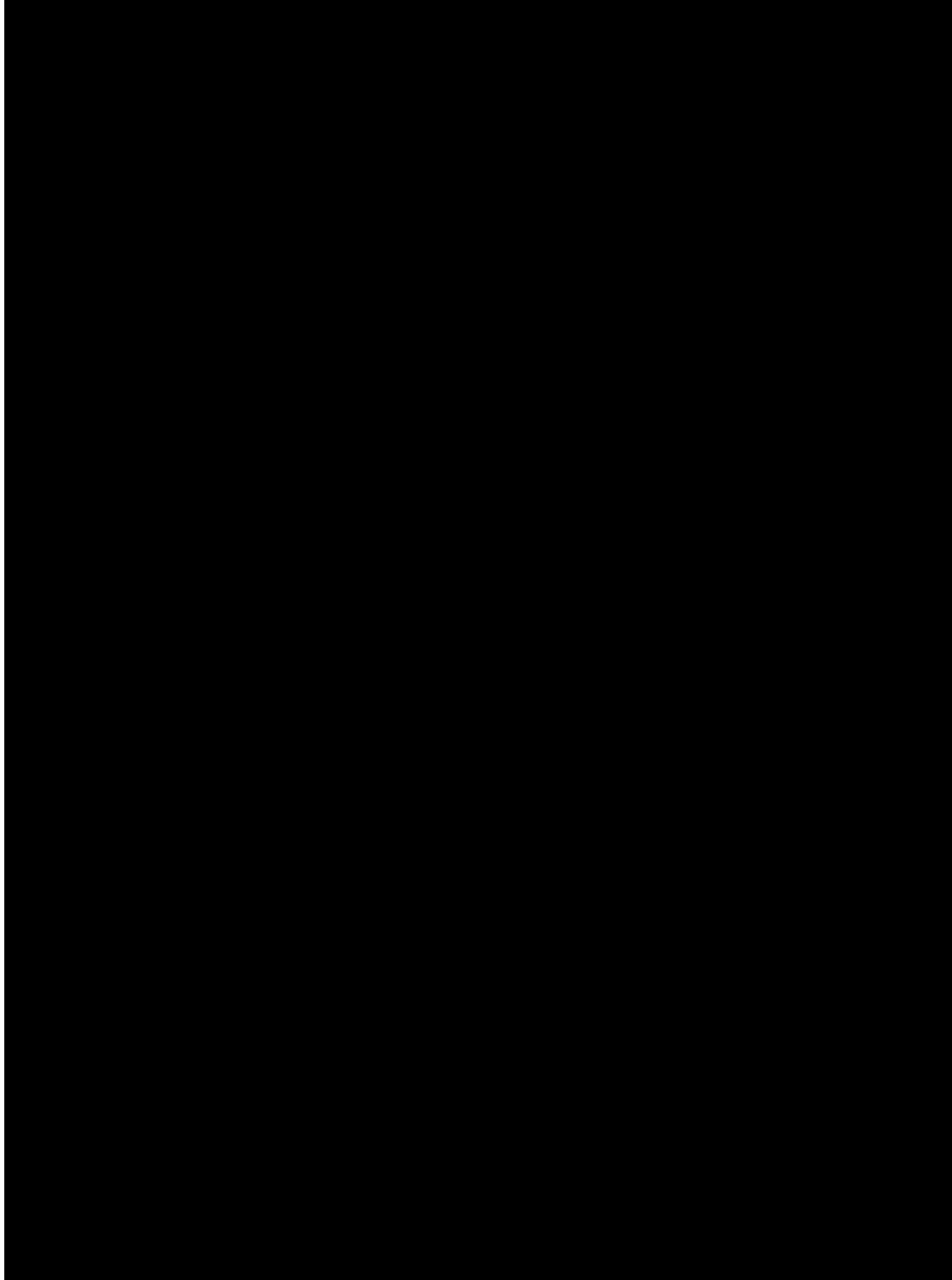


Figure 3: Screenshot of CPCP spatial viewer – east-west wildlife corridors identified under the Plan

