

Our Reference: [REDACTED]

Green and Resilient Places Division  
Department of Planning, Industry and Environment  
Locked Bag 5022  
**PARRAMATTA NSW 2124**

2<sup>nd</sup> November 2020

To Steve Hartley

**FINAL SUBMISSION BY WOLLONDILLY SHIRE COUNCIL ON THE CUMBERLAND PLAIN CONSERVATION PLAN**

Thank you for the extension of the submission period to allow for further consideration of Council's draft submission and lodgement a final submission regarding the Cumberland Plain Conservation Plan (CPCP). This extension has been welcomed in enabling further feedback on the Plan and draft submission by Councillors as well as members of the community.

The further feedback received from Councillors and the community during the public extension period has been identified as not warranting any amendment to the previously lodged draft submission on 9<sup>th</sup> October 2020. The recording of this submission, (reattached to this correspondence), as Council's formal submission on the CPCP is therefore requested.

The correspondence received from the Department of Planning, Industry and Environment dated 26<sup>th</sup> of August (advising of a zoning change on lots [REDACTED]) lot of Council assets proposed to be classified as Conservation Land is appreciated. However, there are two sites that may not lend themselves to a full conservation outcome, these issues are raised on page 23 of the submission, and Council will require further clarification regarding these sites

The submission seeks a meeting with applicable representatives of the (DPIE) to discuss issues raised and requested amendments to the exhibited documentation. The holding of this meeting during the review of submissions received on the draft CPCP would be appreciated.

Please contact Council's Manager Environmental Outcomes, Alexandra Stengl, on [REDACTED] [REDACTED] for any enquiries regarding Council's submission and to arrange details of the requested meeting with Council staff.

[REDACTED]  
**Chief Executive Officer**

# SUBMISSION ON CUMBERLAND PLAIN CONSERVATION PLAN



David Henry, Wollondilly Shire Council



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## **LIST OF ATTACHMENTS**

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Attachment 2: Broad Council position regarding state and regional strategies relevant to the CPCP

Attachment 3: Submission lodged by Council to the NSW Legislative Council Inquiry into Koala Populations and Habitat and the Koala Habitat Protection Guideline.

Attachment 4: Requested amendments to Conservation Land mapping on the Macquariedale Road Planning Proposal site (Map 1).

Attachment 5: Strategic Conservation Lands in comparison to koala corridors (Map 2).

Attachment 6: Conservation Lands in comparison to koala corridors (Map 3).

Attachment 7: Potential identified anomalies of CPCP mapping on Council asset sites (Maps 4 and 5).

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Table 1: Updated Council position on biodiversity aspects associated with Wilton Priority Growth Area

Table 2: Broad Council position regarding state and regional strategies relevant to the CPCP:

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Table 5: Staff position development actions applicable to Nominated Areas and requested response.

Table 6: Recommendations to address identified issues associated with the Explanation of Intended Effects within Nominated Areas.

# EXECUTIVE SUMMARY

The Cumberland Plain Conservation Plan (CPCP) has strong relevance to the Wollondilly Local Government Area (LGA) including the Wilton and Greater MacArthur Investigation Area Nominated Areas and Strategic Conservation Areas. These Areas have been identified as occupying approximately 30 percent of the LGA located outside National Parks and Drinking Catchment Special Areas. The CPCP has relevance to a wide range of Council activities including strategic, growth management, development control, environmental assessment, stormwater design, community engagement and advocacy, provision and design of open space and community advocacy.

This submission is divided into five broad components comprised of Background Information (Part 1), Overview of support and areas requiring clarification with the documentation package, (Part 2), General comments on approach the CPCP (Part 3A), comments on specific sections of the CPCP and supporting Sub Plans (Part 3B), the Explanation of Intended Effects (Part 4) and broad comments on the Biocertification Assessment Methodology and Strategic Assessment technical Assessment Report and Sub Plans (Part 5).

The preparation of the CPCP document package is welcomed in providing a framework that provides certainty to the scheduled development and contribution to local employment growth. A strategic component supported in principle is the proposed requirement to ensure consistency between the urban capable land in precinct plans and the areas of certified—urban capable land identified by the Plan to contain urban development to the biodiversity certified areas. This support is subject to boundaries of Urban Capable Land having a strong ecological basis and consistency with recent mapping. A key position of this submission is that the Urban Capable Land within the North and South East Precincts of the Wilton Priority Growth Area require amending to reflect updated mapping (suggested as within the Assessment Report).

A number of conservation measures within the CPCP package are welcomed that includes the establishment of a strategic framework for the assessing and offsetting of impacts to biodiversity values. However, residual concerns exist over its key components that include the ecological basis of the proposed offsetting framework and mapped Avoided Lands within the Wilton Priority Growth Area, in particular.

Council has received a number of representations from landholders expressing concerns over the level of local community regarding proposed E2 zoning of Conservation Lands. This submission requests that the NSW Department of Planning, Industry and Environment (DPIE) initiate detailed consultation with all potentially affected landowners in collaboration with Council and other stakeholders involving the sending correspondence and site visits as a minimum.

This submission requests a range of clarification or amendments to the exhibited documents consistent with Council's strategic position as well as in response to the community feedback received. The major recommendations and sought clarification based on the two key exhibited documents are listed below:

## Cumberland Plain Conservation Plan

- The structure of the CPCP document be amended to enhance its readability given its strong relevance to the community.
- The DPIE investigate the adjustment of the CPCP to provide an overarching landscape approach that considers both geographical and habitat connectivity in collaboration with applicable stakeholders including local government.

- The assessment of Koala habitat and their movement be amended to achieve consistency with:
  - Issues raised by Council in its (provided), submissions to the NSW Legislative Council Inquiry into Koala Habitat and the draft Guideline accompanying the State Environmental Planning Policy (Koala Habitat Protection) 2019; and
  - The recommendation of the NSW Office Chief Scientist's advice that important Koala corridors have a minimum width of 390 metres.
- The DPIE provide details of the intended timeframe for review of the Strategic Assessment and process for incorporating any findings arising from this review into the CPCP and supporting documentation.
- The DPIE provide a response to the preferred view of Council Environmental Staff that the adopted avoidance approach of the CPCP be replaced by a process involving the identification of conservation land in a landscape that would produce higher biodiversity outcomes and lower management issues.
- The CPCP be amended to utilise site specific avoidance measures to reduce the area of vegetation clearance within Nominated Areas and therefore offsetting requirements that is based in part on Section 8.1 of the Biodiversity Assessment Method.
- The ecological basis of the proposed offsetting framework be strengthened based on the analysis within the Assessment Report that includes 'like-for-like' offsetting and requirements for receipt of documentation of the completion of offsetting measures in terms of detail and timeframe for this process.

#### Explanation of intended Effects for the proposed Strategic Land Use State Environmental Planning Policy

- Council's preference for the exhibition of the completed SEPP, following a sufficient consultation period, be noted, as opposed to the practice of exhibiting the Explanation of Intended Effects.
- The DPIE investigate alternate planning mechanisms to the proposed E2 zoning approach that would address the concerns of landowners concerns whilst achieving the intended purpose of the Conservation Lands.
- All E2 areas in nominated areas are recommended to be mapped using a consistent and logical approach to ensure that E2 permissibility is the same for E2 land under whichever Environmental Planning Instrument applies.
- The DPIE provide clarification over how the intended controls will operate for development proposals where the Biodiversity Offset Scheme applies as well as its relationship with the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.
- That the full funding of a full time ecologically qualified surveillance officer at Council be provided to undertake the proposed auditing of compliance with consent conditions.

The submission seeks a response to the issues raised, requested items of clarification and amendments to the CPCP documentation prior to the finalisation of the document. It also seeks a meeting between relevant DPIE and Council staff to discuss issues raised during the review period of the CPCP as well as part of the welcomed established collaborative process.

# **SUBMISSION ON CUMBERLAND PLAIN CONSERVATION PLAN**

The Cumberland Conservation Plan and supporting documentation (CPCP documentation) has relevance to the Wilton Priority Growth Area, the central and southern portions of the Greater MacArthur Investigation Area and the southern extremity of the proposed Sydney Orbital (Nominated Areas). The Strategic Conservation Areas identified by the CPCP also include significant portions of the Wollondilly Local Government Area (LGA) outside these Nominated Areas.

This submission is divided into four broad components comprised of; Background Information (Part 1), Overview of support and areas requiring clarification with the documentation package (Part 2), Comments on the CPCP, the Assessment Report and Sub Plans (Part 3), and comments on the Explanation of Intended Effects (EIE) (Part 4). It incorporates comments from the Environment, Strategic and Growth Sections of Council. The comments within the submission are provided within the context of the Wollondilly LGA and focus on the following key areas:

- Adequacy of the CPCP documentation in protecting the biodiversity values within the Wollondilly LGA in a landscape context.
- Proposed Commitments and Actions of relevance to biodiversity values within the Wollondilly LGA.
- Response to the recommendations the Chief Scientist's Report (2020) within the context of the Wollondilly LGA.
- The implications and adequacy of proposed controls within the EIE to Council strategies, programs and activities.

Council supports sustainable residential growth and the associated economic benefits that such growth provides particularly in the current economic circumstances. However; while welcoming aspects of the exhibited documentation, this submission expresses concern over a number of fundamental aspects that include the ecological basis of the biodiversity offsetting and protection of koala habitat in a landscape context within the Wollondilly LGA. It also requests clarification in relation to a number of aspects of the document package and particularly the EIE.

## **PART A: BACKGROUND INFORMATION**

### **1) Biodiversity values of the Wollondilly LGA relevant to the CPCP**

The Wollondilly LGA contains three Critically Endangered Ecological Communities (CEECs) listed under the *Biodiversity Conservation Act 2016* (BC Act). These are; Shale/Sandstone Transition Forest (SSTF), Cumberland Plain Woodland (CPW) and Sydney Turpentine-Ironbark Forest (STIF). There is 5,111 hectares of CPW and 12,645 hectares of SSTF within the Wollondilly LGA based on available broad scale mapping (Tozer et al. 2010). Council has not considered biocertification of any of the Wollondilly LGA in large part due to insufficient detailed vegetation mapping.

Fifty-seven species of threatened flora and 76 species of threatened fauna have been recorded within the Wollondilly LGA. These are spread across the area with higher proportions of records in association with the existing native vegetation areas, riparian corridors, areas of high biodiversity values and threatened ecological communities.

The Wollondilly LGA also contains a significant koala population and associated corridors for their movement. Koala corridors identified during a joint Project between Council and the Division of Environment, Energy and Science (EES) can be viewed at

<https://datasets.seed.nsw.gov.au/dataset/koala-corridors-in-south-west-sydney>.

This mapping shows primary and secondary corridors identified from a combination of mapping, surveys and tracking of movements within areas that occupy parts of both the Wilton Priority Growth Area and Greater Macarthur Investigation Area.

The Wollondilly LGA sits under the Sydney Regional Plan and Western City District Plan. The biodiversity within Wollondilly is significantly more complex in terms of diversity and structure in comparison to most other LGA's covered by this District Plan. Council has previously lodged submissions on these Plans as well as the, recently exhibited, related Greener Places Framework, requesting greater consideration of the biodiversity features of the Wollondilly LGA.

## **2) Relevance of the CPCP to the Wollondilly LGA**

The CPCP has relevance to a wide range of Council activities including strategic, growth management, development control, environmental assessment, stormwater design, community engagement and advocacy, provision and design of open space and community health and wellbeing. The following provides an overview of the previous activities, current broad position for aspects of the document package of relevance to the Wollondilly LGA as well as updated broad position (where relevant) following a review of the CPCP documentation.

### *(i) Nominated Areas by the CPCP*

#### Wilton Priority Growth Area (entirely located within the Wollondilly LGA)

Council Staff have had an extensive experience and involvement in regard to the Wilton Priority Growth Area in particular since the original lodgement of the Masterplan during 2012. A summary of the current position (from a biodiversity perspective) regarding this Growth Area is as follows:

- Recognition of the importance of the Growth Area in promoting local employment and consistency with Council's Business Improvement Program.
- Neighbourhood Plans should be, at a minimum, endorsed by Council to be placed on public exhibition prior to any consideration of relevant subdivision applications.
- The boundaries of the Conservation Area in the Structure Plan for the rezoned Wilton North and sections of the Wilton South East Precinct may require adjusting to reflect more recent and enhanced ecological based mapping. The vegetation mapping within the Assessment Report accompanying the CPCP is viewed as being a suitable basis.
- Extensive consultation with landholders in the West Wilton Precinct (currently covered by Council's Local Environment Plan), over implications of project growth is essential.

Council provided a number of position statements from a biodiversity perspective in regard to the initially prepared Masterplan and Structure Plan in November 2014. These position statements have applicability to the CPCP given that the boundary of the Avoided Lands is based on the Masterplan mapping with minor adjustments. The updated position following a review of the CPCP documentation is provided in Table 1 for the information of DPIE.

**Table 1: Updated Council position statements over biodiversity issues for Wilton Priority Growth Area**

<b>Position statement on the initial</b>	<b>Adequacy of response</b>	<b>Adequacy in regard to the CPCP</b>
Has not defined the full extent of (Critically) Endangered Ecological Communities on the site based on legally accepted definitions	Assessment Report has adequately identified vegetation communities including native grasses There is however insufficient incorporation of the analysis by the Assessment Report into the CPCP.	Partially adequate
Has not sufficiently assessed potential impacts on vegetation communities (including native grasses) and associated flora and fauna species	The Assessment Report has adequately described and quantified impacts. However, habitat connectivity in a landscape context has not been fully considered. The approach in quantifying area of impact based on Structure Planning mapping has resulted in instances of the identified impact not being based on updated mapping	Partially adequate
Has not used an appropriate policy framework for the determination of biodiversity offsets	Identification of biodiversity values by Assessment Report is adequate There are however inconsistencies in the adopted offsetting framework with best practice ecological principles as well as shortcomings in the implementation of the framework	Not adequate

The Greater Macarthur Investigation Area (partly located within the Wollondilly LGA)

The key concerns by Council for this Area as raised in its submission on Greater Macarthur 2040 and other forums of specific relevance to the CPCP relate to the adequacy of koala corridors in a landscape context north south direction, protection of east-west corridors and protection of the ecological health of the Georges and Nepean Rivers.

The southern extremity of the Sydney Orbital (located in the northern part of the Wollondilly LGA)

It is understood that this particular development will be the subject of a separate biocertification process. Council requests that it be provided with an opportunity to provide comments in the assumed stakeholder consultation that will occur as part of this process. As a broad position for the assistance of the Project Team, Council would expect that any large scale assets such as the Orbital be protected by adequate buffers. Council would also expect that the Orbital would not dissect recognised important habitat corridors wherever possible within constraints associated with the proposal.

- (ii) *Strategic conservation areas and conservation areas outside the nominated areas*

Comments on the approach and mapping

An analysis of mapping has identified 182 square kilometres of the Strategic Conservation Areas and 21 square kilometres of Conservation Land (being considered for an E2 Zoning) are located within the Wollondilly LGA. The DPIE is requested to note this has been identified

as covering approximately 30 percent of the section of the Wollondilly LGA located outside National Parks and Drinking Catchment Special Areas.

The concept of Strategic Conservation Areas where priority is allocated for biodiversity protection is consistent with the concept of Strategic Biodiversity Areas contained in Council's recently exhibited Urban Tree Canopy Plan as well as its updated draft Biodiversity Strategy that is nearing completion. The adoption of this concept by the CPCP is therefore welcomed in principle. This submission however identifies a few sites where there are considerable discrepancies between the exhibited mapping and identified biodiversity values and/or current/proposed landuse.

Staff understand that the purpose of the Strategic Conservation Areas is to identify priority areas for the application of conservation measures and implementation of measures under the proposed State Environmental Planning Policy (SEPP) to protect any adjacent avoided areas (Conservation Lands) from impacts associated with development and planning proposals. The concept of applying Environmental Protection zoning as a means of providing statutory protection of areas of biodiversity value is not opposed in principle.

However; as a broad position, Council would only consider application of Environmental Protection zoning if the zoning was designated based on sufficient biodiversity evidence and as a part of a comprehensive review of its Local Environmental Plan that involved extensive community consultation at all stages. In this regard, Council's draft Canopy Plan and Biodiversity Strategy propose actions to the effect that planning mechanisms be investigated and implemented to protect such areas (that could involve the investigation of rezoning on a site by site basis).

In relation to this matter, the CPCP documentation is noted to indicate an intention to investigate the provision of recreation type facilities at appropriate locations within the Strategic Conservation Areas. This proposal is not opposed in principle and Council is currently considering similar opportunities such as a potential walkway adjacent to Bargo Gorge. The DPIE is requested to approach and carry out consultation with applicable Council Staff at each stage of any proposed recreation type facility.

#### Received community concerns regarding the proposal

Council has received a number of concerns expressed by local residents over implications of the proposed E2 zoning on their rural property and both the notification and consultation process of DPIE. A summary overview of the concerns expressed to staff by the residents is presented in Attachment 1 of this submission.

The advocacy of community is viewed as being an important activity and responsibility of Council. In this regard, Council has held a number of detailed meetings and site visits with residents in responding to concerns prior to being directed to DPIE. ***The position of Council expressed by this submission is that it recognises the benefits of application of Environmental Protection zoning in protecting biodiversity values but that such application must involve detailed consultation at all stages of the process and be based on sufficient evidence.*** It would appear based on representation provided to Council and review of mapping by staff that there are current shortcomings on these grounds. The DPIE is consequently requested to carry out the following activities in partnership with Council and other applicable stakeholders:

- The DPIE initiate detailed consultation with all affected landowners in collaboration with Council and other stakeholders involving sending correspondence and site visits as a minimum.
- Produce a revised Conservation Land Map based on feedback received during the exhibition period and that consultation on the revised mapping be sought.



