

**Cumberland Plain  
Conservation Plan**

# **What We Heard**

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Public exhibition of the  
draft Cumberland Plain  
Conservation Plan

October 2021

**Find out more:**

[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)

Title: What We Heard

Subtitle: Public exhibition of the draft Cumberland Plain Conservation Plan

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# Acknowledgement of Country

The development of the Cumberland Plain Conservation Plan acknowledges more than 60,000 years of continuous Aboriginal connection to the land that makes up NSW.

This Plan recognises that, as part of the world's oldest living culture, traditional Aboriginal and Torres Strait Islander owners and custodians of the Australian continent and adjacent islands share a unique bond to Country — a bond forged through thousands of years of travelling across lands and waterways for ceremony, religion, trading and seasonal migration.

Aboriginal peoples maintain a strong belief that if we care for Country, it will care for us. The area covered by the Cumberland Plain Conservation Plan is custodially cared for by 3 Aboriginal groups: the Darug, Dharawal and Gundungurra. Others, such as the Eora, Darkinjung, Wiradjuri and Yuin, maintain trade or other obligatory care relationships with the area. The Deerubbin, Gandangara and Tharawal local Aboriginal land councils also have local land holdings and responsibilities towards Aboriginal peoples living in the area.

This significant connection to Country has played an important part in shaping this Plan.

For Traditional Owners, Country takes in everything within the physical, cultural and spiritual landscape—landforms, waters, air, trees, rocks, plants, animals, foods, medicines, minerals, stories and special places. It includes cultural practice, kinship, knowledge, songs, stories and art, as well as spiritual beings and people past, present and future.

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# Ministerial foreword

The NSW Government's vision is for a thriving and liveable Western Parkland City. We want people to love where they live and enjoy a lifestyle that allows them to get outside, be active and enjoy their great green spaces and local environments.

Western Sydney is a biologically diverse landscape with a rich variety of unique plants and animals, some of which are found nowhere else in the world. It is also home to a koala population that is the largest in the Sydney region and one of the healthiest in NSW.

The Cumberland Plain Conservation Plan (the Plan) will protect large areas of significant habitat for threatened plants and animals while supporting the delivery of housing, jobs and infrastructure in the Western Parkland City. The Plan is an exciting opportunity to protect the best of the remaining woodland habitat in Western Sydney and to enhance the connectivity of a fragmented landscape.

The Plan is one of the largest strategic conservation plans to be undertaken in Australia and delivers on a commitment under the Western Sydney City Deal. The draft Plan and Explanation of Intended Effect (EIE), on exhibition from August to November 2020, provided an opportunity to get your feedback. We received a variety of feedback from the community, landholders, and other stakeholders about the draft Plan and EIE.

We have heard your concerns and are making several changes in the final Plan. In response to community and landholder views, we are:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



The Honourable Robert Gordon Stokes MP  
Minister for Planning and Public Spaces

- [REDACTED]
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In addition to the above, the NSW Government has increased its funding commitment in the first 5 years from \$84 million to \$114 million since the Plan was exhibited. This will fund the restoration of around 80 hectares of habitat, with a focus on koala habitat in the Georges River Koala Reserve, installing koala-exclusion fencing and taking other measures to protect koalas, as well as establishing biodiversity stewardship sites and purchasing land for future reserves.

I am committed to successfully finalising the Plan as a priority. It will streamline the delivery of housing and infrastructure while protecting regionally important land for conservation and publicly accessibly green space in Western Sydney. The Plan will ensure we strategically balance the needs of sustainable development with continued protection of our natural environment.





**Top:** *Grevillia Juniperina*

## About this report

The Cumberland Plain Conservation Plan is an important part of delivering the Western Parkland City. The plan will support the delivery of housing, jobs and infrastructure while protecting the region's important biodiversity such as threatened plants and animals.

The draft Cumberland Plain Conservation Plan was on public exhibition from 26 August 2020 to 2 November 2020. The documents exhibited included:

- Highlights of the Draft Cumberland Plain Conservation Plan
- Draft Cumberland Plain Conservation Plan
- Sub-Plan A: Conservation program and implementation
- Sub-Plan B: Koalas
- The Explanation of Intended Effect
- Summary Assessment Report
- The Draft Cumberland Plain Assessment Report.