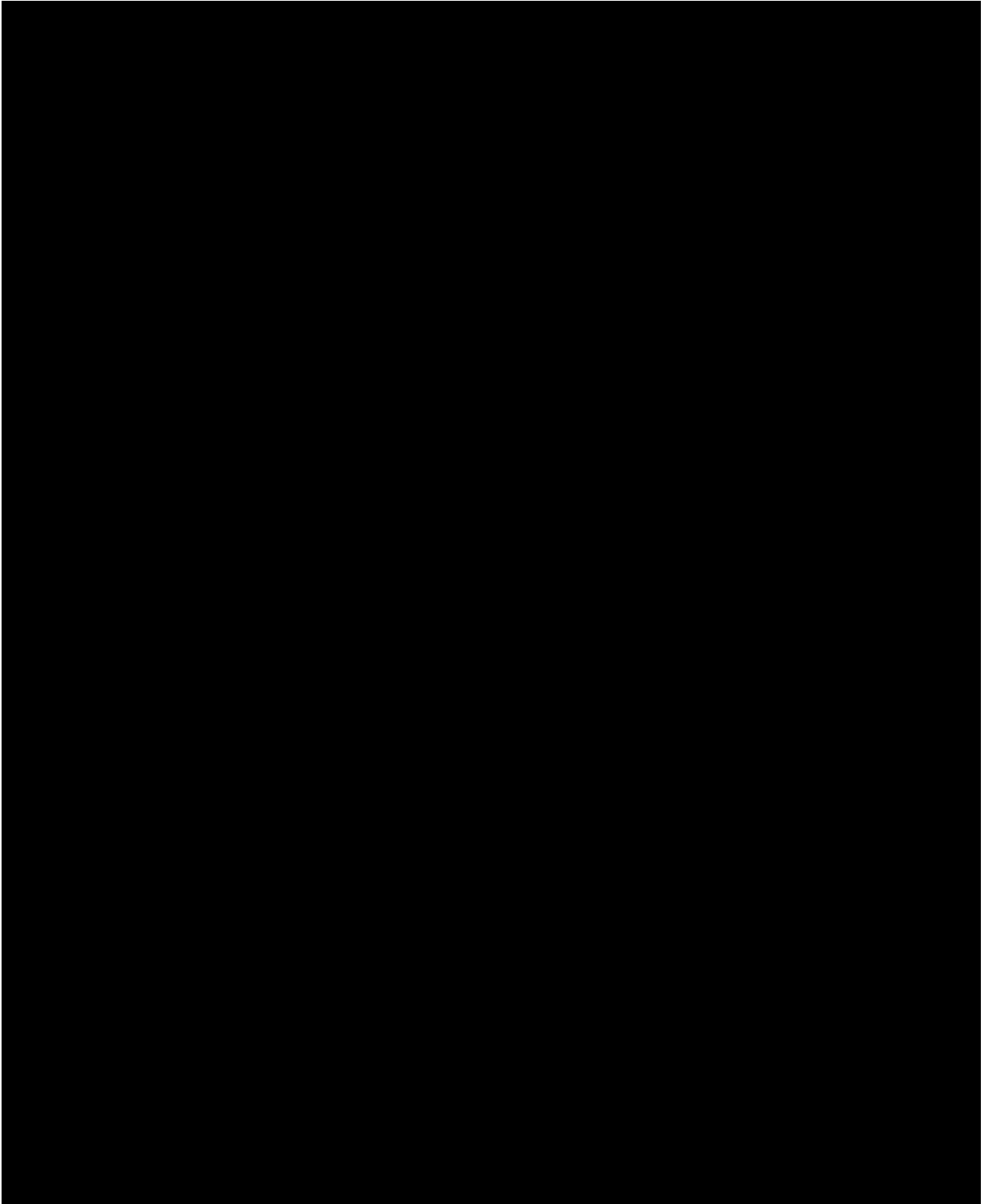
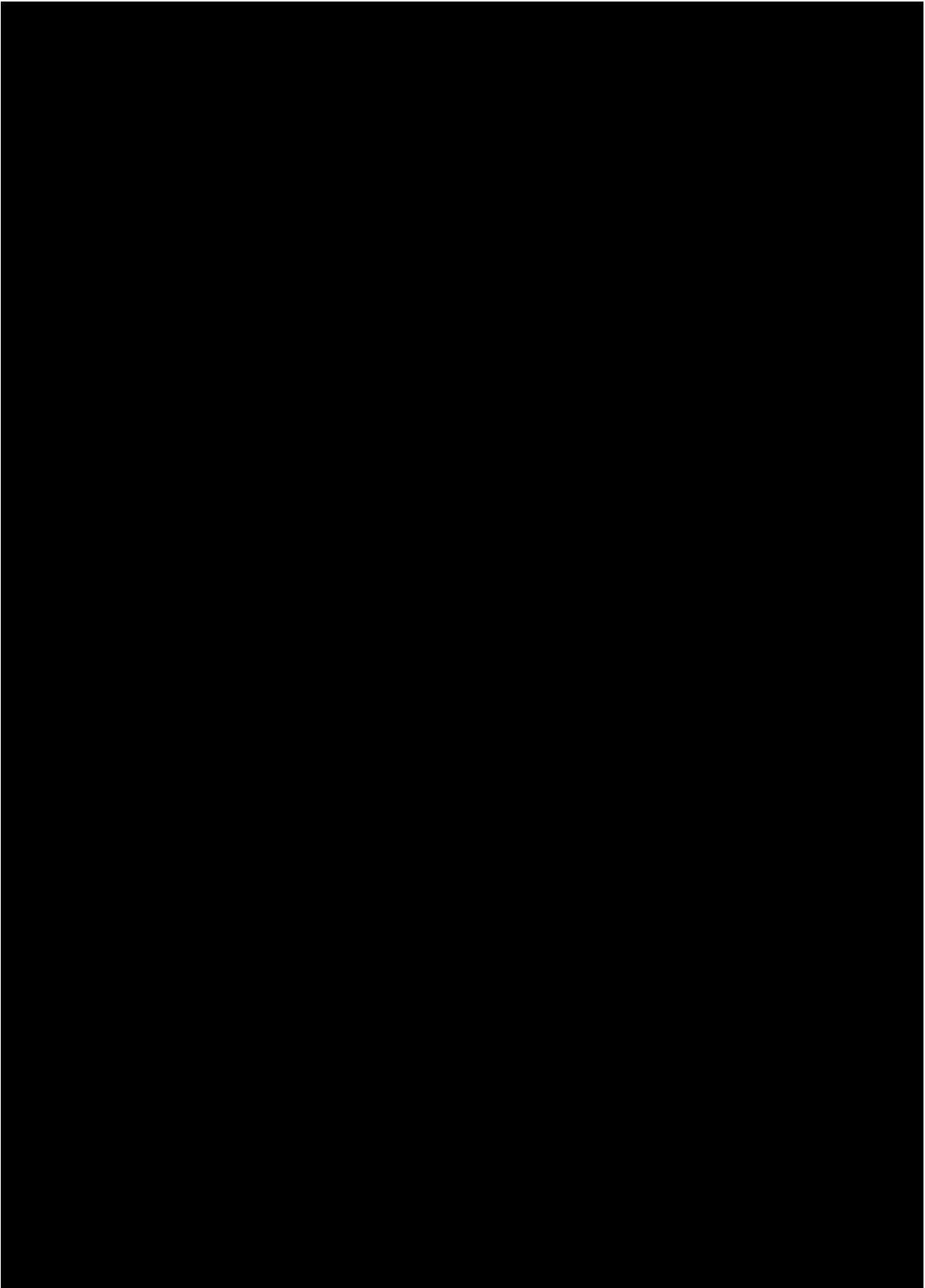


Figure 4: Sub-Plan B (Koalas) – ‘Important Koala Habitat’ identified under the Plan



16 November 2020

Green & Resilient Places Division
Department of Planning, Industry & Environment
Parramatta Square
12 Darcy Street,
Parramatta, NSW 2150

Dear Sir/Madam

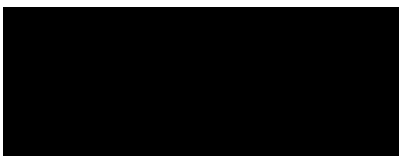
Re: Public Exhibition of the draft Cumberland Plain Conservation Plan

Thank you for the opportunity to make a submission on the draft Cumberland Plain Conservation Plan (the Plan).

Further to Council's letter dated 16 October, the submission was endorsed at the Ordinary Council meeting on 10 November 2020. Please find enclosed copy of Council report and resolution.

Should you have any questions, or would like to discuss the content of this submission, please contact me on [REDACTED].

Yours sincerely,



Fletcher Rayner
Executive Manager
Urban Release and Engagement

8.6 Submission on Draft Cumberland Plain Conservation Plan

Reporting Officer

Executive Manager Urban Release and Engagement
City Development

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.1 - Provide opportunities for our community to be engaged in decision making processes and to access information

Officer's Recommendation

That Council endorse a formal submission to the NSW Department of Planning, Industry and Environment on the draft Cumberland Plain Conservation Plan with matters contained in this report.

Purpose

To provide Council with a summary of key issues arising from Council's review of the draft Cumberland Plain Conservation Plan (the Plan), and to seek an endorsement for a formal submission to be made to the Green and Resilient Places Division of the Department of Planning, Infrastructure and Environment.