- Develop and implement a process that would allow for in effect a review of the Conservation Land Package where the landowner considers warranted and that funding for ground-truthing be provided to the landowner in this circumstance.
- Investigate the use of alternate planning mechanisms and/or environmental protection zoning as a means of addressing concerns expressed by landowners to Council.
- The development of a list of any expectations that the DPIE would have for landholders in the event of land being zoned E2 (such as any financial management burdens or fencing requirements).

### **3) Summary of strategic direction, position of Council of relevance to the Plan**

This part of the submission provides the position of Council regarding strategic documents at State and regional levels on issues covered by the CPCP and supporting information (including the EIE). It also provides comments on applicable Council strategies to the documentation package. This position reflects the broad community feedback received that includes retention of the current rural and natural setting of the Wollondilly LGA. The DPIE is requested to note that Council would expect that each component of the CPCP including all applicable actions and commitments be consistent with this position.

#### *(i) State and region based documents*

The specific integration of the CPCP with applicable state and region related biodiversity strategies is viewed as important given their common application to the Strategic Conservation Areas (including Nominated Areas). Table 2 (presented in Attachment 2), provides the broad Council position in regard to each of these documents and the clarification/amendment of the CPCP considered required to adequately reflect and be consistent with each document. The Table highlights the view of this submission that the CPCP does not adequately detail its integration with relevant State and region documents and their application to the Wollondilly LGA in particular.

#### *(i) Applicable key Council documents to the CPCP*

The Strategic Conservation Areas (including Nominated Areas) within the Wollondilly LGA have connectivity to the overall biodiversity values of the LGA including wildlife corridors as well as adjoining LGA's including Wingecarribee and Campbelltown. Council has adopted, and is in the process of finalising a number of related strategies of relevance to the Strategic Conservation Areas, with a key document being the Local Strategic Planning Statement (LSPS). The CPCP is recognised as having a higher hierarchical status than local documents given it is a state level document. However; Table 2, (presented in Attachment 2), provides an overview of the purpose of each relevant Council document and recommended amendments to the CPCP to achieve an adequate level of integration.

The following provides an overview of key relevant documents, considered consistent with the CPCP and recommendations to enhance integration with Council's strategies.

## Local Strategic Planning Statement

The consistency and potential implications of the CPCP to Council's adopted LSPS has been reviewed by Council's Principal Planner who had overall responsibility for its preparation. This Officer did not identify any significant inconsistencies with the LSPS which contains a number of references to the CPCP. The following provides comments on applicable Planning Priorities of the LSPS and recommendations to address identified potential inconsistencies

- LSPS Planning Priority 9 seeks to better utilise Wollondilly's natural areas and rural landscapes particularly in terms of developing the visitor economy. It is recommended that social benefits be sought throughout the CPCP documents to achieve the outcome *"support increased access to green space to improve opportunities for recreation, wellbeing and social connection."*
- LSPS Planning Priority 13 seeks to protect biodiversity and koala habitat corridors. This submission while welcoming koala protection measures requests greater protection of koala corridors in the Wollondilly LGA.
- LSPS Planning Priority 15 seeks to deliver an urban tree canopy based on the 40 percent target set by the NSW Government. This submission while welcoming the linkage with canopy targets requests greater recognition of complimentary benefits, including biodiversity and aesthetic values.

## Strategies supporting the LEP Review

A number of draft strategies have been prepared as part of the LEP Review Program that have relevance to aspects of the CPCP documentation. The consistency and recommended amendments for each of these strategies are provided below:

- **Local Housing Strategy:** *There is an inconsistency with this Strategy as the Strategic Conservation Area takes in land at Menangle which has been recently rezoned for urban development and included in housing and population forecasts. That the Strategic Conservation Land layer be removed from the recently approved planning proposal R2 low density residential land.*
- **Urban Tree Canopy Plan:** *The CPCP is sufficiently consistent with the objectives and actions of this Plan which outlines mechanisms to achieve set canopy targets and recognizes the complementary benefits of such canopy.*
- **Rural Lands Strategy:** *The CPCP is sufficiently consistent with the objectives and actions of this Plan. There is however considered a role in the CPCP in linking with this Strategy to enhance the value of rural lands through implementation of measures to enhance biodiversity.*
- **Scenic and Cultural Lands Strategy:** *The CPCP has been identified as sufficiently consistent with the actions and objectives of the Strategy. Council's Strategic Section has advised however of localities mapped by the CPCP as having inconsistencies with the mapping of this Strategy described in a subsequent section of this submission. The Section has raised potential inconsistency of aspects of the CPCP with an action of this Strategy to "Protect Views to and from scenic and cultural landscapes".*

Council would appreciate the opportunity to hold discussions with the appropriate DPIE staff over the best mechanisms to integrate the above strategic documents into the implementation of the CPCP.

## Wilton Healthy and Wellbeing Strategy

Council adopted this Strategy at its meeting on 15<sup>th</sup> September 2020 which forms part of the implementation of the Creating a Vibrant, Healthy and Sustainable Community at Wilton

Planning Priority within its LSPS. The Strategy includes key focus areas of relevance to the management of Nominated Areas from a biodiversity and related outcomes perspective. It also includes the action: *Provide a variety of experiences in the Wilton green space network through embellishment of open space, provision of local biodiversity corridors and integrating open space with water infrastructure* of direct relevance to the CPCP document package. **The DPIE is requested to directly reference this Strategy in the CPCP and consider it as part of the implementation of the Plan.**

#### Biodiversity related strategies

Council is currently finalising the preparation of its draft Comprehensive Koala Plan of Management and updating its Biodiversity Strategy which are expected to be adopted during 2021. Both of these documents are viewed as providing an overall guidance framework based on the position of Council and the local community in managing biodiversity in Strategic Conservation Areas (both within and outside the Nominated Areas).

The finalisation of the Biodiversity Strategy was deferred pending the release of the CPCP to ensure adequate integration between the objectives, actions and mapping of both documents as well as the Comprehensive Koala Plan of Management. **As a general comment, the CPCP is viewed as not providing sufficient integration with Council's biodiversity related strategies or provide sufficient mechanisms for this integration to be achieved through its approach, commitments and actions.**

#### **Recommendation/clarification by the DPIE:**

The DPIE is requested to provide a response and clarification over the following:

- The intended integration between the proposed Greener Places Framework and the accompanying Design and Open Space SEPP and the CPCP and accompanying proposed Strategic Conservation Planning SEPP.
- The intended integration of the proposed management framework within Strategic Conservation Areas with existing biodiversity related strategies (key documents being the Cumberland Plain Vegetation Recovery Plan and the NSW Priority Investment Strategy).
- The intended process in achieving consistency of actions applying to Strategic Conservation Areas (within and outside) the Nominated Areas to applicable Council documents.

The holding of discussions with relevant DPIE staff in an appropriate format over the above items is sought as a priority.

## **PART B: OVERVIEW OF SUPPORT AND AREAS OF CONCERN REGARDING THE CPCP DOCUMENTATION PACKAGE**

The following provides a review of aspects supported, considered to require clarification and areas of concern not supported by this submission as assistance to the CPCP Project Team.

### **1) Aspects of the documentation package supported**

The following aspects are viewed as being positive for the on-going management and protection of biodiversity in Wollondilly and are supported:

- Establishment of a strategic framework for the assessing and offsetting of impacts to biodiversity values.

- Detailed mapping and surveys obtained within the Growth Areas as a result of the application of the Biodiversity Assessment Methodology during the preparation of the Biocertification Application.
- Broad addressing of all Terms of Reference for the Strategic Assessment to the Commonwealth.
- Strategic approach of offsetting designed to achieve positive biodiversity outcomes in a broad scale.
- Expenditure of funds for conservation programs to enhance biodiversity within areas covered by the CPCP.
- Extensive monitoring and risk response strategies detailed in the CPCP and supporting documentation.

## **2) Areas considering requiring clarification**

The review of the documentation has identified the following areas that Council would appreciate prompt clarification by the CPCP Project Team.

### *(i) CPCP and supporting documentation*

- The timeframe for adoption of CPCP and review and approval of the Strategic Assessment to the Commonwealth.
- The intended processes for the integration of local government planning and strategic biodiversity related documents during the implementation of the CPCP and related Subplans.

### *(ii) EIE for the Strategic Conservation Planning SEPP*

- Relationship of the SEPP to other relevant SEPP's including the Growth SEPP, Open Space and Design SEPP, Koala Habitat Protection SEPP and Vegetation SEPP.
- Relationship to the merit assessment process for development and planning proposals.
- Application of the SEPP to developments where the Biodiversity Offset Scheme (BOS) applies.

### *(iii) Summary of areas of concern over CPCP and associated documentation*

- There is insufficient linkage with existing Council strategic documents, particularly the Local Environmental Plan, LSPS and applicable volumes of its Development Control Plan (DCP) as well as a number of state or regional documents including Land Use Infrastructure Plans (such as Wilton and Greater Macarthur 2040) and the Growth SEPP.
- There is an absence of a completed State Environmental Planning Policy rather than an EIE.
- There are inconsistencies of proposed Koala corridors in parts of the Wilton and Greater Macarthur Nominated Areas with recommendations of the Chief Scientist's Report. While the Koala National Park is welcomed, it only includes a small portion of Wollondilly and does not apply to recognised Koala habitat south of Appin.
- There is a reliance of boundaries of the Conservation Areas within Wilton 2040 on mapping contained on the Masterplan for this Growth Area prepared in 2012.
- Shortcomings in assessing habitat connectivity in a landscape context that extends into land outside the 4 nominated areas and impacts on this connectivity.
- The adoption of the Avoidance Approach, (utilised by the Growth Centres) does not facilitate the retention of larger ecological viable conservation areas potentially suitable for public ownership.
- The intended offsetting measures have deficiencies in their ecological basis as they are defined in accordance with level of vegetation clearance rather than the application

of the Biodiversity Assessment Methodology or other principles such as the Offsetting Principles produced by the EES. There is also an absence of detail as to how the offsetting will be funded and requirements for documentation that would demonstrate adequate completion of the offsetting.

- There has been inadequate consultation with owners of properties within the Conservation Areas associated with the proposed E2 zoning of all or part of their properties.

### **3) Summary of Council position regarding the CPCP Document package**

The DPIE is requested to note that the timeframe of the public exhibition, (with the welcomed two week extension), prevented the formal consideration of this submission at a meeting of Council and adoption of a formal Council position regarding the CPCP.

Within this context, the preparation of the CPCP document package is welcomed in providing a framework that provides certainty to the scheduled development and contribution to local employment growth. A number of conservation measures are welcome however residual concerns exist over key components including the ecological basis of offsetting and mapping of the avoided lands within the Wilton Priority Growth Area, in particular. There are also concerns over the need for detailed consultation and investigation of additional mechanism to respond to concerns of local community regarding proposed zoning of Conservation Lands.

**The provision of any formal support is deferred subject to satisfactory resolution of outstanding issues raised in this submission and further consultation with DPIE.**

## **PART 3: The CPCP and supporting documentation**

This part of the submission provides comments on the CPCP and the supporting Assessment Report consistent with the strategic framework and position of Council outlined above. The part is divided in to components comprised of general comments focussing on the overall approach (Part A) and comments on specific sections of the document (Part B). The comments include reference to applicable sections of the Assessment Report (particularly Part 3 Assessment Approach and Methods) and the Sub Plans.

### **Part 3A: General comments on the CPCP and supporting documentation**

#### **1) Structure of the CPCP documentation**

The CPCP documentation package is recognised as being necessarily complex for a range of reasons including complying with the strategic framework at the State and Commonwealth level. Broad support is provided to the overall structure of the documentation in the CPCP being accompanied by the detailed Assessment Report to reduce the volume of the document and its varied target audience. It is considered, however there are shortcomings over the adequate integration of key aspects of the supporting documentation into the CPCP document such as:

- A concise overview of the features and statutory functions of the CPCP and supporting information that is in greater detail than the current broad two sentences.
- Brief description of the flora and fauna survey approach and vegetation mapping, (with supporting maps) identified by the Assessment Report.
- The basis for the stated areas of direct impacts to Plant Community Types that includes Derived Native Grassland within the NSW Scientific Determination for Cumberland Plain Woodland.
- Brief summary of the approach of the Assessment Report in identifying Koala corridors, response to the Chief Scientist's Report and response of the CPCP.

- The inclusion of an implementation schedule containing actions currently contained in the CPCP and Sub Plans (using Appendix F as a basis) that includes an appropriate reference to applicable parts of the Assessment Report.

As a general comment on the actual CPCP, the structure is viewed as being difficult to follow for a comparatively small document of less than 100 pages. The enhancing of the current structure is viewed as important given the noted strong level of interest and concern over aspects of the CPCP documentation who may have a reduced level of technical issues. The following amendments to its current structure are recommended to enhance the readability of the document:

- A separate Introductory Section that provides the Vision, Objectives and Outcomes and overall structure of the exhibited documentation.
- The establishment of a separate section within the current Introduction based on the current Sections Scope of Plan, Development, Description of Actions, and Conservation Plan apparent broad components of the document.
- The inclusion of an Approach or equivalent section that provides a concise description of approach and definition of terms used Strategic Conservation Areas.
- The creation of Create separate sub sections for Nominated Areas, Other Strategic Conservation Areas and Infrastructure Corridors within the updated recommended amended structure.

## 2) Vision and Objectives of the Plan

The vision, objectives and outcomes of the draft CPCP are acknowledged as being consistent with the broad required framework under State and Commonwealth legislation and is supported in principle. However; as a general comment, the wording is viewed as being generic in nature and not sufficiently descriptive that would readily enable their achievement to be monitored and assessed. **It is recommended in this regard that the stated Environmental Outcomes be amended to include reference to intended targets or outcomes of the Plan.** For example, it is recommended that the Objective *“To deliver biodiversity outcomes and support the ecological function of the Cumberland Plain, improve liveability and facilitate urban development in Western Sydney”* be amended to specify the intended biodiversity outcomes being developed. From a Council and received community feedback perspective, such biodiversity outcomes should include securing of areas of identified high biodiversity value and connectivity that is supported by an offsetting framework based on current best practice principles and research. **The DPIE should note that the linkage of the CPCP with Council strategies would facilitate the achievement of this outcome.**

## 3) Strategic and statutory approach of the CPCP and related documentation

### (i) Strategic approach of the CPCP

The CPCP is recognised as being required to follow a strategic assessment in large part in response to the Terms of Reference under the *Environment Protection and Biodiversity Act 1999* (EPBC Act). The CPCP is noted to state that such assessments are *“landscape scale assessments consider impacts on matters protected by national environmental law, associated with the implementation of a policy, plan or program”*.

A landscape assessment rather than a project-by-project assessment and the adoption of this principle by the CPCP is supported in principle. However, the documentation is considered

largely to have adopted a geographic based landscape approach rather than a strategic biodiversity approach in terms of matters such as habitat connectivity as utilised by a range of Council strategies and the merit assessment process for development and planning proposals. The consideration of habitat connectivity is considered consistent with the Conservation Advice for CPW under the EPBC Act which states *“The preservation of woodland remnants, such as the ecological community, will contribute to native vegetation corridors that will improve quality of life as the area becomes increasingly urbanised”*.

**The DPIE is requested to investigate the adjustment of the CPCP to provide an overarching landscape approach that considers both geographical and habitat connectivity in collaboration with applicable stakeholders including local government.**

*(ii) Statutory and strategic framework for Koalas*

The detailed analysis of Koala populations and their habitat within and outside Nominated Areas by the CPCP and supporting documentation and inclusion of reference to the specific framework applying to Koalas is welcomed. The following summarises the Council position on two key state level documents of relevance to the protection and management of Koala habitat:

- **State Environmental Planning Policy (Koala Habitat) 2019 SEPP:** Council provided a range of requested amendments to the draft Guideline accompanying this SEPP (presented in Attachment 3) that are requested to be incorporated into the finalised CPCP document package.
- **NSW Koala Strategy:** While the preparation of this Strategy was welcomed, it is viewed by staff as having considerable shortcomings in regard to the Wollondilly LGA.

In relation to this matter, Council provided a submission to the NSW Legislative Council Inquiry into Koala habitat. This submission (also presented in Attachment 3) refers to applicable resolutions of Council and expresses the view that *“land use planning adversely impacting on the survival of koalas within the Wollondilly LGA has been occurring without strategic directions as a consequence of continuing shortfalls in baseline data and research*. Council resolved at its meeting on 21 July 2020 that *“Council write to the Premier and relevant Government Ministers welcoming the release of the NSW Parliamentary Koala Inquiry Report and its findings and requesting adoption of selected recommendations (that are relevant to Wollondilly LGA)”*.

**The increased level of baseline data and research as a result of the preparation of the CPCP and Assessment Report is welcomed. However, as a general position, Council requests amendments of the documentation to achieve consistency with issues raised in the attached submissions on the state level documents.**

*(iii) Utilisation of strategic biocertification and biobanking principles*

The CPCP documentation package is considered broadly consistent with the strategic biocertification process detailed in the BC Act. There is concern over absence of specific detail over any alternates to biodiversity offsets that have been utilised as well as the nonadoption of procedural mechanisms as timeframes for retirement of offsets. There is also concern that biocertification is being sought that will have the effect of development proceeding with resulting impacts to biodiversity and associated offsetting without satisfying existing legislative and planning mechanisms.