We received valuable feedback from community, landholders, local councils, environment groups and other stakeholders. This report summarises the feedback and explains how we have considered and responded to this feedback in finalising the plan.

Thank you for having your say and your continued involvement in developing the Cumberland Plain Conservation Plan and shaping the future of the Western Parkland City.



Photography:  
Marie-Claire Demers/  
DPIE

# The Cumberland Plain Conservation Plan

We project the Western Parkland City will grow from 740,000 people in 2016 to 1.1 million by 2036, and to well over 1.5 million by 2056. A thriving, liveable Western Parkland City must be well planned to meet that growth. It should include dedicated areas to protect the many unique native plants and animals in the region, and publicly accessible, open and green spaces that local communities can enjoy.

Our department is developing the Cumberland Plain Conservation Plan to support biodiversity and future growth in the Western Parkland City. The Plan will protect the region's important conservation values through the creation of new reserves, conservation areas and green spaces for local communities.

The Plan has been developed to meet requirements for strategic biodiversity certification<sup>12</sup> under the *Biodiversity Conservation Act 2016 (NSW)* (BC Act) and strategic assessment<sup>13</sup> under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act).

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

The Plan area covers some 200,000 hectares, extending from north of Windsor to south of Picton, and from the Hawkesbury-Nepean River in the west to the Georges River near Liverpool in the east. The Plan will support the delivery of new housing and infrastructure across four areas, which are collectively referred to in this report as 'nominated areas':

- Greater Macarthur Growth Area
- Wilton Growth Area
- Western Sydney Aerotropolis
- Greater Penrith to Eastern Creek Growth Investigation Area.

The Plan spans 8 local government areas and includes four major transport corridors that will allow for future construction of road and rail infrastructure in Western Sydney.

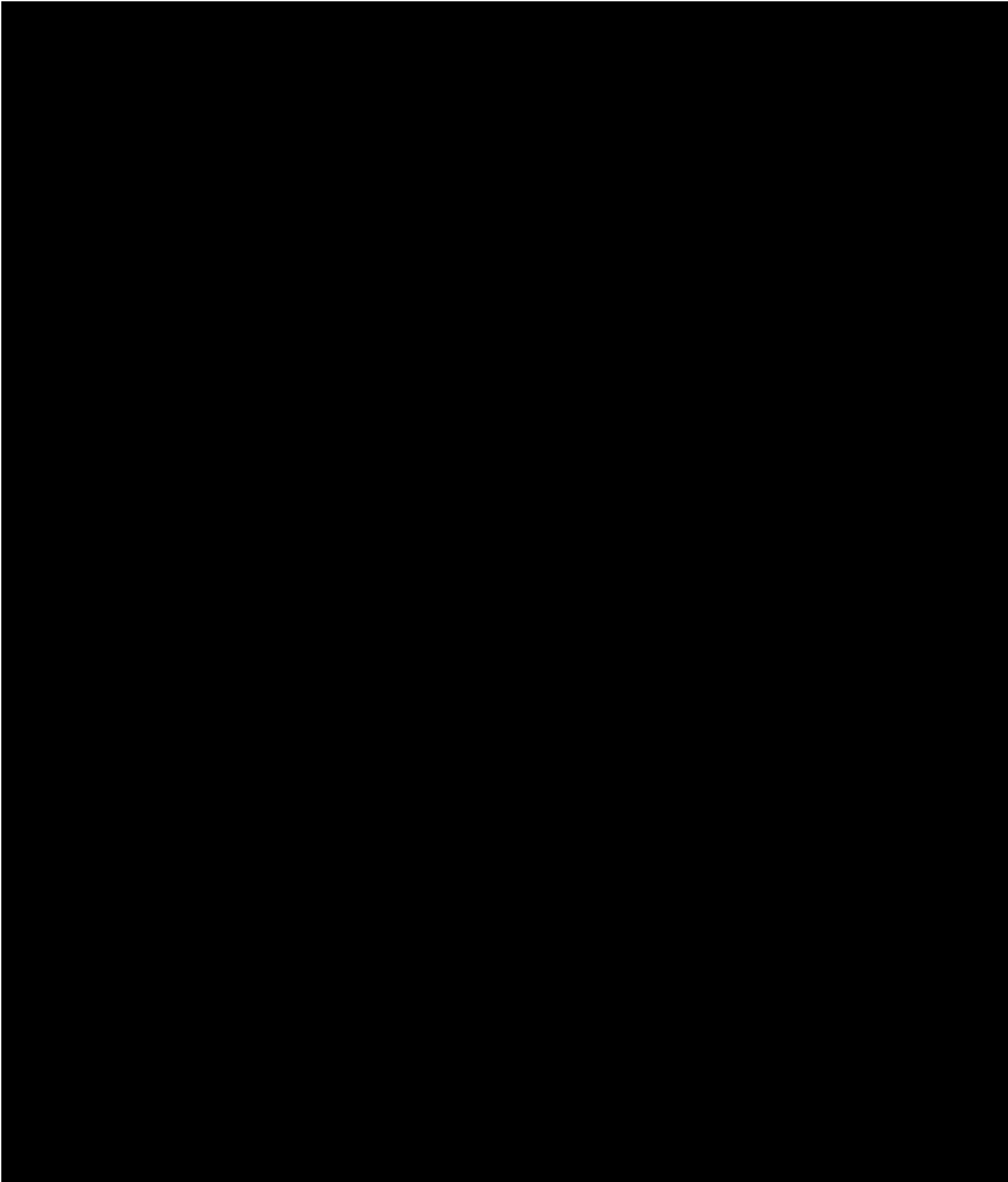
The Cumberland Plain Assessment Report, which was exhibited along with the Plan, assesses the potential impacts of the proposed development under the Plan on biodiversity values in accordance with the BC Act and EPBC Act.