History

On 26 August 2020, the NSW Department of Planning, Industry and Environment (the Department) released the Plan for public exhibition.

The vision of the Plan is to support Western Sydney's biodiversity and growth, spanning eight local government areas including Blacktown, Fairfield, Liverpool, Campbelltown, Camden, Wollondilly, Hawkesbury and Penrith. The Plan intends to support the creation of infrastructure, housing and jobs for Western Sydney in a planned and strategic way that protects and maintains important biodiversity.

The Plan endeavours to deliver commitments and a series of planned and managed actions over the next 35 years (until 2056), designed to improve ecological resilience and function, and offset biodiversity impacts from housing and infrastructure development. The Plan intends to ensure long-term conservation outcomes in the Western Parkland City by avoiding and protecting important biodiversity in new development areas and in infrastructure corridors. Outside of these areas, the Plan proposes to achieve biodiversity-related outcomes by creating or adding to public reserves (such as National Parks), investing in biodiversity stewardship sites on privately owned land, and restoring areas of native vegetation.

The Plan also introduces planning controls to support strategic conservation planning in Western Sydney, specifically to implement and deliver the Plan; including a new State Environmental Planning Policy (SEPP). The role of local government will be instrumental in implementing the Plan, and Councils will specifically be required to (amongst other things):

- a) Assess Development Applications (DAs) to meet the Plan's commitments and actions, as implemented under the proposed SEPP for strategic conservation planning, and Development Control Plans (DCPs).
- b) Assist in establishing and managing conservation lands to be secured under the Plan (that will offset the impacts of development), and oversee compliance on land identified in the Plan.

Submissions received by the Department will be used to finalise the Plan, and a Summary report will be published once all submissions have been assessed and analysed.

Report

This report addresses various issues and recommended responses to matters outlined in the Department's draft Cumberland Plan Conservation Plan (the Plan). It is recommended that the issues outlined below be incorporated into a formal submission.

1. Inadequate timeframe for the review of the Plan and preparation of submissions

The designated review timeframe for submissions on the Plan is considered to be inadequate for the public exhibition of one of the largest strategic conservation plans to be undertaken in Australia and the first strategic biodiversity certification to be undertaken under the *NSW Biodiversity Conservation Act 2016* (BC Act).

Given the substantial scope and size of the land release program, the biodiversity and socio-economic impacts of land rezoning, in addition to the biocertification and strategic planning implications; the expectation that community and local government stakeholders would have the resourcing capacity and ability to review and compile an adequate submission in the allotted six week timeframe, the last two of which were during school holiday leave period, is unreasonable. This is further exacerbated by the fact that the supporting documents to be reviewed comprise hundreds of pages, and need to be reviewed simultaneously, including review of the various spatial viewer layers.

Recommend: That the Plan, supporting documents and spatial viewer, be subject to a secondary public exhibition period associated with the revised Plan, and release of the associated SEPP (as detailed in the Explanation of Intended Effect. The length of the public exhibition period should be commensurate with the vital importance of the Plan and proposed SEPP.

2. Livability and sustainability should be further prioritised and enforced in the Plan

The importance of the Plan as an integral part of a framework for a sustainable Western City Parkland City cannot be overstated.

The Plan's vision is noted to support Western Sydney's biodiversity and growth and to support the delivery of infrastructure, housing and jobs for people in the Western Sydney Parkland while protecting important biodiversity.

It seeks to offset the biodiversity impacts of future urban development, while ensuring a vibrant and liveable city.

Notwithstanding its overarching conservation objective, the need for balance and liveability needs to be reinforced. The Plan must facilitate limited public use (of certain designated conservation areas) together with environmental conservation. True liveability does not conclude with conservation as an end to itself.

The Plan claims to support increased public access to green space to improve opportunities for recreation, wellbeing, and social connection. Yet the Plan's 28 commitments are silent regarding limited public access and use of strategic areas and linkages. Ecofriendly pathways integrated with natural corridors are eminently consistent with conservation outcomes.

Limited access and use will importantly engender greater ownership by local and district citizens and assist in minimising human induced degradation.

Recommend: The Plan should adopt a more holistic context and ensure liveability objectives are integrated with conservation outcomes.

3. Greater Sydney Region Plan and Western City District Plan

The Plan cites as its foundation, core sustainability outcomes as highlighted by;

- Objective 26 – A cool and green parkland city in the Wianamatta (South Creek) corridor
- Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced.

The Plan supports the implementation of the Greater Sydney Region Plan for a Western Parkland City, and liveability planning priorities in the Western City District Plan, including:

- Planning Priority W13 – Creating a Parkland City urban structure and identity, with Wianamatta (South Creek) as a defining spatial element
- Planning Priority W14 – Protecting and enhancing bushland and biodiversity
- Planning Priority W16 – Protecting and enhancing scenic and cultural landscapes.

These outcomes provide a sound foundation for the Plan, but equally the Plan should also acknowledge.

Greater Sydney Region Plan - A City of Great Places (Designing places for people):

- Objective 12 – Great places that bring people together (including increased access to open space).

Western City District Plan:

- Planning Priority W6 – Creating and renewing great places and local centres and respecting the district's heritage

Recommend: The Plan should acknowledge broader liveability principles as encapsulated in objectives and planning priorities of the Greater Sydney Region Plan and Western City District Plan respectively

4. Western Sydney Major Infrastructure Corridors

The Plan reinforces the NSW Government's commitment to the strategic direction contained in "Future Transport Strategy 2056" and the delivery of a number key infrastructure corridors in Western Sydney as detailed in Table 2. It also notes the limited exclusion of other major corridors and relevant biodiversity approvals.

The exclusion of Appin Road and Menangle Road and other major planned structure plan distributor and collector roads and conservation principles attached to the same is considered to be a shortfall in the Plan.

Recommend: That other major transport corridors at a District Level and the relevant conservation principles that should attach to the same, should be detailed in the Plan.

5. E2 zoning proposed under 'Non certified - Biodiversity Avoided lands'

Concern is raised that the blanket application of an E2 Environmental Conservation zoning under the Non-certified – Biodiversity Avoided lands category will be detrimental to the conservation intent of the land categorization scheme. In particular, landholdings in private ownership would be excluded from having the potential to participate in the offset scheme - which means that these lands cannot generate a funding source to assist with their long-term conservation management.

Appendix C, Plan of Commitments does not appear to propose any physical works to improve biodiversity and habitat connectivity within the proposed E2 zoned land such as revegetation.

The proposed objective of the E2 zoned land is to improve the management of biodiversity and help protect threatened ecological communities (TEC) and species in these areas. Whilst zoning the land E2 is a step forward to securing biodiversity, it is not considered to be enough to improve biodiversity and protect threatened communities/species to the full potential.