The utilisation of biobanking principles by both the Biocertification Assessment Report and the Commonwealth Assessment Report is recognised as being appropriate. Council's broad

position on biobanking, as raised in its submission on the draft BC Act is that it has shortcomings in identifying habitat connectivity. **The DPIE is requested to note that Council resolved at its meeting on 21<sup>st</sup> July 2017 to “request that the introduction of the reforms be deferred from the proposed commencement date to allow for discussions with Council over its identified inconsistencies with Council’s strategic position as well as adverse implications for the protection and management of biodiversity on a localised level”.** Council would expect that the CPCP will adequately protect biodiversity on a localised scale consistent with this resolution

(iv) *Timing of approval being sought under the EPBC Act*

The Terms of Reference issued by the Department states that the purpose of the Strategic Assessment is to assess whether the CPCP will have a significant impact on Matters of National Environmental Significance (MNES). MNES within the Wollondilly LGA include amongst other ecological communities and species, the CEEC’s; SSTF and CPW. The Strategic Assessment and its review consequently have strong implications to biodiversity within the Wollondilly LGA.

Staff are aware of the detailed review of the EPBC Act occurring at the time of lodgement of this submission. Staff are also aware of the current uncertainty over the implementation of the recommendations of the Review and interaction between NSW and Commonwealth legislation. However; within this context, the receipt of the necessary approval in the appropriate format based on the review of the Strategic Assessment prior to conferral is recommended given its purpose and extent of likely impact of the CPCP on MNES. This timeframe would also ensure the adjustment of aspects of the CPCP to reflect any findings and recommendations arising from the review of the Strategic Assessment.

#### **4) Land categorisation by the CPCP**

The adoption of a categorisation of land approach is recognised as being generally necessary to achieve consistency with the strategic framework applying to Growth Areas established at the State Government level. This strategic framework is recognised as including Land Use Infrastructure Plans (LUIRP’s), including Wilton 2040 and Greater Macarthur 2040 applicable to the Wollondilly LGA.

There are however concerns that the approach and application of the Urban Capable, Avoided and Excluded land will hinder the achievement of sustainable growth areas and positive and integrated biodiversity as detailed below. These concerns have been noted to have been shared by a range of people with respected high level of biodiversity knowledge during a Network discussion regarding the CPCP.

(i) *Urban Capable Land (certified)*

The need for this categorisation and its basis on Precinct Schedules and Land Use Infrastructure Plans to comply with the applicable strategic framework is acknowledged. However, there are concerns that the utilisation of the Category does not provide a sufficiently strong framework that would facilitate a sustainable urban area that is based on best practice green city principles in terms of design, integration of values and addressing of urban heat island effects.

It is recommended that the CPCP provide directions based on the provisions of the applicable LUIRP’s that would allow for the addressing of the above items and provide for sustainable development within Nominated Areas that is consistent with best practice green city principles. The cooperation of DPIE in relation to this matter that has occurred of late including the announcement regarding Green Wilton involving the planting of trees in the back and front of



dwelling has been welcomed. However, the DPIE is requested to note there remain residual issues over the items listed above in terms of layout within the Growth Area that includes the feasibility of installation and retention of the planted trees based on the proposed minimum lot size.

(i) *Excluded land*

The inclusion of criteria based on a range of factors that identify land which is excluded from the application of the strategic biocertification application process within the CPCP is recognised as being appropriate. However, Council staff would expect that such areas would be considered where relevant in identifying biodiversity values in a broad context as part of its implementation. As an example, the following documentation associated with land that has been excluded would be expected to be considered:

- Biodiversity related information associated with the Bingara Gorge Development which is viewed (from a purely biodiversity point of view) as forming part of a habitat corridor linking Wilton North and Wilton South East precincts. Such documents should in this regard include the Allens Creek Plan of Management which applies to Bingara and Wilton South East.
- Flora and Fauna Studies associated with development applications in the south east portion of Wilton North Precinct that have already been lodged with Council.

(ii) *Avoided land category*

The CPCP is noted to state on Page 20 “*Avoided land is avoided from development due to identified biodiversity values on the site, or because the land cannot legally or feasibly be developed due to its topography or due to an environmental feature such as a riparian corridor*”. There are concerns over the adequacy of this category in protecting areas of high biodiversity value in circumstances where the boundaries of identified developable land within a Nominated Area as defined in an LUIRP or environmental planning instrument not having sufficient ecological basis (as discussed in the subsequent section of this submission regarding the adopted avoidance approach of the CPCP).

### **5) Avoidance land approach of the CPCP documentation**

Council staff understand the “avoided land” model utilised by the CPCP is similar to that utilised for the Western Sydney Growth Centres, which while not included in Wollondilly include parts of the adjoining Camden and Campbelltown LGA’s. Advice has been received by staff regarding significant shortcomings in the implementation of the avoidance land model in this Growth Area that includes high areas of vegetation clearance on classified avoided land for a range of reasons and absence of support from a number of landowners to the overall concept and associated land use requirements. Staff understand the approach as resulted in identified Avoided Land in large part being comprised of small isolated lots with significant management constraints and expense with resulting reluctance from public authorities to accept ownership.

The following provides adequacy comments and recommended amendments for consideration by the CPCP in enhancing avoidance of impacts to biodiversity values and associated reduction in offsetting requirements consistent with the basic principle of Council’s Volume 1 of its DCP. The DPIE should note these comments also refer to Appendix B: The Plan’s Avoidance Criteria and Section 14 within the Assessment Report.

(i) *Avoidance of biodiversity values approach within nominated areas*

The adopted avoidance approach is recognised as having consistency with the strategic framework applying to Growth Areas established at the State Government level. The DPIE is however requested to note the preferred view of Council Environmental Staff that the Avoidance approach be adopted by the identification of conservation land in a landscape that would produce higher biodiversity outcomes and lower management issues. Within this context, it is supported in principle subject to the adequacy of the ecological basis of the mapping within the respective Precinct Schedules as well as adequacy of controls for Neighbourhood Plans and subdivision applications.

The following provides identified shortcomings from a biodiversity perspective in the proposed approach within the Wilton Priority Growth Area based on the experiences of staff:

- The *CPCP* would appear to have adopted an approach of adjusting areas of biodiversity value based on criteria to address any inconsistencies with the mapping associated with LUIRP. It is preferred that this approach be reversed consistent to adjust development proposals *to minimise impacts to biodiversity* (which is considered consistent with Section 8 of the BAM).
- The approach relies on the ecological adequacy of mapping within the LUIRP's and does not facilitate adjustment of the boundary of the Certified Land in the event of any inadequacies.
- The basis of Koala habitat assessment has been observed to create shortcomings in ensuring protection of required Koala corridors in a landscape context based on current research as well as reflecting recent observations. This is a key issue requested to be considered as part of the EPBC Referral process by this submission.
- The approach has considered inconsistencies with a number of relevant aspects of Council's Wilton Health and Wellbeing Strategy that includes the action "*Provide a variety of experiences in the Wilton Green Space network through embellishment of open space, provision of local biodiversity corridors and integrating open space with water infrastructure*". It is also viewed as providing constraints in achieving stated canopy targets based on understood intended minimum lot sizes.

**The DPIE is requested to provide a response to the above identified areas of concern associated with the avoidance approach and recommended amendments.**

(ii) *The Avoidance Criteria*

The Avoidance Criteria listed in Text Box 1 of the CPCP is largely agreed with in principle. It is suggested that the following amendments be made to enhance their ecological basis:

- The ecological criteria include reference to the Vegetation Integrity Score identified by the BAM and connectivity.
- Criteria be developed for known habitat and habitat corridor requirements for all threatened species and not be restricted to Koalas (recognising their importance).

An additional criteria that is appropriately worded is recommended that recognises the biodiversity and complementary benefits of avoidance measures resulting from an integrated layout based on sustainable principles. In this regard, controls identified at a Wilton Sustainability Workshop held in 2018 can be provided to DPIE upon request.

In relation to this matter, the Text Box is noted to list "CEECs or Serious and Irreversible Impact Entities" as one of the criteria developed to provide "*guidance, consistent with guidance provided in the BAM, to inform decisions about the location and design of the urban capable land*". It is contended that any areas mapped as a CEEC by the Assessment Report would technically satisfy this criteria in the absence of thresholds for such communities. Council is

currently examining suitable SAI thresholds for such communities given the high proportion of Development Applications it receives that propose clearance. Council would appreciate the involvement of the CPCP Project Team in developing such thresholds that could be applied both within and outside SCA

## **6) Summary of recommended response by the CPCP Project Team**

The preferred viewpoint of Council Staff is that the avoidance model be removed from the CPCP documentation and be replaced with land of biodiversity value in a landscape context, (including habitat connectivity), that is fully funded as a biodiversity offset. Such land would have potential suitability as a Biodiversity Stewardship Site and/or possible acceptance for ownership by a public authority.

It is recommended that within Nominated Areas, the CPCP be amended to utilise site specific avoidance measures to reduce the area of vegetation clearance and therefore offsetting requirements. It is further recommended that the CPCP involve the establishment of remnant CPW Reserve, (e.g the proposed Confluence), as an offsetting mechanism which if contended, would have a higher likelihood of a public authority accepting ownership in comparison to a high number of the Conservation Areas currently proposed as part of the Avoidance approach.

## **7) Mapping of the Avoided Lands (Conservation Lands)**

The following provides adequacy comments and issues for consideration separately for the Wilton and the Greater MacArthur Investigation Area given the high level of difference in their current status. Comments are also provided regarding the mapping of Koala corridors as part of the mapping of Conservation Lands given the importance of this issue in both the Wilton Priority Growth Area and the Greater MacArthur Investigation Area.

### *a) General comments on the mapping*

The mapping of vegetation communities within the Assessment Report is supported. Council would request however that they be supplemented by ground-truthing as part of the implementation of the CPCP and development process to address acknowledged limitations in the Report, such as accessibility to private land, as well as to obtain updated mapping that reflects current occurrences and landuse activities.

The detailed mapping, analysis and modelling of Koala habitat and their movement as part of the Avoidance Land identification process is viewed as a positive of the CPCP documentation. The recognition of the preference of shale based soil trees for habitat by this analysis is also welcomed. However, the mapping is not sufficient in recognising Koala habitat connectivity in a landscape context and provision of necessary width corridors within this landscape context.

### *b) Mapping within the Nominated Areas*

#### Wilton Priority Growth Area

The CPCP Team is requested to note that correspondence received from the (then) OEH advises this mapping was based on a Flora and Fauna Report dated 2006. This correspondence states that the OEH was unable to provide detailed comment due to absence of detail over key ecological principles identified by the Report that included 'preservation of existing vegetation with conservation value' and 'build on existing habitat corridors for connectivity'.

*(a) Mapping of vegetation communities*

Council's initial comments on the Structure Plan also requested mapping of the vegetation communities in this Growth Area based on scientific definitions that included derived native grasslands. The vegetation community mapping within the Assessment Report and the methodology of its production adequately respond to this previous request and is supported. It is consequently strongly requested that the mapping within the Assessment Report be utilised as the basis for the Avoided Land given the date of the current basis mapping and its preparation prior to the release of the Cumberland Plain Recovery Plan and NSW Scientific Determination for CPW.

*(b) Mapping of Koala corridors*

In relation to Koala habitat corridors, Council staff in initial comments on the Structure Plan in 2014 requested greater consideration of Koala corridor requirements in a landscape context. The adjustments to the Masterplan mapping where the current boundary is within close proximity to watercourses is welcomed. However, there are strong concerns over the adequacy of the boundaries of the Avoided Land within this Growth Area in protecting necessary Koala corridor widths as a result of being largely based on the Masterplan.

Staff are of the view that the recommendations contained in the Advice from the Office of Chief Scientist on the Protection of the NSW Koala Population (Chief Scientist's advice) should align and be reflected in the CPCP. In relation to this matter, the recommendation of the Chief Scientist's Report for the establishment of 390 metre corridors adjacent to primary watercourses is viewed as being consistent with scientific information available to staff.

The reply to the question raised by a Council staff member at the Webinar reproduced below, (while welcomed), is not considered to provide sufficient response to this issue:

*The Plan focuses on the north to south koala habitat corridor in the proposed Georges River Koala Reserve, and one east to west corridor linking the Nepean River to the Georges River -including a safe crossing of Appin Road. These corridors will be wide enough to allow the koalas to move through the landscape with reduced interaction with threats. In locations where the existing habitat does not meet the width recommended in the Chief Scientist Report or is not connected to other habitat ensuring movement through the landscape, it is not safe for the koala to manage these areas as koala habitat.*

The rezoning of land in Wilton North and sections of Wilton South East is acknowledged as creating constraints in achieving modifications to provide greater Koala corridors. However, there is considered scope as part of the Neighbourhood Plan process consistent with the *Urban Development Zone Core Objective* in both these Precinct Schedules "To ensure that land adjacent to environmental conservation areas is developed in a way that enhances biodiversity outcomes for the Precinct".

**The holding of discussions between appropriate Council and DPIE staff for the most appropriate mechanisms of addressing this issue within the Wilton North, South East and West Wilton Precinct to enhance the alignment of the CPCP with the Chief Scientist's advice is requested as a high priority.**

Macarthur Investigation Area

*(a) Ecological communities*

The adequacy of the boundaries of the avoided lands has been reviewed through comparing mapping between those accompanying the CPCP, within the Assessment Report and in Greater Macarthur 2040. The boundaries comprised of the Georges and Nepean Rivers are supported from a landscape and biodiversity perspective. There are however the following identified inconsistencies/concerns over the boundaries that clarification from the CPCP Project Team is requested:

- Areas of Threatened Ecological Communities (although in poor condition) in the south of the GMAC growth area proposed for certification. For example CPW at 489 Wilton Road and Shale/Sandstone Transition Forest at 390 Macquariedale Road; **whereas**
- Poor condition vegetation (cleared, non-native grasslands) are mapped as non-certified –avoided for biodiversity. For example 380 Appin Road, east of Appin Rd in the north-east corner of the LGA.

*(b) Adequacy of Koala corridor mapping within the Investigation Area*

The mapping within the portion of the Wollondilly LGA is broadly supported in terms of its methodology, location and recognition of the importance of east –west corridors. The retention of the east –west corridor in the northern extremity of the LGA is viewed as a strong positive of the Plan. In this regard, the establishment of a second east-west linkage is requested to be investigated to ensure sufficient movement pathways between the Georges and Nepean Rivers.

In relation to this matter, Council has previously considered a planning proposal for Macquariedale Road located within this Investigation Area that forms part of a recognised important Koala corridor. Amendments to the initially proposed E2 boundary occurred in response to requests from staff to reflect mapping and surveys. The noted largely consistency of the boundaries of the Conservation Areas with the amended boundaries of the E2 zone is welcomed. It is however requested that the classification of Urban Capable Land in the south east of corner of the planning proposal site be amended to Avoided (as shown on Map 1: Attachment 4), to achieve full consistency.

The Mount Gilead development is recognised as being in the Campbelltown LGA and provision of comments a matter for this Council. The DPIE is however requested to note the concerns of staff that the recognised important habitat linking the Nepean and Georges through Noorumba Reserve in the vicinity of this development has not been protected as an Avoided Area.

Sydney Orbital

The noted absence of mapped Urban Capable, Avoided or Excluded Land within the proposed pathway of this Orbital has been assumed to be a consequence of a separate biocertification process being prepared for this infrastructure proposal. As a broad requirement, Council would expect that the mapped Conservation Area be based on mapping with a strong ecological base and not include any large operations in the vicinity such as Menangle Sand.

*a) Strategic Conservation Areas outside Nominated Areas*

This submission provides in-principle support to the establishment of Conservation Lands and their potential benefit in providing positive biodiversity benefits within the Wollondilly LGA. A previous section has also referred to feedback received from a number of landowners expressing concern over the correspondence advising their property has been identified for E2 zoning. Council has appreciated the provision of spatial data of the CPCP mapping from

DPIE which has allowed for a review of the Conservation Mapping as well as provide an initial response to correspondence received from landholders.

#### Comments on the approach

The previous section of this submission recommended a strategic biodiversity approach in terms of matters such as habitat connectivity as utilised by a range of Council strategies and the merit assessment process for development and planning proposals. The avoidance and the offsetting focus and its approach by the CPCP however facilitates the mapping of Conservation Lands in a fragmented format. This is viewed as being highlighted by Map 2 (presented in Attachment 5), overlaying these Lands, in a largely fragmented form) within the mapped Koala corridors. The broad evident loose correlation between the two mapping layers is however welcomed. The DPIE should note in this regard that Council would seek to integrate with the Conservation Program of the CPCP as part of the implementation of its biodiversity related strategies.

The review of the spatial data has identified a close correlation between the Conservation Lands and the *Native Vegetation of South East New South Wales* (Tozer et al. 2010), a key underlying criteria of the Biodiversity Values Map. Staff have identified a range of issues with this Values Map as part of the application of the Offset Scheme that includes areas it applies to not satisfying definition as an ecological community and not applying to considered important areas (such as Bargo River). These identified issues as well as the understood significant number of properties where access could not be obtained are viewed as being likely contributing factors to potential issues identified either by review of the mapping or responding to community enquiries. In relation to this matter, staff understand that the vegetation mapping of the currently in progress NSW review project involves more rigorous modelling and greater ground-truthing than the Tozer Mapping. **It is suggested that the Conservation Land mapping be updated to be based on this revised mapping when available.**

In summary, as a requested response by DPIE, the intended Strategic Land SEPP and Ministerial Directive are requested to contain provisions and flexibility that would ensure the undertaking of ground-truthing of vegetation and surveys in certain circumstances, including where no or insufficient previous mapping has previously been undertaken on a particular property, or where a significant timeframe has lapsed between the submission of a development application and undertaking of field surveys.

#### Mapping of koala habitat

Broad consistency of the Conservation Lands with the Koala Corridor mapping layers utilised by Council has been identified within the context of constraints described above. However, Map 3, (presented in Attachment 6), highlights that the Conservation Lands do not apply to significant identified Koala corridors within the Wollondilly LGA.