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12 NSW Government (2021) Biodiversity certification <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about-the-biodiversity-offsets-scheme/biodiversity-certification>

13 NSW Government (2021) Strategic assessment, <https://www.environment.gov.au/epbc/publications/strategic-assessment-under-epbc-act-brochure>

# Key changes to the Plan





# Public exhibition snapshot

In 2020, COVID-19 meant we had to change the way we consulted on the plan. Despite its challenges, the department raised awareness of the plan and encouraged community and stakeholders to make a submission.

Public exhibition ran for 9 weeks from 26 August to 2 November in line with the requirements in the BC Act and EPBC Act. We extended the exhibition from the original closing date of 9 October in response to requests from the community and other stakeholders for more time to make a submission. The community and stakeholders were able to engage on the plan through numerous channels, and we published a range of materials to help understand what was being proposed and what it might mean for them.

## Consultation materials

We prepared a range of materials to raise awareness of the draft plan and support the public exhibition. This included:

- direct mail to developers and landholders effected by the plan
- emails sent to community, local councils and other stakeholders
- dedicated staff to respond to enquiries through a hotline and email mailbox
- dedicated webpage and supporting materials such as fact sheets and FAQs
- a spatial viewer to help landholders understand the plan mapping and proposed zoning
- a social media advertising campaign
- newspaper advertising, which also targeted culturally and linguistically diverse groups.

## Engagement events

During the plan's exhibition we undertook a variety of engagement events to gain an understanding of the values of the community, council and stakeholders. These included:

- a webinar to inform the community about public exhibition
- a webinar and briefings with eight local councils in western Sydney
- briefings with Tharawal and Gandangara Aboriginal Land Councils and NSW Aboriginal Land Council
- meetings and site visits with landholders
- community meeting with Orchard Hills residents
- briefing with the Urban Development Institute of Australia.