Some of the proposed E2 zoned land is sparsely vegetated. If the land is acquired by the NSW Government, it should follow through with the ecological improvement of the land with actual revegetation works.

If the land is not acquired by the NSW Government, it should consider providing grants or incentives to landowners to revegetate and maintain native vegetation within the proposed E2 zoned land.

Recommend: That the Plan be amended to consider the inclusion of a funding source and/or financial compensation scheme to support landowners that have been prescribed environmental conservation zoning, to ensure that these areas are able to be protected and managed in perpetuity and are encouraged and supported to "improve the management of biodiversity and help protect TEC and species in these areas"

6. The CPCP spatial viewer fails to identify lands subject to existing conservation agreements and/or Biobank sites

Council has identified a number of parcels of land that are subject to existing conservation agreements, that have not been picked up under the Plan in association with the 'Already protected lands' category.

Mt Gilead Stage 1:

- Hillsborough Biobank site: The biobanking site for Shale Sandstone Transition Forest (SSTF) (comprising a total of 3.61ha of SSTF in two distinct patches; 2.06ha and 1.55ha) associated with the Lend Lease Mt Gilead Stage 1 Biocertification offset lands – located at Lot [REDACTED]

Airds Bradbury Renewal Project:

- A total of eight land parcels associated with the federal approval for the Airds-Bradbury Renewal project EPBC 2011/6169 and subject to a Bushland Management Plan
- Sugarloaf Farm, Gilead (20.99ha): This biodiversity offset site for Cumberland Plain Woodland (CPW) - located at Lot [REDACTED]
- St Helens Park triangle (20.45ha): This biodiversity offset site for SSTF - located at Lot [REDACTED]
- BC1 - Smiths Creek corridor (1.91ha): Onsite conservation area for SSTF
- BC2 - Kevin Wheatley VC Reserve (5.26ha): Onsite conservation area for CPW
- BC3-BC4 - Peppin Crescent North and Peppin Crescent South (0.57ha combined): Onsite conservation area for SSTF
- BC5 - Riverside Drive (0.74ha): Onsite conservation area for SSTF
- BC6 - Greengate Road (0.76ha): Onsite conservation area for SSTF

Recommend: That the CPCP spatial viewer be revised and updated to include all lands subject to existing conservation agreements, to ensure an accurate depiction of the 'Already protected lands' land categorization scheme under the Plan.

7. Inconsistent application of land categorization scheme under the Plan

Concern is raised with the inconsistent categorization of land proposed under the Plan. For example, on review of the CPCP spatial viewer, there appears to be a number of land parcels in private ownership located in areas that are affected by the Plan (e.g. mapped as Strategic Conservation Areas and identified as containing areas of Important Koala Habitat) that are excluded under the Plan.

Recommend: That land parcels proposed to be avoided under the Plan be identified within the Cumberland Plain Assessment Report for transparency purposes, accompanied by a detailed rationale for each landholding.

8. Impacts of proposed land categorisation scheme on current precinct planning matters and traffic infrastructure requirements

Council is currently collaborating with the NSW Government in regards to finalising a structure plan for Glenfield that requires access to the existing roundabout in Glenfield. The roundabout is located just north of the Glenfield multi-level carpark, and currently links Glenfield Road, Roy Watts Road and the Sharp Street railway overpass. The western leg of this roundabout is located on the Hurlstone Agricultural High School site, and an extension of this leg may be required through the School grounds of which the route alignment has not yet been finalised.

Under the Plan, the identified extension route for the western leg of the roundabout would be largely prevented from being progressed as a result of the imposed land categorisation scheme. The CPCP spatial viewer show lands directly adjacent to the roundabout where the required extension route is required, now mapped as 'Non-certified Avoided for biodiversity'.

The rezoning of this land to E2 may prevent the roundabout upgrade from being progressed in line with the precinct planning for the area. This would in turn create an impediment to the safe and efficient traffic movement for future development of the Glenfield precinct, in particular provision of an important second access point to the Hurlstone Agricultural High School site.

Recommend: That the Plan be reviewed with consideration to current and future precinct planning matters, and that the CPCP spatial viewer be updated in line with the existing infrastructure requirements to ensure that land categorization applied under the Plan does not impact on current planning for the Glenfield precinct, which is being led by the NSW Department of Planning, Infrastructure and Environment.

9. Clarification required on what land use prescriptions apply to lands with overlapping land categorizations

Clarification is sought on areas that are subject to multiple overlapping land categorization schemes under the Plan, that assign land use prescriptions which may be incompatible. One example of this relates to land parcels subject to both the Strategic Conservation Area and Avoided Non-certified – Biodiversity Avoided lands layers.

Recommend: For clarity purposes, the Plan should be updated to detail the hierarchy associated with the land categorization scheme.

10. Potential for Council to inherit unmanageable lands

Council understands that lands identified under the Plan as Non-certified – Avoided for biodiversity are proposed as part of the avoidance measures under the strategic impact assessment that form part of the 'biodiversity reservation areas' under the Plan.

Accordingly, the SEPP requires:

- Additional matters that a consent authority must be satisfied of before granting consent for subdivision include - that the subdivision will result in the continued protection and long-term management of the high-value native vegetation

Concern is raised with the future long-term management of these lands. Specifically, that based on a business as usual scenario, that in order to satisfy the avoidance criteria under the Plan, this requirement may result in developers seeking to offload E2 avoidance areas onto Council for care and control with little more than the allocation of a 3-5 year management funding, for example under a Vegetation Management Plan (VMP).

Recommend: That the Plan be updated to specify management prescriptions for E2 Environmental Conservation land, and give consideration to excluding certain development activities in these areas; particularly in high quality bushland areas. This could be achieved by way of establishing certain thresholds (eg related to high condition, connectivity and/or threatened species habitat) to ensure the intent of these lands are retained and protected into the future. Furthermore, the Department could look to incorporate a database system (subject to local government input), to track the progression of the management of these lands under the Plan.

11. Scope and extent of biodiversity assessment conducted to inform the Plan

The Plan area covers a total of 200,000 hectares of Western Sydney, from Wilton in the south to Windsor and Kurrajong in the north.

According to the Plan, an area of between 2190 - 2630 hectares has been accessed for field survey investigations as part of the preparation of the draft Cumberland Plain Assessment Report.

Therefore the area subject to assessment and ground-truthing in the development of the Plan comprises approximately one per cent of the area covered by the Plan; which is of concern.

With such little survey effort conducted to inform the preparation of the Plan, concern is raised there has been little to no consideration given to locally and/or regionally rare species and populations; and that these habitat areas may be affected by the Plan without any form of adequate impact assessment. Council considers this to be a key limitation of the assessment, which is required to be addressed with the undertaking of more comprehensive field survey and assessment.