The approach adopted by the Assessment Report involving largely GIS analysis and modelling in conjunction with the above constraints highlights the need for the mapped Conservation Lands to be supplemented with ground-truthing and surveys.

#### Feedback from residents

The receipt of the CPCP spatial data has enabled a review of certain issues raised in the large number of representations made to Council by landholders regarding issues associated with the Conservation Land approach. The review has identified a number of properties where expressed views raised such as a property not being Koala habitat is agreed with and staff consider would not warrant application of an E2 zone based on its Policy. It is considered that

extensive consultation with these landholders by DPIE is required to clarify the process and respond to their concern. Council staff and potentially Councillors (of whom a number have received direct community representation), would appreciate discussions over this matter.

#### Potential identified anomalies in the mapping

##### *(a) Public land and proposals received by Council*

The review of the provided CPCP spatial data has identified a number of sites where adjustments to the current mapping of the Conservation Lands is viewed as warranted, which are detailed in Table 3.

**Table 3: Identified potential anomalies in the Avoided Land mapping**

Address	Identified potential anomaly
Douglas Park Drive	Council and Crown Land bushland adjacent to this driveway has high biodiversity value but has not been mapped as Avoided Land
180 Appin Road	The cleared part of this site identified by DPIE for a recreation reserve has been mapped as Avoided Land
Planning proposal at Menangle.	The Strategic Conservation zone appears to cover the site already proposed as R2 development
Macquariedale Road planning proposal at Appin	A part of the E2 Zone associated with this proposal has been mapped as Urban Capable Land.

A response to the above identified considered anomalies with the Avoided Land mapping by DPIE would be appreciated.

##### *(b) Application to Council assets*

The provided spatial data was reviewed in terms of application and potential implications to Council owned assets/infrastructure. The outcome of this review in terms of support and identified potential anomalies with the CPCP Mapping are indicated on Maps 4 and 5, (presented in Attachment 7), and summarised below:

- The classification of two Council owned sites adjacent to the Georges River as Conservation Land is supported.
- ***Appin Landfill has in part been mapped as Conservation Land: This site is no longer in use but remediation is yet to commence.***
- ***Bargo Waste Management Centre that is in part mapped as Strategic Conservation Land: This landfill site is unlikely to have biodiversity value into the future and the application of this mapping is questioned.***

**The DPIE is requested to provide a response to the above identified potentially anomalies with the CPCP mapping at its earliest convenience.**

#### **8) Offsetting approach of the CPCP documentation**

It is envisaged that the updated Biodiversity Strategy for Wollondilly LGA, (following its adoption), will contain specific actions and objectives relating to biodiversity offsetting that will integrate with offsetting mechanisms of the CPCP. Council is also currently finalising a draft Biodiversity Offset Policy, which when adopted, will detail its formal position when the BOS

does not apply and general principles where this Scheme applies. The adequacy of the offsetting by the CPCP in terms of integration with biodiversity on land outside SCA's and other applicable strategies such as those listed above is therefore viewed as being highly important.

Council staff view the offsetting analysis in terms of identifying biodiversity in both the BCAR and Assessment Report as having a suitable ecological rigorous basis and being consistent with the respective methodologies. However, there is viewed as being an inadequate translation of this analysis into the main body of the CPCP terms of its Commitments and Actions. In addition, while Section 14 of the Assessment Report refers to Avoidance and mitigation measures detailed in Section 8.1 of the BAM, there is an apparent absence of description over their application as part of the offsetting analysis within both the Assessment Report and the CPCP.

There is also an absence of requirements for receipt of documentation of the completion of offsetting measures in terms of detail and timeframe for this process. The introduction of an appropriate staged process within the CPCP containing these requirements is recommended to achieve consistency with provisions of the BC Act and *Environmental Planning and Assessment Act 1979* as well as for transparency purposes.

Staff utilise biodiversity offsetting mechanisms in a range of forms in merit assessment of development and planning processes that have been integrated into documents in draft documents referred to above. Table 4 provides comments over the adequacy and/or consistency of the offsetting procedures within the CPCP to these Principles.

**Table 4: Identified consistency of the CPCP offsetting framework with offsetting principles**

Basic Offsetting Principle	Adequacy/consistency comments in regard to the CPCP
Offsetting of losses to biodiversity should only be considered following detailed investigation and implementation of avoidance and mitigation measures.	The intended offsetting measures within Nominated Areas are defined in accordance with level of vegetation clearance based on mapping within LUIRP's rather than Section 8 of the BAM as well as offsetting principles such as those defined in the Principles for Offsetting in NSW prepared by EES.
Offsetting should involve enhancement of existing bushland areas (with planting if identified as necessary to supplement natural regeneration) as a preference to revegetation.	There is considerable research evidence demonstrating that revegetation is not ecologically effective in recreating CPW such as Wilkins et al 2003; Nichols et al 2000.
Offsetting should have a demonstrated ecological basis (such as credit calculations, offsetting ratios, assignment of value criteria amongst others).	The offsetting approach would appear in part to be designed to reduce the offsetting liability. While recognising the need for reducing financial costs, this approach is viewed as having inconsistency with a basic principle of offsetting that costs of offsetting increases proportionally to the level of rarity.



Basic Offsetting Principle	Adequacy/consistency comments in regard to the CPCP
Offsetting of vegetation losses should preferably occur in a biodiversity strategic context, (e.g. existing wildlife corridors) and preferably locally within the Wollondilly LGA.	The strategic location of the SCA's in large part is viewed as a strong positive of the CPCP. However, there are strong concerns over the apparent intention not to implement mechanisms such as requiring staging and procedures that would require suitable documentation over the delivery of intended offsetting measures.
Any application for reduction in credit retirement requirements must be largely based on biodiversity grounds and fully documented	The BC Act is recognised as permitting a range of offsetting measures for applications involving strategic biocertification. The utilisation of only biodiversity measures by the CPCP is a strong positive of the document. However, the approach adopted raises questions over the adequacy of the ecological basis of the offsetting.

The Project Team is requested to note that the intended removal of 10 percent of the current extent of CPW is viewed as being concerning by Council staff, especially given the status of CPW as a listed SAIL entity under the BAM. The extent of this removal also has inconsistencies with feedback received by the community over the retention of the natural and rural setting as well as potential inconsistencies with Council's recently exhibited Scenic and Cultural Lands Study and Urban Tree Canopy as well as aspects of its adopted LSPS.

The existence of a range of requirements and constraints in the CPCP documentation achieving consistency with the offsetting principles of Council in Table 4 are recognised. However, the DPIE is requested to note that the ecological basis of the offsetting framework is viewed as a fundamental shortcoming of the actual CPCP document. The strengthening of this ecological basis utilising the analysis within the accompanying Assessment Report prior to the finalisation of the document in collaboration with all applicable stakeholders is consequently strongly recommended.

## 9) Management of riparian corridors

The recognition of the importance and function of riparian lands by the CPCP documentation is welcomed. It is noted however that the widths of the riparian corridors are restricted to the *Guidelines for Controlled Activities on Waterfront Land- Riparian Corridors (based on the Strahler Classification) (Waterfront Guidelines)*. The application of these Guidelines is viewed by staff as being restricted to protecting and enhancing the hydrological function of waterways.

A number of riparian corridors adjacent to a number of different classes of watercourses within the Wollondilly LGA have been identified by surveys and mapping as providing important functions as local and (on occasions) regionally important wildlife corridors. Mapping and surveys undertaken by Council in partnership with the EES has also identified that riparian corridors can be important in enabling the movement of Koalas (even if not containing recognised Koala habitat trees).

The widths of corridors to achieve this function is in large part in excess of the corridors required by the Guidelines. A previous review of available research by Council environmental staff did not identify any studies that specified minimum corridor widths with the consensus view being widths need to be assessed on a merit-by-merit process. The following has however been identified as being a commonly recommended approach as minimum widths but should be higher width wherever possible to provide a greater ecological function:

- A total minimum width of 50 metres (either side of a waterway) is sufficient for bird species.

- A total minimum width of 60 metres (either side of a waterway) is sufficient for other types of species (providing there is accessibility across the waterway for such species).

The amendment of the CPCP is requested to achieve and conserve riparian corridors that are sufficiently wider than the Waterfront Guidelines to provide the necessary habitat corridors functions based on the surveys and mapping within the Assessment Report. It is suggested that such corridors be established as offsets that would allow for adequate funds for their management as well as enhance their suitability for public ownership. This approach is considered more beneficial than the proposed approach utilised for the Growth Centres, which staff understand has resulted in a number of creeklines in poor condition without an adequate management framework.

## **10) Aboriginal cultural heritage**

There are strong concerns over inadequacies in the level of archaeological assessment, level of consultation and level of impact to items of cultural heritage and associated cultural landscape by the CPCP documentation package. The integration of natural setting with the heritage landscape was considered in broad terms by Council's recently exhibited Scenic Lands and Cultural Heritage Strategy. It is suggested that the consideration of this integration by the CPCP is warranted.

The intended destruction of two Darug burial grounds is also viewed with particular concern and considered likely to receive significant opposition. **The review of the assessment to ensure full consistency with the legislative framework and further consultation prior to any certification conferral is strongly requested**

## **PART 3B: COMMENTS RELATING TO SPECIFIC SECTIONS OF THE CPCP**

This part of the submission provides comments on specific sections of the CPCP consistent with the position of Council and comments in the preceding sections of this submission. The comments are structured on the sub-headings within the document.

### **1) Development within the Nominated Areas**

#### *(i) Planning framework*

The listed documents at the State and regional level providing the strategic context for managing development as part of the implementation of the CPCP is supported. It is however recommended that this section also refer to the role of applicable local strategies, particularly Council's LSPS, described in Part A of this submission.

#### *(ii) Development within Nominated Areas*

*The CPCP is noted to state that "Development in each Nominated Areas is guided by the Structure Plan that in part identify areas of important biodiversity values and contain precinct planning principles".* This approach is agreed with in broad terms subject to the Structure Plan being based on sufficient ecological evidence base. The basic position of this submission in this regard however is that the boundaries of the Urban Capable land within the Wilton North within the Wilton Priority Growth Area in particular require amending from an ecological basis given that the Structure Plan is based on a Flora and Fauna Assessment dated 2006.

As a broad comment, this section of the CPCP is viewed as having a focus on the strategic approach of this and supporting documents. The following comments provides comments on specific development related issues for Nominated Areas within the Wollondilly LGA within this context. The comments in part have application to the Urban Capable Land and/or the Conservation Lands with the purposes of providing a summary of Council's position within this submission as well as in recognition that the development framework has relevance to both these Areas.

#### Wilton Priority Growth Area

The CPCP Project Team would be aware of significant activity that has occurred over the last three to four years in establishing a framework for development within this Growth Area that has relevance to both the Urban Capable and Conservation Lands. The DPIE and Council have collaborated closely in the preparation of this framework.

There is a level of disappointment in this regard that the CPCP does not provide principles/recommendations that relate to specific development issues consistent with this framework. The requested responses to development issues considered to exist by staff for each of the Precincts within this Growth Area based issues that apply to all Precincts and issues of specific relevance to individual Precincts is provided in Table 5.

**Table 5: Staff position and recommended response regarding development matters**

<b>Issue</b>	<b>Staff position</b>	<b>Recommended response</b>
	<b>Issues applicable to all Precincts</b>	
Management framework for the Conservation Lands	A review of the documentation within available timeframe has not identified any intended specific management framework for the E2 lands beyond broad approaches for Avoided lands and proposed controls in the EIE. Council has previously resolved that a Koala Strategy applying to the overall Precinct be prepared.	DPIE provide details over intended framework for conservation measures in E2 lands (assumed to be in the form of a Biodiversity Management Plan or equivalent).
Design and layout of Precincts	Council staff prefer and would expect an integrated layout that provides a range of positive outcomes.	DPIE amend the CPCP and supporting Subplans that would apply avoidance and minimisation measures within the Precincts broadly based on principles contained in Wilton 2040.
Establishment of ecological buffers	Council environmental staff do not agree with the approach of utilising APZ's as ecological purposes due to their different functions.	Council requests discussions over addressing of this issue by Neighbourhood Plans on rezoned land and the inclusion of appropriate buffers for future development on land not zoned.
Koala fencing	The inclusion of actions to restrict access by koalas into the Urban Capable land is supported, however concerns over their management during bushfires exist.	The CPCP include an action for the preparation of a Strategy that identifies a clear structure for ownership and funding for maintenance of fencing. DPIE provide clarification whether this issue will be addressed by the (assumed) management document applying to the E2 lands.
	<b>Wilton North Precinct</b>	

Integration of CPCP framework	Council is in receipt of development applications for the southern part of this Precinct prepared under the <i>Threatened Species Conservation Act 1995</i> .	DPIE provide clarification over the intended integration of the CPCP framework with the framework associated with this DA within the overall context of this Precinct.
Protection of Koala habitat and corridors	This Precinct has been identified as containing an important Koala habitat. Council has previously expressed the viewpoint that there needs to be a Koala Strategy that links with the Allens Creek Plan referred to below.	DPIE provide clarification over the implications of the Koala Habitat Protection SEPP given its coverage by the <i>Koala Development Map</i> accompanying this SEPP.

Issue	Staff position	Recommended response
	<b>Wilton South East Precinct</b>	
Consistency with the Allens Creek Koala Plan of Management	Council has required the preparation of a site specific Koala Plan of Management to accompany the DA for this Precinct lodged under SEPP 44.	DPIE ensure integration of the CPCP with the recently exhibited Allens Creek Plan of Management recently lodged for approval under SEPP 44.

### Greater Macarthur Priority Growth Area

As a basic position, staff would expect that issues raised above in regard to Wilton, also be addressed during the finalisation of the Precinct Plan and preparation of the site specific DCP. Staff would also expect that relevant Council strategies and mapping be considered as part of this process. The issues of specific relevance to this Growth Area consistent with the position of Council and expressed views of the local community include:

- Inclusion of appropriate requirements that the boundaries of the current Structure Plan be updated to reflect the mapping within the Assessment Report, further ground-truthing and recommendations of the Chief Scientist's Report.
- The implementation of Koala conservation measures within the Investigation Area consider the movement of Koalas in a broad landscape context extending to Wilton Growth Area. The CPCP is requested to note that a Koala has been identified as moving from Appin to Wilton by a tracking collar.

#### *(iii) Development outside the Nominated Areas within Strategic Conservation Areas*

The approach adopted by the CPCP document package and EIE in managing development has consistency with the current approach utilised by staff in assessing and reviewing development and planning proposals and is not opposed in principle. There are however a range of issues and requested clarification raised regarding the EIE in a subsequent part of this submission. The particular concern is being raised to the following aspects of proposed development control applying to these areas:

- ***The prevailing of the future SEPP over any identified consistency with other environmental planning instruments:*** Council staff have strong concerns over controls being mandated by a future SEPP that would prevail over clauses in its LEP relating to protection of biodiversity of high strategic biodiversity value.
- ***The implications of proposed controls to a number of development and planning applications within the Strategic Conservation Area currently being reviewed by Council such as the Cross Street planning proposal for which biocertification conferral is imminent:*** The provision of detailed interim arrangements for assessing such applications by DPIE is requested as soon as feasibly possible.

## **2) Management Actions of the CPCP**

As a general comment, there is uncertainty over the context of this section within the actual CPCP and its relationship to other components of the document package relating to its implementation. **The DPIE is requested in this regard to amend this part of the CPCP to detail this context. It is also recommended that the CPCP contain an implementation schedule as is common with strategic documents that would provide a concise**

**description of actions, responsibility and timeframes in one locality (utilising Appendix E to the Conservation Plan as a basis).**

The CPCP within this section of the document is noted to state “this Section describes the actions that will be taken under the Cumberland Plain Conservation Plan as it relates to Section 146 of the EPBC Act”. The inclusion of this description is welcomed given the relevance of the document package to a number of MNES within the Wollondilly LGA.

However, this section of the CPCP is viewed as requiring significant expansion to describe actions to be taken in regard to NSW legislation. In this regard the ‘Notes on Legislation is noted to state *“the below descriptions reference provisions of the NSW environment planning and assessment legislation, state planning instruments, and biodiversity conservation legislation currently in force”*. However, there is an absence of any specific description of these legislation and planning instruments in this section. There is also an absence of description of related actions beyond broad principles relating to the types of proposed urban and industrial development, list of likely required infrastructure and design principles for major infrastructure corridors. **The DPIE is requested to amend this section of the CPCP to include a description of actions that will be taken by the Plan as it relates to NSW legislation that incorporates issues raised by this submission.**

**3) Conservation Program of the CPCP**

This part of the submission refers in large part to the section of the actual CPCP under the heading Conservation. Comments are provided concurrently on related aspects of the CPCP sub Plan A given the considered high level of commonality between the Sub Plan and the CPCP document as well as aspects of the Governance framework section of the CPCP in terms of relationship with the management of biodiversity values. Comments are provided concurrently on Actions with the CPCP Sub Plan A and Koala Plan B.

*(i) Conservation priorities and deliverables*

The basis of identifying Conservation Lands based on biodiversity criteria including connectivity has potential benefits for the management of biodiversity in Wollondilly LGA and is strongly welcomed. Council would appreciate on-going collaboration with the CPCP Project Team as assistance in the implementation of its related strategies that would include the Urban Tree Canopy Plan, Comprehensive Koala Plan of Management and updated Biodiversity Strategy following their adoption.