## Engagement snapshot



**34,500+**  
department  
website views



**2,902**  
e-newsletters sent  
by the department



**307,671**  
people reached via  
social media within the  
Western Sydney area



**202**  
people attended the  
community webinar



**2,822**  
clicks to the  
spatial viewer



**20**  
council and stakeholder  
meetings and briefings



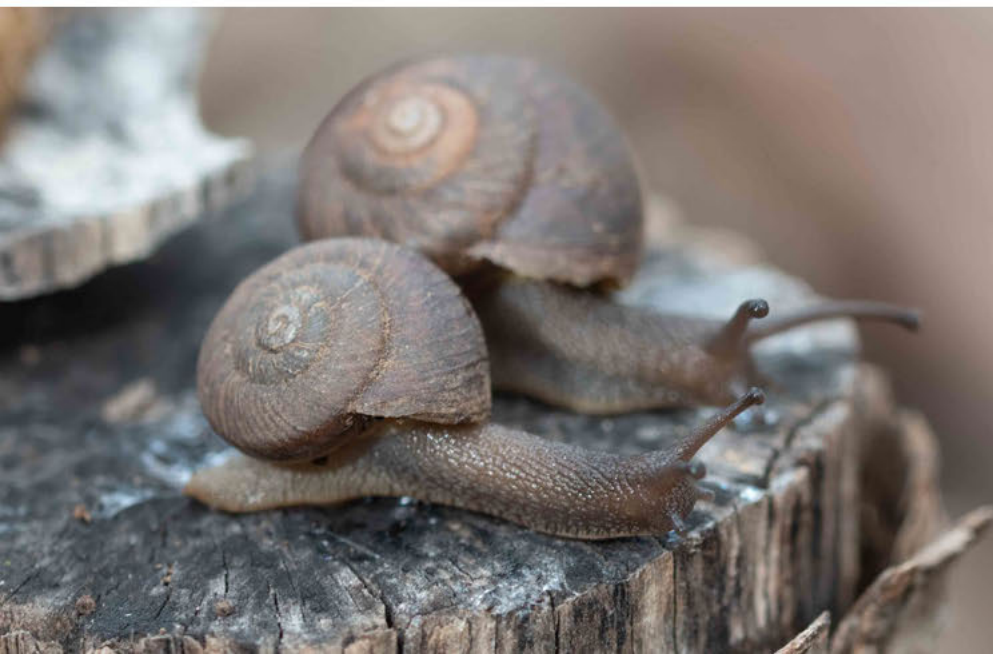
**926**  
letters posted



**379**  
phone and email  
enquiries replied to

DRAFT

Photography: Marie-Claire Demers/DPIE



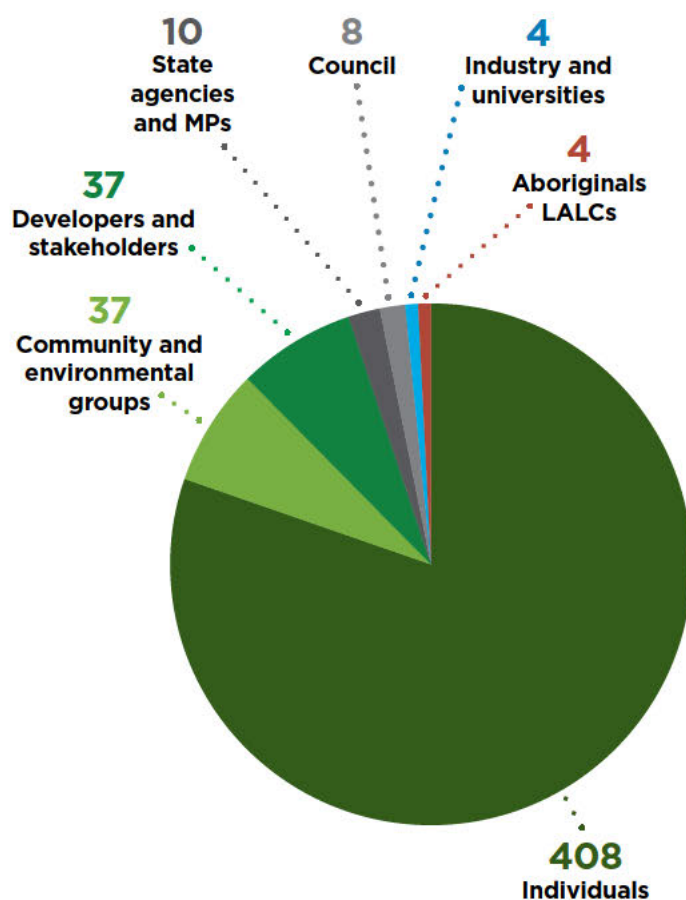
## Submissions analysis

We received 508 individual submissions and numerous campaign emails during the public exhibition period. These came from a range of stakeholders including landholders and developers, community and environment groups, industry, local councils, Aboriginal Land Councils and residents in and outside the Plan area.