Recommend: That the Plan be revised specifically with consideration to the undertaking of more comprehensive field assessment which takes into consideration locally and/or regionally rare species and populations (subject to stakeholder engagement of both local government and relevant experts).

12. Measures to 'avoid and minimise' impacts to Threatened Ecological Communities (TEC) and Serious and Irreversible Impact entities are inconsistent with the Biodiversity Assessment Method

The concept of serious and irreversible impacts (SAII) is a central component of the NSW biodiversity offsets scheme. It is fundamentally about protecting threatened species, populations and TECs that are most at risk of extinction from potential development impacts or activities.

The BC Act and the *Local Land Services Act 2013* (LLS Act) imposes various obligations on decision-makers in relation to impacts on biodiversity values that are at risk of a serious and irreversible impact. These obligations generally require a decision-maker to determine whether or not any of the residual impacts of a proposed development, activity, biodiversity certification or vegetation clearing on biodiversity values (that is, the impacts that would remain after any proposed avoid or mitigate measures have been taken) are serious and irreversible.

The framework to make this determination is provided under the BC Act (and the Biodiversity Regulation 2017 (BC Regulation)). This framework consists of a series of principles defined in the BC Regulation and supporting guidance, provided for under section 6.5 of the BC Act, to interpret these principles.

The principles broadly align with the criteria prepared by the International Union for the Conservation of Nature (IUCN) to assess the extinction risk of species and ecological communities. These criteria were derived by the IUCN from a wide review aimed at detecting extinction risk factors across a broad range of organisms and ecosystems. The consistency of the principles with the IUCN criteria provides a transparent and robust approach to identifying entities most at risk of extinction if impacted by development, clearing or certification.

The plan proposes the clearing of 1788 hectares of TECs – which are intended to be directly managed through the Plans offset program. The bulk of this clearing impact is to SAIL entities, including:

- 1,014.5ha of CPW
- 487.7ha of SSTF
- 165.1ha of River Flat Eucalypt Forest
- 52.2ha of Shale Gravel Transition Forest
- 36.9ha of Cooks River-Castlereagh Ironbark Forest

Based on the proportionate impacts to CPW (and not considering any indirect or residual impacts associated with this loss), the Plan does not sufficiently demonstrate how impacts to SAIL entities (that are most at risk of extinction from development pressure), have been adequately avoided.

Recommend: Further consideration to SAIL entities is required under the Plan, in particular with regards to avoidance of impacts to TEC which is not considered to be acceptable in its current form.

13. Loss of connectivity and fragmentation of koala habitat under the Plan

On 26 August 2020, the Office of the NSW Chief Scientist and Engineer released their report on the protection of the Campbelltown koala population. The Chief Scientists report was prepared at the request of the Minister for Energy and Environment (Hon Matt Kean) and Minister for Planning and Public Places (Hon Rob Stokes), and an independent expert panel of scientists (the Panel) was established to provide advice on measures required to protect the Campbelltown koala population. Notably, the expert advice was prepared with consideration to the Mount Gilead Stage 2 development, and with regard to the strategic conservation planning for the Greater Macarthur Priority Growth area, as directed by the Plan.

The Chief Scientist report states that few dense urban new developments in Australia have successfully, over the long term, avoided declining koala populations in the context of rapid growth in urban infrastructure, dwellings, and the threats that arise from thousands of human residents.

The Cumberland Plain Assessment report states that 26 per cent of existing koala habitat within the area covered by the Plan will be impacted. However, the biggest impact to koalas and their habitat proposed under the Plan, is the further fragmentation of habitat, and subsequent loss of connectivity as a result of the implementation of the Plan.

The strategic planning proposed by way of the Plan does not avoid existing Reserves and habitat corridors, and will result in the further isolation of bushland areas. The Plan will result in the isolation of approximately 12,807ha, which is equal to around 59 per cent of the region.

Recommend: At a minimum, the Plan should include predictive habitat suitability modelling and population viability analyses to estimate the extinction probabilities of the koala population related to the strategic biocertification development scenario proposed under the Plan.

14. The draft Plan fails to fully realise and incorporate the recommendations made in the Chief Scientist report

In order to provide a holistic and consistent approach to the protection of koalas in the region, the advice contained within the Chief Scientists report outlines specific findings and recommendations to improve the koala conservation measures proposed for the Mount Gilead Stage 2 development, and the CPCP.

This is realised through a risk based analysis and detailed assessment of a range of possible scenarios for koala habitat in the area. In particular, the findings of the report focus on eight nominal corridors located in the South Campbelltown region associated with the Greater Macarthur Priority Growth Area, including two north-south corridors, and six east-west corridors (being A-F) linking the Nepean and Georges River; with the Panel identifying site-specific mitigation and protection measures for each corridor.

The Chief Scientists report makes four recommendations to ensure the long-term viability of the koala population in Campbelltown into the future, including:

- The establishment of the Georges River Koala Reserve
- Protection of koala habitat corridors and connectivity – including koala exclusion fencing, road crossing structures and specifying corridor widths
- Monitoring and adaptive management of the koala population across the region
- Disease prevention program – with a focus on the development of vaccinations for Chlamydia and Koala retrovirus.

The Plan, however, fails to fully realise and incorporate Recommendation 2 (Connectivity and habitat of east-west corridors) as made in the Chief Scientist report.

Recommend: That the Plan ensure that the recommendations made in the Chief Scientist report, particularly connectivity and habitat of east-west corridors, are fully incorporated into the Plan.

15. The corridor prescriptions specified in the Chief Scientist report are diminished by way of the Plan

Recommendation 2 within the Chief Scientist report applies to the connectivity and habitat of east-west corridors in South Campbelltown, and can be broken down into two general categories: The first which applies to the Mount Gilead development (Corridors A, B, C), and the second which applies to the south of the Mount Gilead development as covered by the Plan (Corridors D, E, F).

The Panel outlines the following corridor measures and requirements for east-west connectivity (which applies to all corridors A-F), that habitat within identified corridors should be:

- Protected (especially from development creep)
- Widened through revegetation – average size 390 – 425m

- Include a buffer on either side of the corridor habitat that is at least 30m wide from the corridor to the exclusion fence with feed trees permitted in this buffer area
- Include, between the buffer area and the urban areas, koala proof fencing to prevent the movement of koalas out of the corridor into urban areas (with trees more than 3m from the fencing to avoid damage) and the movement of domestic dogs (amongst other potential threats) into the corridor
- For sites where exclusion fencing is infeasible due to steep terrain, then additional buffer width should be utilised (buffer ~60m), with a traffic speed limit of 40km/h and predator / dog monitoring
- Asset Protection Zone (APZ) is outside the exclusion fencing, within the development footprint
- Further, connectivity structures within corridors should also be assessed including local roads and other infrastructure (e.g. the Upper Canal).