The following comments are however provided on the state purposes of applying the criteria to identify the high value conservation:

- **Purpose 1:** *It is recommended that “best support an ecologically functioning, connected landscape” to replace best support with form part of and insert biodiversity between the words ‘connected’ and ‘landscape’.*
- **Purpose 2:** It is recommended that the words ‘within the above ecologically function connected biodiversity landscape’ be inserted at the end of this item.

*(ii) Comments on actions, commitments Appendix A and Appendix E Specific measures for threatened species*

As a general comment, it is considered that the readability and functionability of the document package would be enhance through the consolidation of existing Commitments contained in the CPCP and sub Plans into a consolidated location. Comments within this part of the submission are provided on each of these parts of the documentation package consistent with

the concerns and position of Council as well as feedback received by landholders within the Strategic Conservation Areas detailed in this submission.

The complexity and timeframe has prevented the inclusion of comments regarding specific actions and measures detailed in Appendix A and E to the Conservation Plan. A review has identified broad support subject to the addressing of the following comments regarding each Appendix listed below as well as issues raised by this submission:

- The Commitments and Actions relating to avoiding and minimising impacts of development to native vegetation should include updating of Precinct Schedule mapping to reflect most recent vegetation mapping with strong ecological basis.
- There are noted to be no actions in relation to the Commitment “The avoidance target of 4,315 hectares includes avoiding up to the following areas of BC Act listed threatened ecological communities”. It is requested that actions be inserted and they be based on Section 8.1 of the BAM as well as updated vegetation mapping within the Assessment Report.
- There is a number of detailed Commitments and Actions regarding infrastructure corridors however staff understand these corridors will be the subject of a separate biocertification process. It is assumed that the actions will be updated as part of this process
- The Conservation Program includes an action to *“monitor the impacts of development on non-certified land through the Plan’s reconciliation accounting process”*. Staff would expect that this process be also based on a range of biodiversity criteria that is broadly based on a range of monitoring actions within the CPCP documentation package.
- The Actions in Appendix A and Mitigation Measures in Appendix E would appear to have adopted a risk form of approach whereby the measures implemented are based on those species identified at being impacted from development during the implementation from surveys and/or modelling. This approach is recognised as having benefits in a broad context as well as providing streamlining. However, mechanisms that allow for mitigation measures and actions to be based on a merit assessment type process involving matters such as updated ground-truthing and surveys, impact assessment are recommended. Mechanisms that allow for an overarching document for the management of Conservation Lands that in part addresses direct and indirect impacts is also recommended.
- There is a noted action that involves buffers for certain species that include Grey-headed Flying-foxes. The following comments consistent with sought amendments to the draft Wilton DCP by Council staff regarding this matter are provided:
  - Ecological buffers should be separate to Asset Protection Zones in Nominated Areas.
  - Ecological buffers should have a uniform suitable distance that applies within a certain precinct to assist with the preparation of Neighbourhood Plans and subdivision applications.
  - The defined controls for ecological buffer and width for Grey -headed Flying - foxes should have flexibility to enable them to be based on latest research and studies.

**Staff would appreciate general discussion over the implementation of key actions and mechanisms of relevance to biodiversity within Wollondilly as part of the broad discussions on the CPCP document package and its implementation sought by this submission.**

(iii) *Conservation measures specifically relating to the Koala*

### General comments

The inclusion of detailed assessment, surveys and strategies for the on-going management of Koalas is welcomed and is viewed as a positive within the documentation package. However, the following comments are however provided for consideration and response by DPIE:

- The establishment of the Koala National Park extending into Wollondilly LGA near Appin is welcomed and need for protecting Koalas and their movement in the adjoining Campbelltown LGA is recognised. However, the approach, commitments and actions of the documentation package have a low level of reference to Wollondilly LGA.
- There is insufficient consideration of the likely impact of the implementation of the CPCP on the Koala population within Wollondilly LGA and the movement of this species within recognised corridors that includes Wollondilly, Campbelltown as well as Wingecarribee LGA's.
- There is insufficient consideration of required widths for the adequate movement of Koalas across Strategic Conservation Areas that is viewed in part as being a consequence of issues associated with the adopted avoidance approach detailed in this submission.
- There is inconsistencies in necessary corridor widths for the movement of Koalas and the Conservation Land in sections of the Wilton North Precinct as a result of the ecological basis of mapping with the associated Structure Plan detailed in this submission.

### Response to the Chief Scientist's Advice

The consideration of the Advice provided by the Office of Chief Scientist and Engineer and inclusion of a Table within the Koala Plan detailing the response to the findings and recommendations of this Report is welcomed. The recommendations contained in the Chief Scientist's advice are recognised as being necessarily focussed on the Campbelltown LGA.

However, staff view this Report as having relevance to Koala populations in Wollondilly given their connectivity with populations within Campbelltown and commonality in issues associated with their ongoing management and protection. The recommendations are supported in principle with Recommendation 2 the most relevance to the concerns of Council and the community it represents. In this regard, the response to the recommended 390 metre width for important Koala corridors by the Chief Scientist's Advice is noted to state that such a width has been provided at one location (near Gilead). While this is welcomed, the extension of this width to applicable sections of both the Greater Macarthur Investigation Area and Wilton Priority Growth Area is viewed as warranted given the similarity in movement of Koala populations and habitat requirements.

### Consistency and integration of the CPCP and Conservation Plan with the Koala State Environmental Planning Policy

The inclusion of a number of references to the State Environmental Planning Policy (Koala Habitat Protection) 2019 within the document package is recognised. The uncertainty over aspects of the finalised Guideline associated with this Policy at the time of finalisation of this submission is also recognised. However, it is requested that the package contain measures that would integrate with adopted Comprehensive Koala Plans of Management prepared by Councils under this SEPP as well as the development assessment process in the absence of such Plans based on the finalised accompanying Guideline.



(iv) *Preparation of sub strategies*

The Conservation Plan is noted to list a wide variety of Strategies are intended to be prepared as part of its implementation. The preparation of the listed Strategies are supported in principle as a means of providing a level of direction for the on-going management of the Conservation Lands and funding for their ongoing management. They are also viewed as being a suitable mechanism in responding to community concerns over the proposed process as well as identified issues and discrepancies with the Conservation Land Mapping (discussed below).

**Council would request that the strategies be prepared promptly, feasibly and be subject to a detailed public exhibition and consultation process. Council would also request that it be consulted during the preparation of each Strategy given their relevance to a number of strategic documents as well as responsibilities including community advocacy.**

**4) Management framework for offsetting sites**

The following provide comments on the intended approach for the establishment of offsetting sites that are consistent with previous sections of this submission the approach and criteria for their establishment as well as feedback received from local landowners

Offsetting sites on privately owned land

The proposed seeking of the establishment of Biodiversity Stewardship Sites on private properties within Strategic Conservation Areas is supported in principle. As stated in regard to the offsetting approach, staff have concerns over its shortcomings in requiring suitable documentation of completion of offsetting measures and timeframes for these measures. There is also the issue that Conservation Reserves and Biodiversity Stewardship Sites are voluntary in nature. Staff understand in this regard that the significant reduction in credit yield per hectare for CEEC's is resulting in a number of residents determining not to proceed after receiving an initial feasibility assessment. The development and implementation of a staged offsetting approach in association with the supported Monitoring and Assurance Framework is considered required in relation to this matter.

The undertaking of extensive community consultation in consultation with all relevant stakeholders is recommended. In this regard, the intended extension of services to community group, local councils, LALC, LLS and landowners to support the outcomes of the Plan is welcomed given that community awareness and collaboration are viewed as being keys to the successful implementation of the CPCP. **In this regard, it is suggested that a Project currently being coordinated by the University of Technology that Council has participated in as an End User be utilised by the DPIE as part of this process**

Offsetting sites on Council owned land

Council has provided the CPCP Project Team spatial and property data on all Council owned land and reserves as part of receiving CPCP mapping data. The establishment of offset sites on Council owned land is not opposed subject to detailed consultation with all relevant staff at all stages of the process in the event of potential suitable land being identified. The DPIE is requested to note that Council has few options of land that is considered suitable for Biodiversity Stewardship Agreements or equivalent.

In relation to this matter, staff have identified localities either under Council management or potentially could come under Council management that have been utilised as offsetting by the CPCP as a result of their proposed use as a recreation destination. Staff have concerns in this regard that this may involve duplication of offsetting calculations where the site is

already zoned E2 (such as the recreation reserve in the Wilton North Precinct. Staff also have concerns over potential adverse implications of any offset obligations on the future management of such recreation destinations. The viewpoint of the DPIE over this matter is sought.

### **5) Monitoring and assurance framework**

The inclusion of a monitoring and assurance framework is welcomed and its details are supported and is viewed as a strong aspect of the CPCP documentation package. The commitment to support Council in providing input into the monitoring of the plan is consequently welcomed and commended. Council would appreciate on-going consultation and notification of any identified significant variations from intended commitments and outcomes identified arising from this framework as part of this process.

## **PART 4: EXPLANATION OF INTENDED EFFECTS**

The understood intention of the future SEPP is to provide a key statutory mechanism to implement strategic conservation planning and provide certainty that the Plan's commitments and actions to protect, enhance, maintain and restore biodiversity in Western Sydney will be met. The following provides comments and requested amendments following a review of the document by staff from Council's Environment, Strategic, Growth, Compliance and Development Services Section.

### **1) Preparation process of the SEPP**

The public exhibition of the EIE without the completed draft SEPP is recognised as being consistent with statutory requirements. However, this submission provides strong opposition to this process on transparency and procedural grounds as well as absence of consultation during the preparation of the SEPP to ensure its adequacy and functionality. **The DPIE is requested in the strongest possible terms to ensure there is extensive consultation with all relevant stakeholders during its preparation and not introduced without consultation as occurred with the Koala SEPP**

### **2) Planning controls (Section 2 of the SEPP)**

The EIE is noted to state that the Ministerial Direction will “*require a relevant planning authority to ensure any planning proposals consider the land use objectives that apply to avoided land or, if the proposal is for the strategic conservation area, the matters for consideration in the planning controls that apply to the strategic conservation area*”. The objectives and proposed controls relating to planning controls are consistent with current practice utilised by staff when reviewing planning proposals and are agreed with. **The DPIE is requested to provide certainty in this regard in specifying detailed controls in the Directive given the timeframe that may elapse until gazettal of the Strategic Framework SEPP.**

#### *(i) Environmental protection mechanisms*

The basic position of Council staff is that the application of planning mechanisms, (which may include Environmental Protection Zoning) for land of identified sufficient strategic biodiversity value is supported in principle subject to sufficient evidence base and extensive community consultation. The following amendments to the approach of the SEPP consistent with the broad approach currently utilised by staff when reviewing planning proposals and recommended by Council's Urban Tree Canopy Plan is suggested.

- Examination of alternate planning mechanisms to Environmental Zoning such as Conservation Agreements that have a similar purpose without the level of statutory restrictions on land use activities associated with an E2 zone.

- Examination of alternate environmental protection zoning where considered achievable that would result in protection of recognised biodiversity value whilst allowing for activities on the section of a property with lower biodiversity value.
- Inclusion of reference to Council strategic documents including Koala corridor mapping in both the Directive and SEPP to provide statutory requirements for their consideration during the preparation process.

#### *Land zoning within Nominated Areas*

The broad intent of the SEPP in requiring that the boundaries of Conservation Areas defined by the CPCP be consistent with Precinct Schedules is welcomed in principle. However, a basic concern of Council expressed at the commencement of this submission is that the boundaries of the Conservation Land for sections of the Wilton Priority Growth Area is viewed as not being based on the most recent available and sufficiently ecological based mapping. This recommendation is consequently supported subject to the CPCP requiring Neighbourhood Plans to include appropriate ground-truthing of vegetation based on the mapping within the Assessment Report.

Council's Growth Management Section has reviewed this aspect of the EIE within the context of the current status of development and applicable strategic framework. The DPIE is requested to provide a response to the issues raised and recommendations of this Section detailed in Table 6.

**Table 6: Recommendations to address identified issues associated with the EIE in regard to Nominated Areas**

<b>Aspect/issue</b>	<b>Recommendation</b>
All land in nominated areas designated as non-certified will be allocated an E2 zone. Currently the land in Wilton Growth Area is already in two different EPIs (North and South East Wilton - Growth SEPP and in Maldon and West Wilton in Wollondilly LEP) An additional SEPP to call up the land will be confusing for landowners and community.	All E2 areas in nominated areas are recommended to be mapped using a consistent and logical approach. This will ensure E2 permissibility is the same for E2 land under whichever EPI applies.
All land in nominated areas designated as non-certified to be allocated an E2 zone.	The DPIE is encouraged to provide more certainty for people with land that is designated E2. The investigation of alternate planning mechanisms and/or environmental protection zoning is recommended.
APZs to be wholly within the Urban Development Zone (UDZ).	The decision to require all APZs to be wholly within the UDZ is commended. It is recommended that a similar approach be applied for detention basins.
Acquisition clause	If Council is to be the acquisition authority require early consultation.

### **3) Proposed matters for consideration**

- (i) Development control

#### Approach of the EIE

The approach of the CPCP and SEPP would appear to have adopted an approach of detailed modelling to identify fauna species which may be present and at risk then implementing mitigation measures to address identified species at risk. Council currently would require a Flora and Fauna Report that identifies the impact then details mitigation measures accordingly. There is concern that the SEPP could require complex modelling that may not adequately identify potential impacts in a landscape that is cost inhibitive for proponents and potentially beyond the expertise of the consent authority. It is suggested in this regard that the SEPP include requirements for Flora and Fauna Assessments for development on land outside of the Nominated Areas.

#### Implications of the Biodiversity Offset Scheme

The Assessment Report is noted to state that approximately 11,000 hectares of the SCA in total is covered by the Biodiversity Values Map, one of the triggers of the BOS. While recognising this Map is based on biodiversity value criteria, staff do not view it as providing a biodiversity protection function as full clearance (apart from certain circumstances), on land that it covers is permitted subject to satisfying offsetting requirements. **The DPIE is consequently requested to provide clarification over how the intended controls will operate for development proposals where this trigger is activated. The DPIE is further requested to provide similar clarification for the remaining Native Vegetation Clearance and Test of Significance thresholds that would appear not to have been mentioned in the CPCP documentation and the EIE.**

#### Monitoring of consent conditions based on EIE Controls

The Assessment Report is noted to state that *surveillance of compliance with consent conditions will be the responsibility of councils*. **The DPIE is requested to note that Council does not have any current or project staff resources to undertake any such compliance.** The noted intention to fund at least three surveillance issues is consequently supported in principle. However, the full funding of a full time ecologically qualified surveillance officer at Council by the DPIE is requested. This allocation is considered warranted given the extent of SCA's in Wollondilly and projected development in these areas (both within and outside the Nominated Areas).

#### Additional provisions

The EIE is noted to state *“Development consent will be required to clear native vegetation on avoided land identified in the Plan”*. Assuming all Avoided Land will have an environmental protection zoning, the approving authority would be the Native Vegetation Panel where the BOS applies and Council where it does not apply under the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP). The DPIE is requested to clarify how the SEPP will integrate with the requirements of the Vegetation SEPP recognising the statement it *“will prevail over any other EPI to the extent of inconsistency”*.

The EIE is also noted to state *“a consent authority must not approve the clearing of native vegetation on avoided land unless the consent authority is satisfied that sufficient measures have been, or will be, taken to avoid and minimise any impact to biodiversity, and where possible, protect and enhance the biodiversity value and ecological integrity of the avoided land”*. This requirement is recognised as being consistent with the intent and purpose of Conservation Land. The DPIE should note however this requirement has been a common concern raised by landholders during discussions with staff over the proposed application of the E2 Zone (listed in Attachment 1 to this submission).

### **4) Part 5 Assessments**

The EIE is noted to state that proposed controls will be developed to apply to Part 5 activities under the EP&A Act within the Strategic Conservation Areas that would include a number of Council activities of various scale. While not opposing this proposal in principle, there are

potential concerns over mandated controls in a future SEPP having adverse implications to the Review of Environmental Factors process and undertaking of Council activities. **This concern highlights the importance of the request by this submission that the completed SEPP be subject to a detailed public exhibition and consultation process.**

## **PART 5: COMMENTS ON SUPPORTING TECHNICAL DOCUMENTATION**

The complexity of the exhibited documents and timeframe for the provision of comment has prevented the opportunity to provide detailed comments on these documents. The focus of the submission has consequently been on providing comments on the approach and then intended planning and management framework for the various categories of the documentation as detailed in previous sections.

The following provides comments that support aspects of the document package or areas of concern that reflect issues raised in preceding sections of this submission.

### **1) Biocertification Assessment Report**

The following aspects of this Report have been identified as warranting support:

- Establishment of a statutory framework for the establishment and implementation of biodiversity offsets.
- The provision of current mapping and outcomes of Flora and Fauna surveys based on the application of relevant aspects of the BAM.
- Identification of biodiversity values of extensive areas of land based on the BAM.
- Recognition of the importance of regional and local habitat corridors for a range of important species.

The following areas of concern/aspects of this Report consistent with issues raised previously by this submission have however been identified:

- There is not a direct application of Section 8 Avoidance and Minimisation of Land within the defined Urban Capable Land.
- There are no calculations that define offsetting requirements based on the BAM calculator.
- Insufficient protection of biodiversity on a local scale protection of habitat corridors in a broad context due to considered shortcomings of the BAM in relation to these matters.

### **1) Strategic Assessment Report**

The following aspects of this Report have been identified as warranting support:

- Response to Terms of Reference issued for the preparation of the Strategic Assessment Report.
- A detailed analysis and likely impact of the CPCP on Koala populations and their habitat including references to the BIO Map.
- An evaluation of the considered adequacy of the conservation commitments and actions of the Plan in protecting MNES.

