

Submission re the rezoning of our land as E2 under the draft Cumberland Plain Conservation Plan with the emphasis on the newly announced amendments to the Koala Habitat SEPP dated 7.10.20 and the revised Koala Habitat Protection Guideline (Guideline)

The newly revised SEPP and Guideline, as well as gaining time to read a few more important documents including the Draft Cumberland Plain Assessment Report, necessitate an additional submission and we appreciate the opportunity to do so. This submission should be read in conjunction with our earlier individual submissions.

The protection of endangered native vegetation and native fauna has been on our minds since we moved into the area in 1993. We possess the passion to protect the character and the natural assets of the land. We would not begrudge the proposed rezoning to E2 if indeed there were koalas moving about in this neck of the woods, or data existed to indicate that such movements are likely, but we object to being made ‘sacrificial lambs’ on the basis of poor justifications, flimsy data, significant inconsistencies and lack of any consideration or understanding of the gravity of the impacts of rezoning on affected landowners.

Critically endangered ecological community

While the email to us from Elizabeth Irwin (DPIE), dated 27/8 claims that the meeting (5/11/19) that we attended ‘*allowed us to provide early feedback into the development of the Plan in relation to our landholdings*’, this is far from accurate as at this stage the E2 proposal for our land was not mentioned. On the contrary, in this meeting we were shown maps dated 2001, 2007 and 2011 of priority conservation areas where 10 Jakes Way (our Land) was not included. In a 2015 BioMap Corridors, 10 Jakes Way was still excluded. A 2017 Greater Macarthur Vision to 2036 document depicted a map (Fig 26) where our land was still classified as developable. However, as soon the massive urban developments were approved in the Wilton precinct, suddenly our land is of immense environmental importance, containing critically endangered ecological community, tagged to be E2 for ever. This can only be described as a cynical strategy of ‘sacrificial offset’ of small landowners, with little justification, in order to appear to protect threatened ecological assets and ultimately enable developers to gain maximum benefits. We submit the following points -

1. Soil map clearly identifies our land as being Hawkesbury sandstone (Rh- medium to coarse sandstone with minor shale and laminate lenses) and not derived from Wianamatta Group shale and siltstone based soils (as in areas along Wilton Park Rd and Marcus St) (e.g. The Map of soils by NSW Resources and Geosciences, https://resourcesandgeoscience.nsw.gov.au/__data/assets/image/0009/344169/Wollongong-Port_Hacking_100K_Geological_Sheet_9029-9129_1st_edition_1985.jpg).
2. The 2002 vegetation map (NPWS) also has the gorge end of our place as western sandstone gully forest (not a Threatened Ecological Community) (Ditto all of the neighbours’ place at 2 Jakes Way).
3. The Draft Cumberland Plain Assessment Report (August 2020) admitted that “*only potential habitat for species was able to be mapped due to the very large scale of the Plan Area. The species maps are therefore likely to be precautionary and greatly overpredict actual habitat*”
4. Detailed maps reveal a more realistic situation than the “overpredict” actual habitats. Reliable soil maps do not support the highly precautionary and greatly overpredicted plant habitat used by DPIE to identify strategic conservation areas.
5. The map that was sent to us in August 2020 by Elizabeth Irwin Director, Conservation & Sustainability Green & Resilient Places Division, depicting the vegetation cover of our land, is inaccurate.

Koala Habitat

1. It would be easier to find the Scarlett Pimpernel than a koala in this part of Wilton. This neck of the woods has not seen nor heard koalas for the entire life time of residents in this part of Wilton. Our land does not meet the Oct 2020 Koala Habitat SEPP definition of highly suitable koala habitat, nor is it near such a core.

2. The Draft Cumberland Plain Conservation Plan Viewer User Guide and Glossary explains that Important Koala Habitats are primary or secondary koala corridors and the Koala Habitat Protection Guideline advises that such areas ‘do not have the same regulatory implications as land identified as core koala habitat’.
3. If our land is deemed to be in a koala corridor and hence an “important” koala habitat, despite the many barriers to koala movements and lack of evidence of movements, we submit that rezoning our land to E2 - Non certified – Avoided for Biodiversity’ imposes, contrary to the intention expressed in the Guideline, as much regulatory impact on our land as land identified as a core koala habitat. It reduces its value to a tiny fraction of its potential and curtails our family’s future. All this is done with no consultation and reliance on inadequate mapping, questionable justifications and callous disregard for small landowners.
4. If indeed the purpose of the new Koala Habitat SEPP is to balance the decline of the koala in NSW with the rights of land owners, rezoning of land that may be deemed to be of some (albeit questionable) value to koalas as E2, does not meet this intention, as it dishes out as many regulatory constraints as land that is unquestionably a core koala habitat.

Fairness, consistency and transparency

1. In the Campbelltown area (e.g. Moreton Rd., Minto Heights), properties where koalas are regularly sighted by residents, the land is zoned E3, but our land in Wilton where koalas have not been seen, nor heard for our entire life here, is proposed to be E2. Across the gorge from our place, along the so-called Nepean Corridor, the land is zoned E4, RU4 or R5 (ePlanningportal) and land in Marcus St, is proposed to be Urban Capable and biodiversity certified, all with the same plant community as ours. Where is the consistency and fairness?
2. Threatened Ecological Communities in our area (West Wilton and North Wilton precincts) do not align with the proposed strategic conservation areas nor urban capable i.e. some areas of SSTF and CPW are biodiversity certified (Marcus St and Wilton Park Rd) and others not.
3. Some areas of SSTF are not in the proposed strategic conservation but are completely surrounded by strategic conservation (Marcus St & Wilton Park Rd). Strangely, at least some of these are aligned with land purchased by a developer earlier.
4. Areas where koalas have been sighted (e.g. Maldon bridge) are shown in the Draft CPCP Spatial Viewer as: not Shale Sandstone Transition Forest (SSTF), nor TEC, nor proposed strategic conservation area.
5. The 2002 vegetation map (NPWS) identifies properties along Wilton Park Rd where koalas have been reported as SSTF (high sandstone influence) – the same as us but is not in SSTF in the Draft CPCP Spatial Viewer.

The strategy to address conservation effectively is not through ‘sacrificial offset’ of small landowners, little consultation and flimsy questionable speculative assessments.

Conservation is desirable but to pursue it with little regard to reality, fairness and the wellbeing of affected humans, is inexcusable.

- E2 in Wollondilly is classified as *a zone where private land is designated for environmental conservation and it does not allow for a dwelling*. According to the Zone Descriptions Explanations *it is used where developers have agreed to “lock up” land for conservation*. However, we are not developers and we have never agreed to “lock up” our land for conservation.
- Furthermore, a dwelling already exists on the land and human beings actually live here. Yet, we are subjected to this most restrictive proposed zoning, affecting our family’s future.
- As our land already has a dwelling and other developments (driveways, sheds, gardens, dams, paddocks, powerlines), rezoning to E4, RU4 (urban fringe smaller allotments and allows for rural living opportunities) or R5 (large lot residential) would be far more appropriate.