The Chief Scientist report specifies that buffers and APZ's are to comprise additional areas (to the corridor) that extend into the development footprint from the exclusion fencing:

- The Panel finds that the functional roles of APZs and of buffer zones to protect koalas are different, and as such need to be differentiated in the design of the interface. APZs serve a role of protecting people and property from bushfire hazard, while buffers associated with koala protection reduce the impact of threats, light and noise on koalas. The goal being to reduce stress on koalas which has general health benefits and impacts on mortality and breeding rates. For this reason, the Panel finds that buffers should be more clearly defined in MGS2 material in terms of their purpose, with buffers being in place on both sides of the corridor and be in addition to APZs.

Therefore, the corridor equation put forth by the Chief Scientist report can be summarised below:

- Corridor Calc = Corridor width + buffer (within exclusion fence) + APZ (outside)

The Plan confirms that the APZ must be located within the urban capable land, and outside the environmental conservation zoning which is consistent with the Chief Scientist report. This is outlined in Commitment 2 (Action 6) of the Conservation program (Sub-Plan A):

- 'When preparing new precinct plans for nominated areas, ensure that asset protection zones are located wholly within certified - urban capable land'

Recommend: Council considered a report at its ordinary meeting on 13 October 2020 whereby it considered an update on the Draft Biodiversity Certification Application for the Mount Gilead Stage 2 Precinct.

The report outlined a peer review undertaken by Dr Steve Phillips (Biolink Ecological Consultants) of a Koala Corridor Review Report and Koala Carrying Capacity Assessment Report submitted to Council by Lendlease (prepared by Ecological Australia) in relation to Mount Gilead Stage 2. Copies of these reports were also provided to the Koala Independent Expert Panel by Lendlease prior to finalisation of their advice. A copy of Council's report and advice should be referred to in relation to the design of strategic linkage areas which differs from previous advice that is referenced by the Chief Scientist.

16. The Plan cherry picks the findings and corridor scenarios identified under the Chief Scientist report

Concern is raised that the Plan commits to delivering just one corridor suitable for koala movement in South Campbelltown as outlined in Commitment 12 (Action 5) of the Conservation program (Sub-Plan B Koalas):

- 'All east-west koala corridors within the Plan Area will be protected (for vegetation) using environmental conservation zoning. Where not feasible due to width, the corridor will be fenced to exclude koalas but can be considered for future restoration to support koala movement, noting at least one will be secured for koala movement including safe crossing of Appin Road through the Plan'.

The Plan also proposes to install exclusion fencing within some east-west corridors to actively exclude koalas, which is not supported as this would result in a further loss of habitat for the local population and permanently displace those individual koalas already residing in these areas.

Recommend: That the Plan include the findings and recommendations of the Chief Scientist report and peer review undertaken by Dr Steve Phillips (June 2020), and provide a commitment under the Plan that appropriate mitigation measures and corridor prescriptions are incorporated into all east-west corridors.

17. Koala habitat and connectivity along Appin Road

The Plan addresses the koala mitigation measures proposed by Transport for NSW as part of the Appin Road upgrade and safety improvement works. This includes the installation of fauna exclusion fencing and barriers along Appin Road. The fencing proposed by TfNSW is predominantly focused on the eastern side of Appin Road, however as part of these works there will be some koala-exclusion fencing along the western side of Appin Road at Noorumba Reserve. The barriers proposed by TfNSW in association with the fauna exclusion fencing include the installation of cattle grids at driveway access points onto Appin Road. The intent of the cattle grids are to maintain vehicular access, but to prevent koala movements into the road corridor.

Council staff have previously raised concerns in relation to the infrastructure upgrades proposed by TfNSW for Appin Road, including made in writing to a number of State and Federal Ministers and submissions to NSW Government departments.

For the last few years, Council has been strongly advocating for the need for improved coordination between State and Local Government agencies to ensure that planning for biodiversity outcomes in the South Campbelltown area are addressed during the strategic planning process. This is supported by a number of Council resolutions, in relation to:

- A requirement for the installation of fauna exclusion fencing, appropriate tunnels and high crossing points, to enable safe access through wildlife corridors as part of future development in Mt Gilead (April, 2017)
- Immediate installation of overpasses and koala exclusion fencing along the current alignment of Appin Road (June, 2017)
- A policy position and principles relating to natural asset corridors (November, 2017)

- The findings of the South Campbelltown Koala Habitat Connectivity Study (Biolink, 2017) which were provided to Department of Planning, Industry and Environment (DPIE) and Roads and Maritime Services; reiterating the need to establish east-west natural asset corridors across Appin Road to be supported by wildlife underpasses and overpasses (March, 2018)
- Councils approved Comprehensive Koala Plan of Management (July, 2020)

On review of the Plan, it appears that the Department has taken into consideration the inconsistencies in the design of the mitigation measures proposed by TfNSW under the Appin Road upgrade and safety improvement works; with the Plan proposing to fund the installation of koala-exclusion fencing between Mount Gilead and Appin Village in all remaining areas outside of those proposed to be fenced by TfNSW as part of the Appin Road upgrade. Council is supportive of this outcome, as it would facilitate the continuity of koala-exclusion fencing along both sides of Appin Road and ensure koalas were prevented from accessing the carriageway and being struck by motor vehicles.

Recommend: Council is supportive of the Plan's commitment to ensuring that the extent of koala exclusion fencing along Appin Road is fenced in its entirety.

18. Proposed offsets under the Plan are unsuitable

The Plan proposes to establish three new public reserves within the first five years of the Plans implementation to deliver three strategic keystone offsets. These include the:

- Georges River Koala Reserve, comprising 1885ha
- Gulguer Reserved Investigation Area (boundary undefined), comprising 1800ha
- Confluence Investigation Area (boundary undefined), comprising 600ha

However, all of the keystone offset areas proposed predominately constitute Sandstone communities, which are not associated with the community subjected to the highest level of impact under the Plan, being Cumberland Plain Woodland.

In order to deliver adequate, and 'like for like' offsets that would be suitable for the proposed removal of > 1000ha of CPW under the Plan; the Plan would need to deliver approximately 3000ha of CPW offsets.

Recommend: That the Plan focus on providing suitable and targeted keystone offsets for CPW, equivalent to the impacts proposed under the Plan.

19. Exclusion of 'small lots' from participating in biodiversity offset program

A number of small lots appear to be excluded from the Plan through application of the land categorization scheme proposed under the Plan. For example, those lots subject to the E2 Environmental Conservation zoning imposed under the 'Non-certified - Biodiversity Avoided lands' (that are not dually mapped as SCA) appear to likely be ineligible for offsets.