The following areas of concern/aspects of this Report consistent with issues raised previously by this submission have however been identified. Uncertainty over the timeframe for review of the Report and procedures for the incorporation of the outcomes of this review into the CPCP and its implementation.

- The assessment of impacts to the function of wildlife corridors is largely restricted to detailed analytical modelling on likely level of impact to habitat of certain species. Such modelling is viewed as providing a range of benefits subject to being supported by commensurate data. The limitations stated within the Assessment Report would indicate that such level of data may not occur on occasions outside the Nominated Areas.
- Would appear not to have referenced local relevant strategic documents such as Council's LSPS. The Terms of Reference is noted to state in this regard, "*Methods should use local information when available and incorporate most recent research, sightings and scientific information*".
- Would appear not to have provided an evaluation of the adequacy of the avoidance approach in protecting MNES and the level of significance of the impact.

**The noted purpose of the Assessment Report in enabling the Commonwealth to identify whether the CPCP has a significant impact on MNES is welcomed in principle. The amendment of the Assessment Report to reflect the above issues to assist the Commonwealth in identifying this significance of impact is requested.**

## **PART 6: CONCLUDING STATEMENT**

The CPCP and supporting documentation has strong relevance to the on-going management and protection of biodiversity in the Wollondilly LGA. This relevance includes Strategic Conservation Areas, which have been identified as occupying approximately 30 percent of the LGA located outside National Parks and Drinking Catchment Special Areas, and the Wilton and Greater Macarthur Investigation Area Nominated Areas. The Plan also has relevance to a range of Council responsibilities including growth management, consent authority, regulator, land manager and community engagement and advocacy.

This submission does not provide a formal Council position due to the complexity of the document package and timeframe of the public exhibition of the CPCP has prevented its consideration at a Council meeting. Within this context, a range of aspects of the CPCP document package that includes the establishment of a biodiversity management framework, procedures for monitoring and adapting actions during the implementation of the Plan as well as the intended establishment of the Georges River National Park are welcomed. However, residual concerns exist over key components including the ecological basis of offsetting and mapping of the avoided lands within the Wilton Priority Growth Area, in particular. There are also concerns over the need for detailed consultation and investigation of additional mechanism to respond to concerns of local community regarding proposed zoning of Conservation Lands.

This submission contains a range of areas of clarification and requested amendments to the CPCP and EIE. It seeks a meeting between relevant DPIE and Council staff to discuss issues raised during the review period of the CPCP as well as to establish a collaborative process during its implementation.

## Attachment 1 - Community Feedback and concerns regarding aspects of the CPCP Documentation

Comment/Issues raised	Detail	Department Response
General angst of the process of the CPCP	Lack of consultation and difficulty getting information from the department	DPIE should consider more targeted personal engagement – and possibly work with Councils on this
Rural landholders covered by SCA feel they have had no consultation. Combined with the Koala mapping they are very unhappy	General angst amongst the farming community over the combination of SCA application and koala SEPP mapping – they now feel that they haven't been consulted and have unnecessary red tape placed over agricultural activities	DPIE undertake broader engagement and provide fact sheets and response to public concerns
E2 is too prescribed and restrictive	Concerns that E2 will be too onerous on zones that currently have agricultural activities	Consider a better planning mechanism and/or alternate environmental protection zoning until land is rezoned or purchasers change
E2 does not reflect the current vegetation on site	Concerns that some of the E2 zoned land is situated on land with low biodiversity value.	Inconsistencies in mapping, DPIE should clarify process in applying the land Categories
How will E2 conservation be managed and incentivised	It is unclear if individual stewardship sites will be developed to enhance E2 land or will just be rezoned.	DPIE to provide detail on the long term management for E2 zoned land, ownership, funding arrangements. DPIE also to detail if these lands will these be meaningful offsets for the development.
Will Landowners need to comply with conservation?	Landholders are unclear of their entitlements in rezoned E2 land – For example, will they need to now put in a DA or gain consent for activities currently exempt in a rural zoning?	DPIE to provide more clarity for both residents and council over the savings provisions and implications
Zone change will impact property prices	Landholders have concerns about the zoning change reducing the sale price and value of the land	DPIE to provide clarification about commitment to acquisition or assurance that this change will not depreciate the value on the land
Zone change impact on rates	Residents are wondering if they will get a rates concession if their land is no longer worth the same as RU1 or RU2	This may the responsibility of the Valuer General's Department although any view of DPIE would be appreciated.
Conflicting information from the State	Several landholders have produced information showing their land as wholly or partially urban capable, and now its zoned E2 -	Residents seek clarification on the process to determine E2 Some are seeking compensation for the change as they have prepared planning material based on previous information
Appears a lot of offsets are in individual private ownership and very little comparatively for the larger developers	Residents believe greater offsets could be established within the urban growth areas and are disappointed that smaller lots outside have been considered at the cost of enabling the larger developers	DPIE to clarify process and ensure that offsets will be supported at market rate for landholders or acquisition certainty
Application of the E2 zone on public land	Residents and council are concerned that public land is being preference as offsets	DPIE should be transparent in the framework used to assess

	and other options not considered as well as making future options unable to proceed	and apply the E2 zone to public land
<b>Comment/Issues raised</b>	<b>Detail</b>	<b>Department Response</b>
Reduction of subdivision and other planning opportunity with the Strategic Conservation Zone application.	Landholders feel that the application of these zones have extinguished opportunity for their own planning proposals or Das	DPIE to provide further communication and training to both council and residents on the implications of the SCA mapping and E2 mapping
Biobanking isn't worth pursuing financially	Residents feel that there is no market for the biobanking framework and can't see why they would put an outlay into it when they can't get the total development fund to be established etc	DPIE to provide additional clarity on the framework for securing the offsets and long term management of E2 lands in the growth areas.
Georges River Koala Reserve	Council and residents have concern over who will manage the reserve, and fencing maintenance as well as vegetation management plan and ensure that fire management occurs so that koalas are not at risk in extreme wildfire events.	DPIE to provide detail on the management of koalas, infrastructure and vegetation within the reserve, how it will be administered and governed and who is responsible and accountable.



## Attachment 2 - Council position on strategic documents relevant to the CPCP and recommended DPIE response

Document	Broad Council position on the document	Considered adequacy of CPCP in reflecting document and broad Council position	Recommended response by DPIE
Greener Places Framework	Council's submission supported aspects of the framework but expressed concern over any mandating of requirements by the proposed Open Space and Design SEPP due to inadequate recognition of biodiversity values within the Wollondilly LGA.	There is an apparent absence of description of any integration with the objectives and principles of the framework with the CPCP	Clarification be provided over the intended integration between CPCP and the Greener Places Framework (including the proposed Greener Places SEPP).
NSW Priority Investment Strategy	Council welcomed the funding but requested an overarching framework for allocation of funds under the Biodiversity Offset Scheme.	There is an apparent absence of description of the integration of this Strategy although it is listed as a reference source	Clarification be provided over the integration between investment by the BCT and DPIE under the CPCP
Cumberland Plain Vegetation Recovery Plan	Council supported the Plan in principle and committed to the implementation of a number of low capital actions within the Plan	While this document is listed as a reference source, there is an apparent absence of description over its relationship with the CPCP documentation.	The CPCP include an appropriate description of integration between the Commitments and actions with those of the Recovery Plan.
NSW Koala Strategy	Council supported the concept and welcomed the release of the Strategy in principle. However, staff viewed the Strategy had a number of weaknesses including "not providing a whole of government approach and not improving koala outcomes through changes in the planning framework".	There is a noted absence of reference in the CPCP to this Strategy. This is noted with concern given the intended purpose of the Strategy and its strong relevance to land covered by the CPCP	The CPCP be amended to contain an integrated management approach to the protection of koalas in Wollondilly based on Council's submissions presented in Attachment 3.

## **Attachment 3 – Submission to NSW Legislative Council Inquiry into Koala Populations and Habitat in NSW**

### **July 2019**

This submission provides comments on the NSW Legislative Council 'Inquiry into Koala Populations and Habitat in NSW'. This submission is based on resolutions of Council and experienced shortcomings by Council Staff in the protection and enhancement of the local koala population, habitat and movement corridors by the legislative and policy framework.

Council welcomes the undertaking of the Inquiry as a means of identifying mechanisms to address shortcomings in the current koala protection framework and enhance the long-term survival of koalas and their habitat across NSW, with particular reference to critical issues within and immediately around the Wollondilly Shire Council area. However, development pressure is a key threat to koala populations in the WLGA. Inadequate consideration of this in relation to the two State designated Growth Areas continues to be of major concern to Council and the local community it represents. It is therefore disappointing that the Committee's Terms of Reference does not specifically refer to this issue.

The submission has been written with a belief that inadequate practical action now will cause an extinction crisis in the near future.

### **BACKGROUND INFORMATION**

#### **1) Overview of koala populations and habitat in Wollondilly LGA and threats**

The Wollondilly Local Government Area (WLGA) is a peri-urban type LGA with a high diversity of landscapes and biodiversity values. It also contains a diverse range of other diverse flora and fauna including 90 threatened species.

Koalas are an iconic part of Wollondilly's natural history with the first recorded European sighting of a koala occurring near Bargo in 1798 by John Price. The adequate protection of the koala population within the WLGA has been a high concern to the broad section of the local community for a number of years. This concern is illustrated by the reporting of thirty sightings of koalas to Council's Koala Hotline since its establishment in mid-2015 as well as the number of articles in local newspapers.

The Wollondilly LGA also contains seven threatened ecological communities as well as significant areas Shale/Sandstone Transition Forest (SSTF) and Cumberland Plain Woodland (CPW), which are listed as Critically Endangered at both the State and Commonwealth level. Both these ecological communities contain extensive areas of recognised koala trees and important koala habitat corridors. The distribution of these ecological communities in comparison to received planning proposals by Council (Map 1) indicates that a high proportion of planning proposals contain occurrences of these communities identified from broad-scale mapping.

The landscape and biodiversity values of the LGA are under significant pressure from a range of land use types including urban growth (both large Greenfield and small in-fill development) and vegetation clearance in koala habitat and essential movement corridors, much of it unauthorised. The population is projected to double to 100,000 or beyond over the next 20 to 30 years. This will intensify land use conflict in the one third of the Shire that is not made up of national parks and water catchment areas.

The mitigation or minimisation of adverse environmental impacts in the State designated growth areas at Wilton and Appin in particular is a serious current challenge that will grow. Council has serious concerns over adverse implications to koala habitat corridors as a result of its Local Environmental Plan and local mapping not directly applying to these Growth Areas. Large Greenfield urban growth, largely in the form of residential growth, is causing incremental loss of essential local habitat and corridors by 'a thousand cuts'.

## **2) Overview of Council position**

### *(i) Community Strategic Plan*

For many years the Shire has identified Rural Living as its vision. According to the current Community Strategic Plan (CSP) one of the key outcomes to be achieved is; "*An environment that is valued, preserved and protected, with new development planning and development proposals supporting these values*". CSP environmental strategies of particular relevance to the Inquiry include:

- Protect and enhance biodiversity, waterways and groundwaters;
- Protect the environment from development pressures; and
- Advocate strongly the interests of Wollondilly and its community in relation to environmental outcomes.

The protection of koala populations from a range of threats including development was a high priority issue raised in feedback received from Council during the preparation of the Strategic Plan.

### *(ii) Local Strategic Planning Statement*

Council is currently preparing its Local Strategic Planning Statement in accordance with reforms to the planning system that will give effect to the applicable District Plan, (Western Sydney District Plan) and inform local statutory plans and development controls. A key Planning Priority identified from internal and external consultation during the preparation of this Statement is "*Protecting Biodiversity including Koala Corridors*".

### *(iii) Council position and resolutions of relevance to the Inquiry*

Council has exercised strong advocacy on behalf of the community in expressing serious concern for the loss and potential loss of koala habitat and movement corridors. The importance of the latter should not be underestimated. Without adequate corridors koalas have inadequate access to highly specialised food, water and opportunities for breeding. While the focus is on koalas, protecting their environment (in fact enhancing their environment), benefits a huge array of other local fauna and flora that do not attract the same level of public interest.

The NSW Office of Chief Scientist and Engineer's Report on the Independent Review into the Decline of Koala Population in Key Areas of NSW released in December 2016 contains a number of recommendations of relevance to the above broad position. Council would therefore expect that all 11 recommendations detailed in this Report be fully implemented.

A number of Council resolutions have either explicitly or implicitly intended to promote the protection of koalas within Growth Areas (Wilton in particular). The most notable resolution occurred at the Extraordinary Council meeting of 30 April 2018 when Council decided to withdraw its 'in principle' support for Wilton New Town. Its willingness to reconsider its position was dependent on the satisfactory resolution of a number of matters. These matters included:

- *“The NSW Government defer any further release of land within the Greater Macarthur Growth Area and Wilton Growth Area until the NSW Government prepares and finalises a South Western Sydney Koala Conservation Strategy that protects koalas and their habitat corridors throughout the region. The Conservation Strategy should:*
  - 1. Be underpinned by approved, integrated Comprehensive Koala Plans of Management for Wollondilly, Campbelltown, Liverpool, Wingecarribee and Wollongong Local Government Areas in accordance with Schedule 1 Part 3 of the State Environment Planning Policy (SEPP)44– Koala Habitat Protection”,*
  - 2. Include koala habitat and corridors with reference to the updated koala food tree species list that has been provided by OEH for the current review of SEPP 44 and we request that the review of SEPP 44 be finalised”.*
- *“The rezoning of that portion of the Wilton South East Precinct that forms part of the Allens Creek primary koala habitat corridor be repealed by the Minister of Planning”.*

The following events and/or activities by Council has occurred since the above resolution:

- There has been no deferment of further land releases within the Greater Macarthur Growth Area and Wilton Growth Area. However, a Development Application for the South East area of Wilton which is not covered by the Council’s Local Environmental Plan (LEP) or Development Control Plan (DCP) was lodged during 2018.
- Council held a public awareness campaign that involved the lodgement of The ‘Save Our Koala’ petition containing more than 13,000 signatures that was generated in less than three months. The petition was debated in parliament on 27 September 2018.
- Council has undertaken mapping of koala habitat corridors (primary and secondary) across most of the Wollondilly LGA under the OEH’s Save our Species Funding Program. This mapping identified a number of important primary corridors in the Wilton Priority Growth Area including within the rezoned Wilton South East and North precincts. *The Committee should note that Council is currently seeking further funding to complete this mapping.*
- Council held a very successful public Koala Summit in September 2018 that had 100 participants and featured presentations from the World Wildlife Fund, Total Environment Centre, Department of Planning and Environment and Office of Environment and Heritage.

However, the following matters of relevance to the protection of koala populations and habitat are viewed by Council as having not been addressed and remain outstanding:

- Council Staff have been advised that the draft Development Control Plan for the Wilton Priority Growth Area draft developed by the NSW Department of Planning, Infrastructure and Environment has been completed and will be placed on public exhibition from 7<sup>th</sup> August 2019.
- Two important relevant plans; the Cumberland Plain Conservation Plan and Green Plan applying to the Greater Macarthur Investigation Area (that includes the Wilton Priority Growth Area) are yet to be completed. The understood prime purpose of the Cumberland Conservation Plan is to accurately identify the extent and conservation values of this Investigation Area that includes koala habitat corridors.
- The preparation of the South Western Sydney Koala Conservation Strategy that would provide an integrated framework for the management of koala populations within the Wollondilly, Campbelltown and Wingecarribee LGA’s and link more localised Koala Plans of Management has not yet commenced based on available information to Staff. *The Committee should note that Council is in the preliminary stages of preparing a Comprehensive Koala Plan of Management for the Wollondilly LGA in accordance with SEPP 44.*

- The status of the review of State Environmental Planning Policy- Koala Habitat Protection No 44 (SEPP44 and its proposed incorporation into a new Environmental Policy (both announced in 2017 by DPIE) is unknown.

It is Council's view based on the above outstanding matters that the NSW Department of Planning and Environment (now Department of Planning, Industry and Environment) has been undertaking land use planning adversely impacting on the survival of koalas within the Wollondilly LGA without strategic direction as a consequence of continuing shortfalls in baseline data and research. In particular, Council is strongly concerned that the largest disease free koala population in NSW is not currently protected by an Integrated Regional Koala Conservation Plan that conserves habitat corridors across the region.

## **SPECIFIC COMMENTS ON TERMS OF REFERENCE FOR THE INQUIRY**

### **Term of Reference Item 1: The status of koala populations and koala habitat in New South Wales, including trends, key threats, resource availability, adequacy of protections and areas for further research.**

This ToR item is recognised as having broad application to koala populations and koala habitat across NSW. However, the following provides an overview regarding issues associated with the status and key issues of the koala population within the Wollondilly LGA for consideration by the Committee.

#### *(i) Overview of knowledge regarding koala populations within the Wollondilly LGA*

Increased numbers of koala have been recorded at a range of locations within the Wollondilly LGA over recent years. Their habitat corridors exists across six local government areas; Liverpool, Campbelltown, Wollondilly, Wingecarribee, Sutherland and Wollongong. The population is currently estimated to be made up of 350 to 400 individuals.

This population therefore has state and national significance. The koalas north of Picton Road to Campbelltown are part of the only population in the State that is Chlamydia disease free.

Council participated in a Baseline Survey Pilot Study with the NSW Office of Environment and Heritage during April and May 2016 which involved koala surveys at 58 strategic locations. The Report on this Baseline Study prepared by Dr Nicholas J. Colman MSc, B.Env.Sc (Hons) broadly concluded that:

*A greater study effort into the koala population, their habitat-use (i.e. possible home ranges) as well as the flora (food/shelter trees) of Wollondilly is warranted. A major priority is the identification/protection and enhancement of koala habitat and vegetated corridors that koalas utilise for movement across the landscape or for home ranges. In addition, this study detected other threatened fauna that would also benefit from increased koala protection strategies.*

The Study enhanced previous expressed propositions that the WLGA provides a potential meeting point between the Chlamydia positive Southern Highlands koalas and the Chlamydia free Campbelltown population. It also identified that koalas are utilising a range of existing bushland corridors for movement and are expanding into areas not generally recognised as being koala habitat.