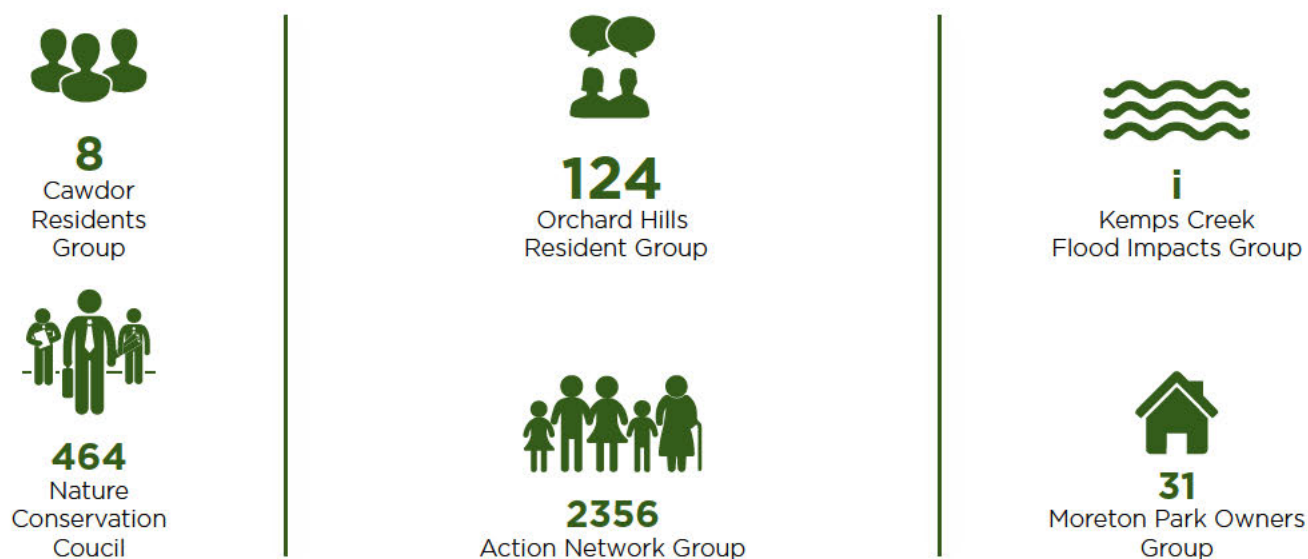
Around 80% of submissions were from individuals, with most being landholders potentially affected by the Plan. We reviewed each submission individually, considering all information and additional maps, notes and photos with our own data. This helped us understand key themes that were expressed in submissions, as well as specific concerns about individual sites. This information was used in updating the Plan.

We received additional submissions through 6 campaigns that encouraged responses to the public exhibition. We reviewed the key points and issues resulting from these campaigns and considered them along with all other submissions.

Some landholders included ecological data and assessments to support their submission. The department engaged accredited ecological consultants to review all supplementary reports and information. We used the information to inform updates to the Plan's vegetation and land category maps where needed.