This is because most of these lands are of a very small size and don't meet the appropriate criteria for offsets in accordance with the Biodiversity Conservation Trust (BCT). It is understood that the BCT won't process applications for BSA sites under 20ha in size, as areas on this scale have proven to be too expensive to manage under the current offsetting arrangements. For example, not only will the Part B costs associated with the land value be inadequate for smaller lots under the scheme; but with low ecosystem credit prices, the cost for conservation, management and administration fees associated with the Part A costs end up far exceeding the total credit value.

Recommend: The Plan should reconsider its approach to the land categorization scheme to one that supports landowners to protect biodiversity values on their land and encourages participation in the biodiversity offset program, instead of an approach that excludes landowners in these areas.

20. The Plan should prioritise conservation opportunities that protect existing bushland areas

Restoration targets proposed under the Plan include undertaking up to 1370ha of ecological restoration of TEC in priority areas – which are said to comprise up to 25 per cent of the conservation target for impacted native vegetation under the Plan.

Revegetation and reconstruction approaches are generally considered an inferior replacement for the conservation of existing bushland areas. There is substantial evidence that the best biodiversity conservation outcomes are achieved by the reservation and protection of intact communities and that rehabilitated sites rarely approach the biodiversity values of intact, or even degraded communities.

In particular, the ecological reconstruction of TECs when used for biodiversity offsets are known to be high risk, expensive, and have high failure rates; as confirmed by the findings of an independent analysis of global offset programs (including programs from NSW), which found:

- 'inherently large time lags, uncertainty, and risk of restoration failure require offset ratios that far exceed what is currently applied in practice. Restoration offset policy therefore leads to a net loss of biodiversity and represents an inappropriate use of the otherwise valuable tool of ecosystem restoration'.

The success of restoration approaches as described in the Final Determination for CPW are well known to be problematic, especially in locations that have endured historical soil disturbance.

Concern is raised with the amount of land being proposed for reconstruction under the Plan, and the lack of available science to support the viability of this offsetting approach.

Recommend: The Plan should prioritise conservation opportunities that protect areas of existing bushland areas, rather than focus its attention on ecological reconstruction of cleared farmland that has been subject to historical disturbance regimes.

21. Establishment of Council Reserves as 'Conservation Lands' under the Plan

Conservation lands established through the conservation program include both new reserves and additions to existing reserves. The term 'reserves' in the Plan can refer to national parks, nature reserves, state conservation areas, regional parks (all managed by National Parks and Wildlife Service), council reserves and community-based reserves, as long as they have secure (on-title) agreements in place and will be managed for conservation in perpetuity.

Recommend: That further clarification be provided in the Plan regarding the mechanism for establishment of Council reserves that are included in the CPCP and if the mechanism will come with a guarantee of funding for management or if there is a requirement for Council to fund management in perpetuity. Further to this, clarification is required with regards to capitalising funds and if they will be managed through developer contributions in perpetuity.

22. Information sharing of local knowledge and issues

Council, its staff and the local community have been engaged with the proposed Reserve area over the past 70 or so years and as such have an extensive understanding of management issues. Council in particular has directly managed works including bush regeneration, priority weed management, Aboriginal and European heritage conservation, reserve access issues and recreation upgrades and has many documents to support this.

Recommend: That an early collaborative approach to future management be undertaken, preferably prior to funding allocations under proposed Biodiversity Stewardship Agreements (BSA) to ensure that there are no shortfalls.

23. Inclusion of Council Reserves into the proposed Georges River Koala Reserve

The proposed Reserve incorporates various Council owned and/or Council managed reserves (Care, Control and Management), some of which have high recreational value and have seen significant investment from Council over the many years of active management.

The Council owned reserves in question include Scattergood Park, St Helens Park, rear of Foxlow Pl, Airds, Canally Reserve, Airds and Ingleburn Reserve, Ingleburn. The Council managed Crown Lands include The Woolwash, Airds and Freres Crossing and Keith Longhurst Reserves (The Basin or Georges River Nature Reserve), Kentlyn.

Recommend: Council requests clarification as to the arrangements under the proposed Georges River Koala Reserve for both Council owned and Council managed reserves.

24. Inconsistent boundary delineation of proposed Georges River Koala Reserve

To aid in managing future conflicts and for ease of installation and overall effectiveness of Reserve exclusion fencing, the proposed Reserve boundary should be amended to include all lands to the east of existing roads and/or properties. This will assist adjoining land owners in identifying Reserve lands and will reduce confusion with land ownership between private and public land owners. In addition, many of the proposed boundaries cross large creek lines (such as Spring Creek, St Helens Park) or do not align with existing roads. This will be problematic for future management and will impact on creating a secure reserve network that addresses existing issues such as illegal trailbike and 4WD access.

Recommend: The practical application of the Reserve boundary as currently proposed under the Plan is problematic. To more adequately support the future management system of the Reserve, the Plan should adopt more appropriate fencing delineation which could be achieved by incorporating all properties on the eastern periphery of the Reserve boundary.

25. Community access and existing use rights

Council has over many years received feedback from local residents and visitors regarding the use of reserves such as Freres Crossing and Keith Longhurst Reserve (The Basin or Georges River Nature Reserve) and DPIE owned lots through-out Kentlyn and Minto Heights. Currently the majority of the proposed reserve is zoned RE1 Public Recreation under the Campbelltown Local Environmental Plan 2015 and our residents have been vocal about maintaining access rights to these reserves for uses such as horse riding. Many of the residents originally purchased property in the rural areas of Campbelltown to utilise the benefits of the surrounding land for recreational activities and as such these undertakings should be considered in future management.

Recommend: The Plan should take into consideration community access and existing use rights into the future management of the Georges River Koala Reserve.

26. Acquisition of private lands associated with the proposed Georges River Koala Reserve

Council has received a high number of calls from concerned residents enquiring into how the Plan affects their land, and in particular if their individual properties will be subject to future compulsory acquisition clauses under the Plan.

Exhibition of the Plan has been undertaken without the provision of the appropriate level of detailed information for residents to understand how they will be impacted by the proposal, and this has caused a high level of uncertainty and fear in the community. This has also put undue pressure on Council resources to respond to the resultant enquiries stemming from residents in relation to the exhibition of the Plan.

Recommend: A more active engagement of affected landowners is required to be undertaken by the Department to address the uncertainty caused by the Plan.