#### *(ii) Mapping of koala habitat*

Council commenced a Koala Conservation during 2017 in partnership with a number of organisations, principally the Office for the Environment and Heritage (OEH) with funding

under the Save Our Species program. Other partners included neighbouring councils, University Sydney koala health hub, Conservation Volunteers Australia and Wollondilly Wildlife Information, Rescue and Education Service (WIRES).

The focus of the project was to map koala habitat and identify population densities and koala movements across the WLGA. Mapping of primary, secondary and tertiary koala habitat corridors has been completed. Ground surveys have shown that there is a healthy and growing colony of breeding koalas in the local region.

The koalas of Campbelltown are linked with those living in Wollondilly and Wingecarribee through a habitat corridor that runs through Appin to Wilton and down to Avon Dam and Bargo. Local waterways have been identified by mapping associated with Project as providing critical movement corridors. The findings of this Project that the protection of these corridors should include adequate widths of 450m on both sides of 3<sup>rd</sup> order waterways and above rivers, 250m from 2<sup>nd</sup> order waterways and 150m on 1<sup>st</sup> order waterway is supported by Council Staff.

*(iii) Resourcing needs and areas of further research within the context of NSW Koala populations*

One of the biggest resourcing needs is the allocating of funding for further research including surveys and mapping to accurately identify current populations, their movement patterns and location of corridors (primary and secondary). Further research requires significant expenditure that is beyond the resources of Council. More specific scientific knowledge is needed to inform and ensure the adequacy current legislative and policy frameworks.

Topics for further research include more knowledge on minimum habitat corridor widths in areas where development is planned, more analysis of tree species utilised by koalas for food, movement and health breeding, disease prevention and treatment. **The Committee is requested to investigate the following areas of research in collaboration with all relevant stakeholders as part of the Inquiry:**

- Analysis of key threats to koalas, their broad habitat and movement corridors which should include an analysis of threats presented by development pressures.
- Analysis of the adequacy of state and commonwealth legislative and policy framework in ensuring a sustainable koala population and habitat in NSW.
- Adequacy of resourcing and mechanisms for funding of larger surveys and more mapping by stakeholders including local government.

**Term of Reference Item 2: The impacts on koalas and koala habitat from:**

- **The Coastal Integrated Forestry Operations Approvals and Regional Forest Agreements,**

No specific comments are provided as Item is not applicable to the Wollondilly Local Government Area

- **The Private Native Forestry Code of Practice.**

No specific comments are provided as Item is not applicable to the Wollondilly Local Government Area

- **The old growth forest remapping and rezoning program,**

No specific comments are provided as Item is not applicable to the Wollondilly Local Government Area. **However, Council requests that a vigorous investigation be undertaken prior to rezoning and removal of old growth forests and that koala populations should be retained.**

- **The 2016 land management reforms, including the Local Land Services Amendment Act 2016 and associated regulations and codes.**

Approximately 88% of the WLGA outside National Park and Special Drinking Catchment Areas is zoned rural and covered by the *Local Land Service Amendment Act 2016* and associated regulations. These rural areas contain significant areas of koala habitat and important koala corridors, including Shale/Sandstone Transition Forest (SSTF) and Cumberland Plain Woodland (CPW) as noted above as well as significant waterways (riparian corridors).

Koala populations are currently subject to the adverse effects of vegetation clearance in these areas, which is understood the Wollondilly LGA has one of the highest levels in NSW. The reasons for this clearance have been noted to be in regard to agricultural activity, rural lifestyle issues and pre-emptive clearance on large development sites. Council Staff are currently collaborating with Local Land Services and the OEH in a multi-faceted project to reduce this level of unauthorised vegetation clearance.

In its submission on the biodiversity conservation land management reforms Council expressed satisfaction at Local Land Services (LLS) having responsibilities for implementing the regulations and codes subject to adequate resourcing. The Committee should note the disappointment from Council Staff over the now apparent inadequate resourcing of LLS. The submission also identified a range of concerns over adequacies of the amendments in protecting biodiversity including koalas. Council continues to have concerns including the following issues previously raised in Council's submission.

(i) *The definition and protection of environmental features*

The inclusion of a range of provisions regarding the identification and exemption of clearing provisions in certain ecological communities was supported in principle. However, Council's submission expressed the view that the reform package did not contain sufficient adequate provisions to manage and regulate the loss of native biodiversity occurring on private land.

The Wollondilly LGA was placed within the Central West Division as part of reforms associated with the establishment of LLS's. This arrangement permits clearing 10 metres either side of perimeter fencing and 3 metres either side of internal fencing without consent. These exemptions have been observed on occasions to result in significant biodiversity losses on smaller rural land allotments including koala habitat. Council's submission requested that the Wollondilly LGA be incorporated into a region with similar land use activities such as other peri-urban councils under the new framework. This did not occur.

(ii) *Issues associated with categories under the land management reforms*

In relation to Regulated Category 2, the broad land use categories contained in the Land Management Code were viewed as being broadly consistent with the *Native Vegetation Act 2003* (NVA) and therefore supported in principle. The submission noted the following concerns which still exist:

- Section 15 of the Code was not considered sufficiently stringent in preventing clearance for 1<sup>st</sup> and 2<sup>nd</sup> order streams given their location in the upper catchment.

- The statement in Section 16 of the Code that landholder of land on which the set aside areas has been established “must make reasonable measures to manner the set aside area in a manner expected to promote vegetation integrity” was not considered sufficiently stringent to ensure positive biodiversity outcomes from such areas.

The submission also raised the following shortcomings in the proposed assessment and approval pathway in relation to Category 2 Sensitive Lands:

- There was a reliance on largely self-assessment of the presence of endangered ecological communities by proponents;
- The level of rigour undertaken by the Land Management Panel in reviewing clearance proposals on Category 2 land appeared to have a low ecological focus;
- While the Category 2 Sensitive land was welcomed, the Code was viewed to be generic in nature with inadequate specifics as to which “certain activities” would be allowed on land with this Category.

These concerns outlined above remain valid as does the adequacy of the offsetting mechanisms within the new biodiversity conservation framework in maintaining koala populations and corridors in a local and regional context. There is further comment on the later below.

**The Parliamentary Committee is requested to note that the above issues and shortcomings of introduced reforms to the land management framework remain valid. The Committee is requested to examine appropriate amendments to the land management reforms to enhance its adequacy in regulating native vegetation clearance to protect koala populations and associated habitat (including local and regional corridors) in collaboration with all relevant stakeholders including local government.**

**Terms of Reference 3: The effectiveness of State Environmental Planning Policy 44 – Koala Habitat Protection, the NSW Koala Strategy and the Biodiversity Conservation Act 2016, including the threatened species provisions and associated regulations, in protecting koala habitat and responding to key threats.**

*(i) Effectiveness of State Environmental Planning Policy No 44 (SEPP 44)*

Council considers this SEPP to be a very important development planning document and is very disappointed with the delayed implementation of a revised SEPP. In 2017 Council made a submission on intended amendments to this SEPP detailed in an Explanation of Intended Effects. The Committee is requested to note that practice of not exhibiting the completed document is strongly opposed on a number of grounds including transparency. The following provides an overview of shortcomings in the current version of the SEPP raised in Council’s submission based on the experiences of its application by Council Staff:

*(a) Adequacy of the current SEPP*

The statement in the Expression of Intended Effect (EIE) that the “*aim of the SEPP is appropriate and will continue to be to protect koala habitat to ensure a permanent free-living population over the present range and reverse the current trend of koala population*” is supported. However, Council’s submission outlined the shortcomings in the current version of the SEPP:



- The list of koala tree species does not reflect up-to-date knowledge regarding the habitat and movement of koalas.
- The current definition of 'Core Habitat' for koalas does not adequately capture the significance of a site proposed for development in terms of a site specific and landscape context.
- Reports accompanying development applications have almost unanimously been observed to state that SEPP 44 does not have any implications to the proposed development largely based on the absence of koala recordings on a site proposed for development and are often based on poor assessment methodology of lack of data.
- The preparation of specific Koala Plans of Management has occurred on an extremely rare basis due to a combination of factors including the non-identification of 'core koala' habitat on site and expenses incurred and timeframe involved in the preparation of such plans.

(b) Link of the SEPP to the Koala Recovery Plan

The EIE was noted to state that the proposed species list was to be consistent with the NSW Recovery Plan for Koalas. However, there was an absence of any discussion on proposed procedures to ensure the consistency of the definition of 'koala habitat' and Guidelines for Development' within the revised SEPP to this Recovery Plan.

(c) Proposed revised approach of the updated SEPP

The definitions of Core and Support Core habitat in the current version of SEPP 44 have been observed to be largely ineffective in protecting the impacts of development on koalas and their habitat. The statement in the EIE in relation to this matter *"the updated definitions will be replaced with definitions that identify the characteristics of plant communities which make up koala habitat and if there is evidence that koala are present"* was therefore welcomed in principle.

The EIE proposed an approach of providing detailed guidelines for koala habitat impact assessment as an alternate to the current approach of requiring a site specific Plan of Management for a development impacting on core habitat. The submission recognised the potential benefits of this approach in terms of improving the effectiveness of the definitions in the SEPP and by extension, informing the adequacy of the revised SEPP in protecting and managing koala habitat. It stated however that the revised SEPP needed to capture the usage of a particular site by koalas in both a local and broader landscape context.

Council's submission consequently requested that the revised SEPP require the proponent of applicable development applications carry out the following activities in identifying whether a site contains 'koala habitat':

- The analysis of historical records to determine the previous presence of koalas and behavioural patterns of koalas on the site;
- The undertaking of comprehensive surveys to identify the presence of koalas consistent with best practice across all vegetation communities present on a site proposed for development;

- An analysis of the observed and identified potential behavioural usage of the site by koalas across all vegetation types within the site based on a detailed assessment, (which is not restricted to habitat species listed in the revised SEPP 44); and
- The role of the site in a landscape context in allowing for the movement of koalas based on a detailed assessment and analysis of existing records.

**The Parliamentary Committee is requested to note that the above issues and shortcomings of the SEPP 44 remain valid. The Committee is requested investigate in detail these issues and identify measures that would ensure its adequacy in protecting koala populations and habitat in consultation with all relevant stakeholders.**

*(ii) Effectiveness of the NSW Koala Strategy*

The content of this strategy was a disappointment to Council, with a lack of adequate actions that focus on the causes of the problem. The Strategy did not take adequate account of the findings in the NSW Chief Scientist and Engineers' 'Independent Review into the Decline of Koala Populations in Key Areas of NSW' March 2016 report. The Strategy also did not specifically address important issues associated with protecting the only disease free koala colony in NSW.

Inadequate appreciation was shown for the adverse impacts of large scale Greenfield urban development, for example the DPE's rezoning of South East Wilton which if implemented as planned to meet State government lots per hectare requirements, will bisect the southern portion of the vital Allens Creek koala corridor.

Given that that the majority of koalas are believed to live on private owned land, a primary cause of the impending koala extinction is the loss and fragmentation of koala habitat on private land through both approved developments and illegal vegetation clearing. Current State planning legislation and documents do not adequately address this and may recently have made the situation worse.

Despite the high number of koalas being hurt or killed on State roads there was no funding assistance for the provision of koala care facilities in South Western Sydney or any announcement of additional funding for more scientific research in the area.

Whilst it is noted that the Strategy included some positive initiatives, identified weaknesses in the document include:

- Not providing a Strategy with a whole of government approach to stabilise and increase koala numbers (this was a key recommendation from the Chief Scientist).
- Not improving koala outcomes through changes in the planning framework (the least expensive and most effective means of saving our koalas is to protect completely the mature flora biodiversity we have left).
- Not guiding and encouraging best practice for development in areas of koala population across tenures, industries and land users.
- Not identifying priority areas for conservation management and threat mitigation.
- Investing only [REDACTED] to buy land with koala habitat for a National Park is not enough to make a real difference.
- Claims in the Strategy about the creation of 12 new reserves were misleading. The majority of the identified reserves appear to be State Forests, existing restrictions within will not create a significant net improvement for koalas.

- Not facilitating the exchange of information across land managers, local government and the research community.
- The reference to the koala population in the Greater Macarthur region is restricted to one reference on a map that shows Picton Road as a traffic shortcoming, and has minimal reference to koala populations in the Greater Macarthur Region.

**The Parliamentary Committee is requested to note that the above issues and shortcomings of the NSW Koala Strategy remain valid. The Committee is requested investigate in detail measures that would enable the Strategy to provide a comprehensive whole of government framework for the management of koala populations and habitat and their protection from a range of threats (including development).**

(iii) *Effectiveness of the Biodiversity Conservation Act 2016 in protecting koala habitat and responding to key threats*

The Wollondilly Local Government Area is currently listed as an Interim Designated Area under transition arrangements associated with the introduction of the *Biodiversity Conservation Act 2016* (BCA), which are due to conclude on 26<sup>th</sup> November 2019. Council Staff have consequently limited experience in its operation. However, the following provides an overview of the concerns of Council regarding the adequacy of aspects of this Legislation in protecting koala habitat based on its submission on the draft BC Act dated June 2017.

(a) Relationship of the revised SEPP 44 to the Biodiversity Conservation Act 2016

There are concerns that the effectiveness of the revised SEPP in protecting koala habitat will be constrained by the *BCA* following its formal introduction in the later part of 2017. These concerns are based on considered inconsistencies between the proposed broad approach of the revised SEPP 44 (protecting koala habitat based on the vegetation characteristics of a for this development site) and the provisions of the *BCA*. While acknowledging the Regulation Act is yet to be publicly released, Council Staff view the Gazetted Act as allowing for removal of habitat subject to offsetting measures).

(b) Offsetting mechanisms under the Biodiversity Conservation Act 2016

Council's submission on the revised SEPP 44 expressed concern over the effectiveness of the revised SEPP in protecting koala habitat being constrained following the introduction of the *BCA*. This concern was based on considered inconsistencies between the proposed approach of the revised SEPP, (protecting a site based on its vegetation characteristics), with the offsetting approach of the *BCA*.

The provision of criteria specifically related to koalas on the Sensitive Biodiversity Values Land Map partially addressed this concern. In addition, this criterion is viewed as only having the effect of requiring offsetting the losses of any koala habitat associated with a development located on this Map. There is also an apparent absence of any provisions which require such offsetting to be targeted at maintaining or enhancing such habitat in the local area.

In addition, the submission expressed strong opposition to this Map being restricted to core habitat based on Section 7.3(3)(b) of the *Biodiversity Conservation Regulation*, which lists as the criteria “ *land identified as koala habitat in a plan of management made under State Environmental Planning Policy No 44 – Koala Habitat Protection, being land that in the opinion of the Environment Agency Head is core koala habitat*”. It is viewed as imperative that primary and secondary corridors be protected to avoid fragmentation and ensure long-term retention of corridors.

A further key concern is the amended biodiversity outcome of the Act “No Net Loss of Biodiversity in NSW” to the outcome contained in the superseded *Threatened Species Conservation Act 1995*. This amended outcome is considered restricted to the State and biodiversity scale and does not consider biodiversity losses and gains on a localised scale including impacts to local habitat corridors.

The provision of funding and provisions in the BC Act regarding the Priority Investment Strategy has been supported in principle. However, Council’s submission on this Strategy expressed opposition to the allocation of funding to the Greater Metropolitan Area being given a low priority as a result of the operation of an offsetting mechanism. The submission in this regard expressed the view that Strategy did not contain a sufficient strategic framework for the delivery of a program which achieves positive biodiversity outcomes on a localised scale.

Council Staff have not observed the adequacy of biocertification provisions within the BC Act in adequately protecting koala populations and their habitat. However, the Committee is requested to note in this regard that Council Staff understand that a biocertification approach is being pursued for the Wilton Priority Growth Area by DPIE. However, at the time of lodgement of this submission, there is no effect legal mechanism in place to protect the important koala corridors in this Growth Area and their linkage with other parts of the Wollondilly LGA. It is also noted that a biocertification approach will not apply to existing approved rezoning proposals in Wilton South East and West Wilton where key koala corridors have been identified.

**The Parliamentary Committee is requested to note that the above issues and shortcomings of the NSW Koala Strategy remain valid. The requested amendments contained in Council’s submission on the draft Biodiversity Conservation Act are consequently replicated below for consideration by the Committee as part of the Inquiry.**

- The Sensitive Value Map should have direct linkage to up to date koala habitat mapping undertaken by local government as well as applicable Comprehensive Koala Plans of Management.
- The finalised koala habitats be protected from development through updated provisions in regard to Serious and Irreversible Harm and/or Areas of Outstanding Value.
- The finalised guidelines in the revised SEPP 44 replacing specific Plans of Management be incorporated in the document package.

**Term of Reference 4: Identification of key areas of koala habitat on private and public land that should be protected, including areas currently at risk of logging or clearing, and the likely impacts of climate change on koalas and koala distribution.**

- (i) *Identification of key areas of koala habitat on private and public land that should be protected, including areas currently at risk of logging or clearing*

The Wollondilly Shire Council has only a small area of public land under its control that includes a small number of reserves containing bushland in excess of 1ha. There is however a significant amount Crown land (which includes recognised important koala habitat corridors such as Bargo Gorge).