27. Lack of consideration given to the Georges River Recreational Trail under the Plan

The proposed Georges River Recreational Trail extends from the Dharawal National Park in the south to Glenfield in the north and runs along the entire length of the Georges River along the eastern side of the Campbelltown LGA. The proposed trail primarily utilises existing fire trails and largely traverses land owned by the NSW Government and interlinks many existing Council and Crown Reserves (under Council's care, control and management), all of which are within the proposed koala reserve. Its consideration during the planning stage of the proposed reserve is essential, particularly with establishment of stewardship sites and calculations of biodiversity credits.

The proposed trail has been in planning over the last 30 years, firstly in the late 1990's as the The Great Kaimia Way to more recent Council led studies under the auspice of the Georges River Recreation Trail.

The development of an extensive formalised recreational trail system throughout the proposed reserve has widespread support from the community and will serve as an important natural, educational and recreational resource for the Campbelltown LGA and broader Macarthur region. In addition, the proposed trail and would provide Campbelltown with a unique opportunity to attract tourists to the area generating increased economic benefits whilst preventing ongoing impacts of unsanctioned and illegal trails and protecting the environment through increased visitation.

Recommend: Council would like to see the Plan take into consideration the Georges River Recreational Trail. To assist with this, Council can provide the Scoping Report as well as detailed on ground mapping that has been completed over the last two years.

28. Allocating enforcement responsibility to local Councils for compliance matters

Council currently notes many existing and ongoing issues with the proposed Reserve including illegal firewood collection, rubbish dumping, illegal 4WD/trail bike access and illegal land clearing. To date many of these are largely managed by Council using finite resources and when escalated are often not acted upon by DPIE as they are considered 'too small' for prosecution and investigation. Under the proposed management arrangement, it is suggested that resourcing for compliance activities are appropriately funded and staffed above and beyond existing National Park Wildlife Services ranger levels. This is of particular importance given the many historical issues, large urban interface and significant population increases projected for the Campbelltown and broader Macarthur area during the reserve establishment phase.

Recommend: The Department should engage with local councils to discuss funding and staffing requirements related to the allocation of enforcement responsibility for compliance matters.

29. Auditing of Part 5 Environmental Assessments in Strategic Conservation Areas as prescribed under the Plan

Clarification is required regarding Council compliance to oversee Part 5 impact assessments in strategic conservation areas. This creates confusion and currently there is no real requirement for Part 5 assessment activities to take into account the Biodiversity Values Map.

Unless the proposed guidelines are legislated, councils would not be obligated to consider these when undertaking works. To ensure effectiveness, inclusion of impact triggers should be included within the SEPP to direct Part 5 impact assessments to include assessment with regard to:

- Requirements for public authorities to avoid, minimise, mitigate and offset impacts to biodiversity when undertaking essential infrastructure development on non-certified land in the nominated areas identified under the Plan.
- Planning controls for the strategic conservation area that the determining authority must consider when assessing activities under Part 5 of the *Environmental Planning and Assessment Act 1979*.
- Mitigation measures to address indirect and prescribed impacts on TEC and species from infrastructure development in the nominated areas.

Recommend: That clarification is provided in relation to the compliance process proposed under the Plan for the undertaking of Part 5 assessments in strategic conservation areas.

30. Proposed funding of Council-based Compliance Officers under the Plan

Local councils will play a key compliance role, ensuring that conservation measures are implemented in accordance with the Plan. The Plan commits to providing funding for at least three council-based officers across Western Sydney to ensure compliance with the conservation program. These officers will work closely with council rangers to monitor activities such as illegal dumping and vegetation clearing.

Recommend: Further detail is required to be provided on the compliance role of local Councils as directed under the Plan, particularly how three Council-based officers are to be funded and managed across eight council areas.

31. Lack of internal consultation regarding existing land transfer agreements

Concern is raised about the lack of internal consultation and dialogue between the Department and the Office of Strategic Lands (OSL) in the preparation and development of the Plan, especially with regard to existing land transfer agreements being progressed between OSL and Council.

Existing ongoing and lengthy negotiations for a substantial period regarding large areas of OSL-owned lands that were in the process of being transferred to Council. However, it now appears these areas are also identified as keystone offsets required to be delivered under the Plan.

Recommend: Council encourages the Department to consult with the OSL to ensure a whole of government approach and to ensure that lands required as offsets under the Plan are capable of being delivered.

32. Implementation (DCP/LEPs/SEPP)

The Plan identifies that development controls to avoid, mitigate or minimise the indirect and prescribed impacts associated with increased urbanisation and growth would be required.

Development Control Plans (DCP) are highlighted to importantly include objectives and controls, including model clauses for DCPs proposed by the DPIE.

Recommend: That critical objectives and controls be detailed in the relevant State Environmental Planning Policy for Strategic Conservation Planning. Only lower order objectives and controls should be detailed in DCPs.

33. Funding Conservation - Outcomes and Equity

The Plan proposes initial funding to address the documented commitments and actions. Additionally, it proposes that the conservation program be funded through developer contributions as a biodiversity component of a Special Infrastructure Contribution, including potential for full cost recovery.

However, not all the conservation requirements are occasioned by urban development and there should be funding provision for other non-developed induced impacts.

Recommend: That funding of desired conservation outcomes which extend beyond compensatory development impacts should be the subject of other forms of public funding.

34. Funding Conservation for ongoing management

The Plan implies significant ongoing management responsibility and cost implications for a range of bodies, including councils.

It is not appropriate that councils are responsible for a range of ongoing management actions and associated costs without access to additional resourcing or assistance.

Recommend: That the ongoing management responsibility for diverse natural areas be acknowledged and appropriate resourcing provided beyond councils traditional revenue sources.

35. Potential for the provision of a Special Infrastructure Contribution

The Plan states that a Special Infrastructure Contribution levy fund for biodiversity of [REDACTED] per dwelling was proposed in the Wilton and Greater Macarthur Growth Areas draft Land Use and Infrastructure Implementation Plans. The NSW Minister for Planning will consider a range of developer contribution levels, including full cost recovery, prior to making a final determination on the biodiversity component of the Special Infrastructure Contribution before the Plan is approved.

Recommend: Clarification is required regarding whether councils are required to formulate their own policy positions for the negotiation of Voluntary Planning Agreement for avoided land areas or require informal offset strategies based on Total Fund Deposit values using the Biodiversity Assessment Method – Calculator.

Conclusion

The Plan is one of the largest strategic conservation plans to be undertaken in Australia and is the first plan to be undertaken under the new BC Act.

It is recommended that Council endorse the making of a submission that includes the issues raised in this report.

Attachments

Nil

8.6 Submission on Draft Cumberland Plain Conservation Plan

It was **Moved** Councillor Hunt, **Seconded** Councillor Thompson:

That Council endorse a formal submission to the NSW Department of Planning, Industry and Environment on the draft Cumberland Plain Conservation Plan with matters contained in this report.

201 The Motion on being Put was **CARRIED**.