The above ToR item is viewed as applying to areas at risk from vegetation clearance associated with any activity including development. In this regard, Council will be reviewing its Local Environment Plan (LEP) which at this stage is intended to will include an updating of the biodiversity mapping upon which it is based. Consideration is being made to place an E2 Zoning on identified koala habitat corridors (which will include both primary and secondary corridors). However, more studies and mapping is required to ensure adequate protection of important koala habitat through this mechanism. **It is requested that the Committee investigate appropriate mechanisms for protecting critical koala habitat and corridor areas from all forms of vegetation clearance in collaboration with all relevant stakeholders as part of the Inquiry.**

Logging is not a major local issue within the Wollondilly LGA and no comments regarding this matter are provided. However, illegal clearing is a major issue, not only because of the biodiversity loss but the fragmentation of movement corridors (very much part of the 'loss by a thousand cuts'. **The Committee is therefore requested to investigate koala habitat at risk from such clearing and identify measures to address this risk.**

(ii) *The likely impacts of climate change on koalas and koala distribution*

Council has no in-house expertise on the potential impact of climate change on koalas and their distribution. However, it is suggested that the Committee investigate whether habitat trees currently utilised by koalas within Wollondilly will continue to exist in warmer climates predicted by modelling.

**Terms of Reference 5: The environmental, social and economic impacts of establishing new protected areas to conserve koala habitat, including national parks.**

Council supports the expansion of National Parks in the region to include more koala habitats and corridors. In relation to this matter, Council passed the Council the following resolution at its meeting in February 2017 *"Expressing and confirming Council's support for the establishment of the Bargo Nepean River National Park"* (see attached Map). This Gorge has been identified as being an important koala habitat corridor and also has recognised highly significant aesthetic, natural and cultural values.

At its Ordinary meeting on 15 October 2018 Council further resolved in relation to this matter:

- *"That Council welcomes the announcement from the NSW Opposition of their policy pledge to establish a 'Koala National Park' in South Western Sydney in recognition of the importance of the Chlamydia free koala population found in the area; and*
- *"That the Council strongly advocate that any such park needs to also include koala habitat and movement corridors in the Appin and Wilton areas, including the Allens Creek corridor at Wilton".*

It is Council's general view that the State government needs to be more active in moving to acquire priority areas for conservation management and threat mitigation and less reliant on land owners offering land for sale.

Given that a significant area of the Wollondilly LGA includes restricted access water catchment land, the expansion of National Parks in the area would be welcome from both environmental and economic perspectives. Our closeness to metropolitan Sydney we see as being an economic advantage where economic benefits can be achieved, especially though natural environment pursuits such as bush walking. Koalas are an internationally known species we are sure the public would rather try and see in their natural environment.

It is considered beyond the scope of this submission to provide specific comments regarding the social and economic impacts of establishing National Parks which is viewed as largely applying to adjoining rural landholders. However, the prevention of mining of coal resources within the Wollondilly LGA as a consequence of National Park listing is considered a potential socio-economic impact of relevance to this ToR item.

## **KEY RECOMMENDATIONS AND COUNCIL POSITION DETAILED IN THE SUBMISSION**

1. That the Review of SEPP 44 (Koala Habitat Protection) be completed and the full version of the updated document be placed on public exhibition as soon as possible.
2. A Comprehensive Greater Macarthur Regional Koala Plan of Management be completed prior to the approval of any development within Growth Areas that is potentially impacting recognised koala habitat.
3. The current offsetting mechanisms within the *Biodiversity Conservation Act 2016* be amended to enhance their adequacy in protecting koala habitat in a localised context.
4. Provisions within the current land management framework management be amended to enhance to ensure sufficient regulation of native vegetation clearance for the adequate protection of koala populations and associated habitat (including local and regional corridors).
5. More funds be allocated for the acquiring and management of suitable reserve lands for koala habitat (including habitat corridors both north/south and east-west linkages) by the State Government.
6. All recommendations of the *NSW Office of Chief Scientist and Engineer's Report on the Independent Review into the Decline of Koala Population in Key Areas of NSW* be implemented in full.
7. There be a detailed examination of all measures to avoid or mitigate impacts associated with proposed development on koala habitat prior to any consideration of offsetting under the biobanking framework.
8. More funding for scientific research especially in areas of likely large urban growth and with respect to the only Chlamydia disease free population as well as on-ground koala surveys and publicly accessible mapping.
9. Appreciation not just habitat but also that movement corridors be enhanced and expanded to provide resident habitat for future generations of koalas.

## **CONCLUSION STATEMENT**

The Wollondilly Local Government Area contains significant recognised important koala habitat (including corridors) and the disease free. The holding of the Parliamentary Inquiry into Koala Populations and Habitats in NSW is welcomed as a means of identifying mechanisms to address observed current shortcomings in the applicable legislative/policy framework and address critical issues affecting this population. There is however disappointment that the Terms of Reference does not explicitly refer to the significant pressures on koala populations and their habitat from current and projected growth within Wollondilly and the broader Greater Macarthur Area.

This submission provides background information over koala populations and threats to these populations within the Wollondilly LGA for consideration by the Committee. Key recommendations of the submission are for the Committee to investigate mechanisms for the updated State Environmental Planning Policy and amendments to the current offsetting mechanisms within the *Biodiversity Conservation Act 2016* that would enhance their adequacy in protecting koala habitat.



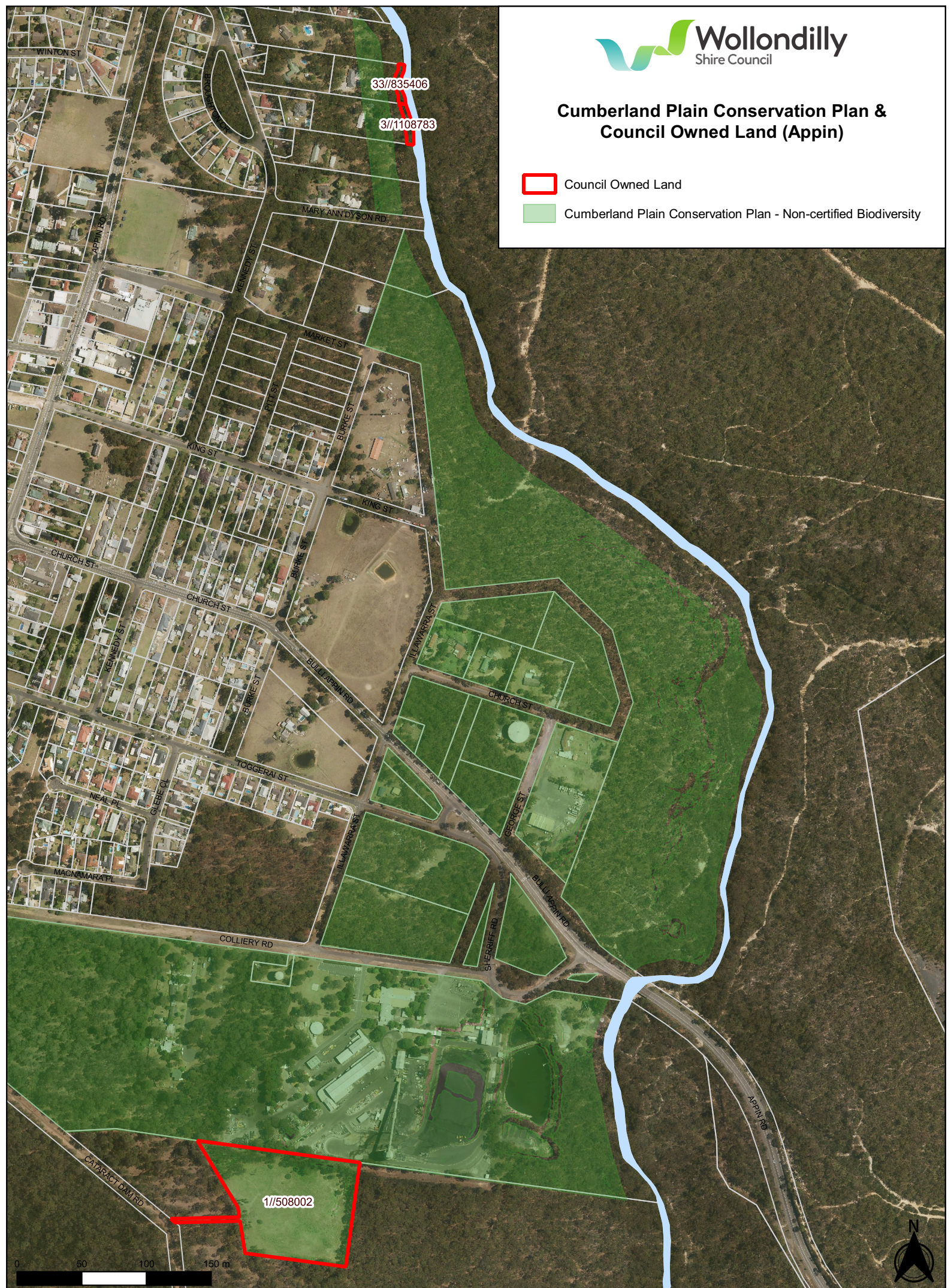
## Cumberland Plain Conservation Plan & Council Owned Land (Appin)



Council Owned Land




Cumberland Plain Conservation Plan - Non-certified Biodiversity





## Cumberland Plain Conservation Plan & Council Owned Land (Bargo)

 Council Owned Land

 Cumberland Plain Conservation Plan - Strategic Conservation Area

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ANTHONY RD

GOVERNMENT RD

IRONBARK RD

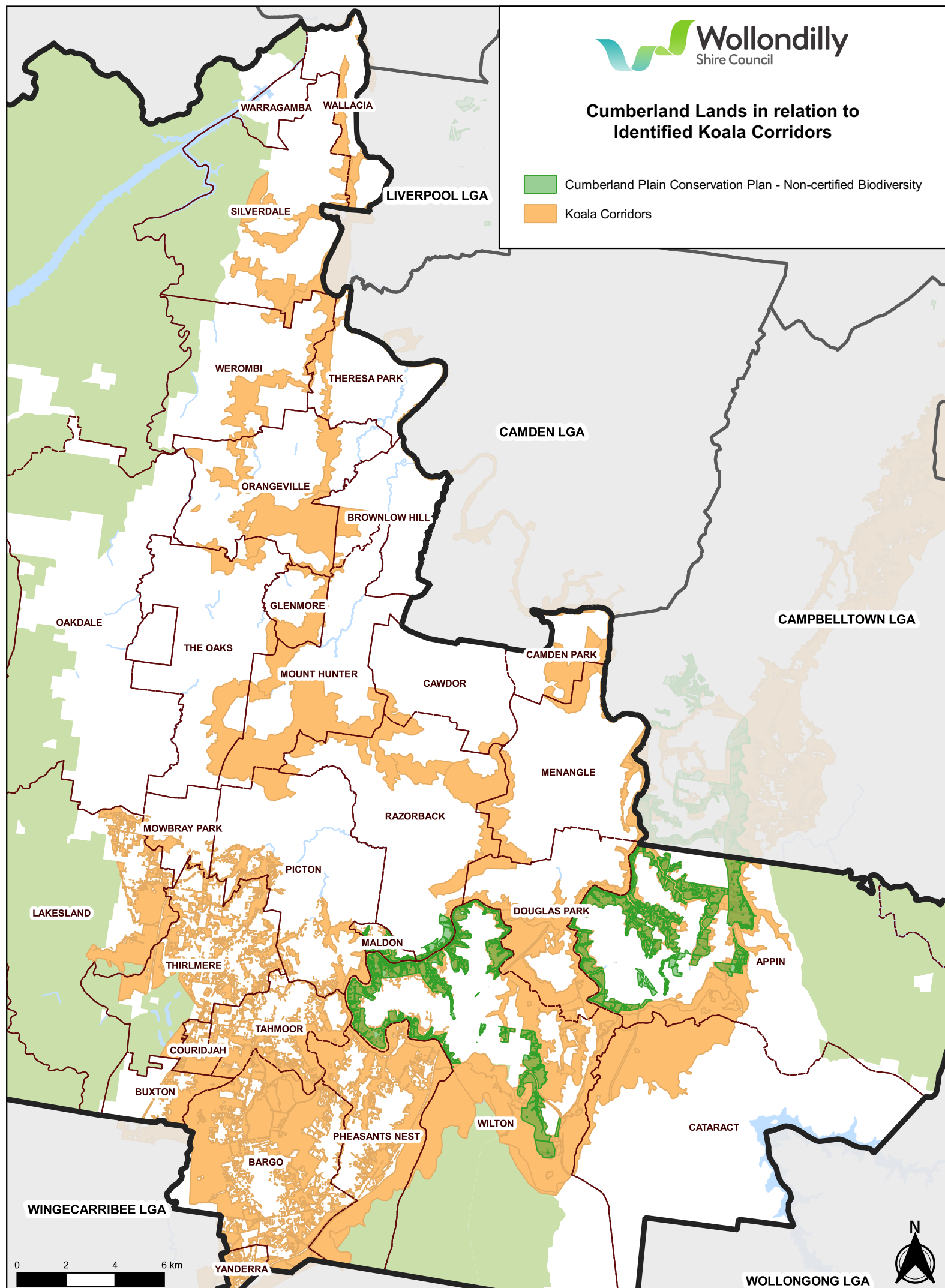
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



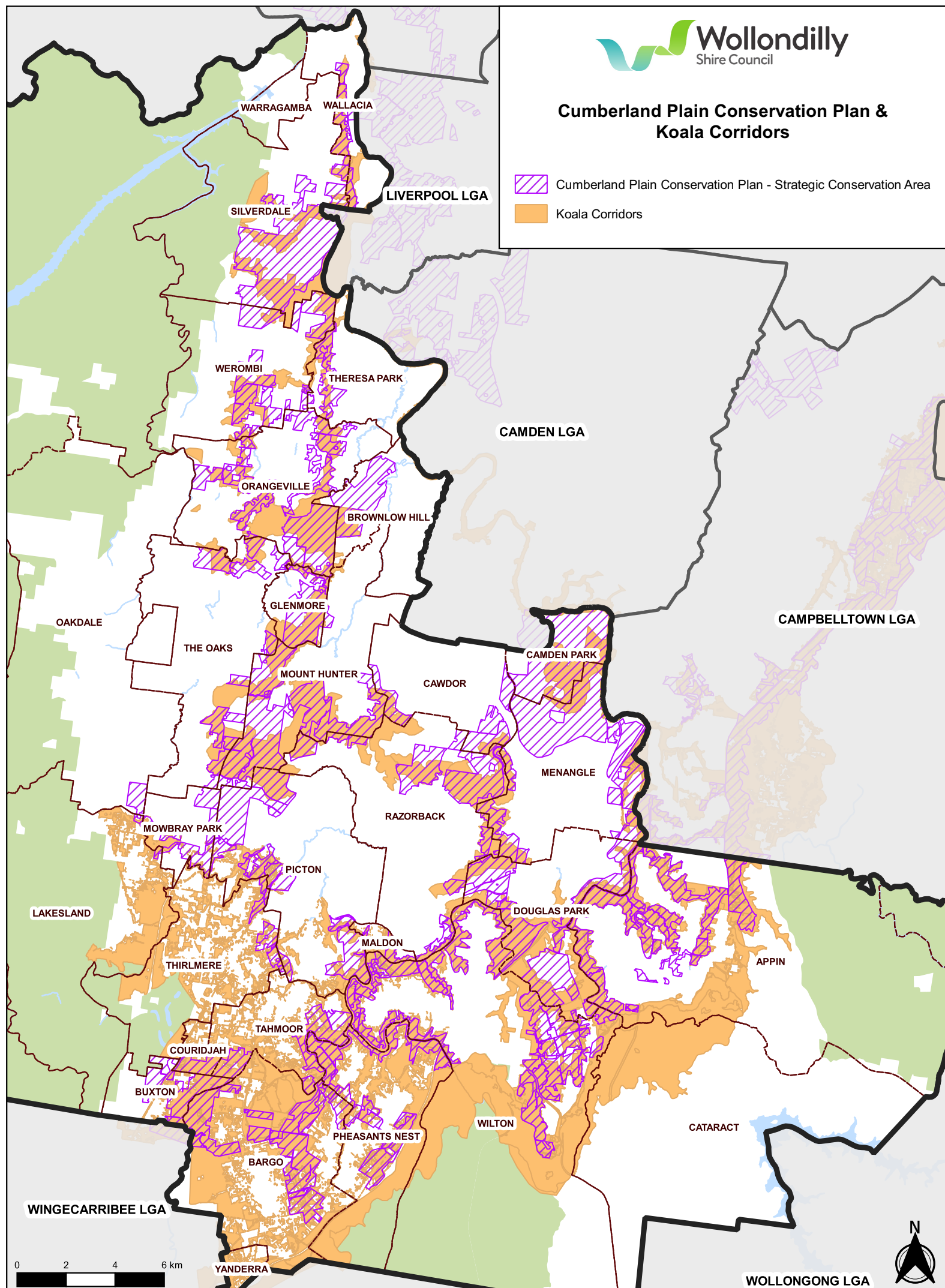
## Cumberland Lands in relation to Identified Koala Corridors

- Cumberland Plain Conservation Plan - Non-certified Biodiversity
- Koala Corridors



## Cumberland Plain Conservation Plan & Koala Corridors

-  Cumberland Plain Conservation Plan - Strategic Conservation Area
-  Koala Corridors






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## Cumberland Plain Conservation Plan Comparison with Macquariedale Road Planning Proposal Proposed E2 Zoning

-  Council Owned Land
-  Cumberland Plain Conservation Plan - Non-certified Biodiversity
-  Macquariedale Road Planning Proposal - Proposed E2 Zoning



Requested  
Amendments