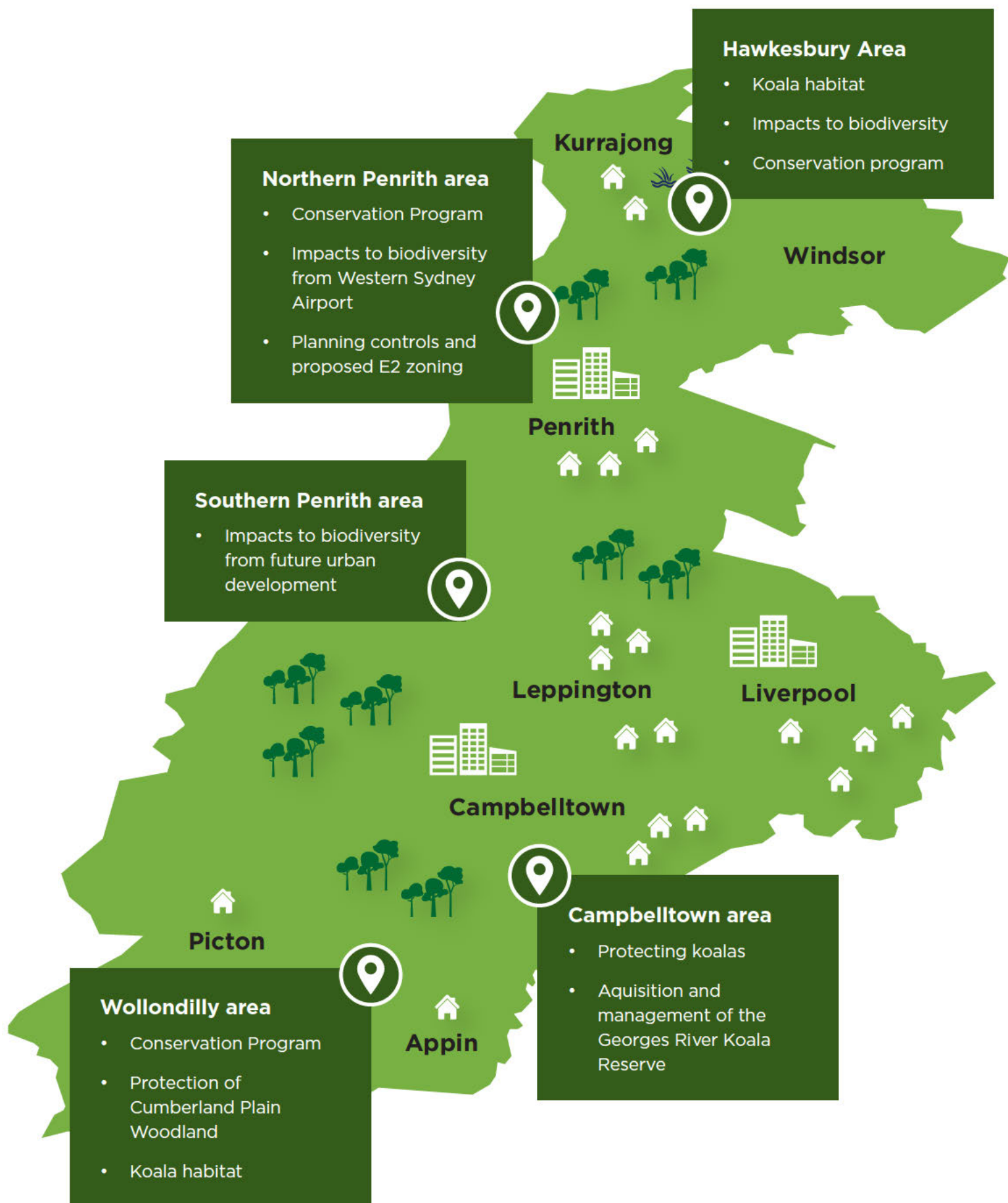


**Figure 1** Breakdown of submissions



**Figure 2** Campaign responses received





**Figure 3** What we heard across the Plan area

# Key themes

## 1. E2 Environmental Conservation zone

Many landholders were concerned about restrictions on future land use and potential impacts on property value because of the proposed E2 Environmental Conservation zone. Some landholders also expressed concerns about the accuracy of the vegetation mapping used to identify avoided land.

## 2. Impacts to biodiversity

Submissions confirmed that avoiding and managing impacts to biodiversity from urban and transport development was important. There was strong sentiment that all remaining Cumberland Plain Woodland should be preserved. The need to protect biodiversity from climate change and bushfire threats was also considered important.

## 3. Conservation program

Some people raised questions about the process of identifying conservation lands and how and where the Plan will create new reserves. Some people expressed concerns about the effectiveness of biodiversity offsetting and the ability of the Plan to meet its offset targets. Others were pleased to see an emphasis on long-term private land conservation.

## 4. Ecological restoration

There was a strong preference for conserving bushland rather than replanting created areas. Some had concerns with how Cumberland Plain Woodland will be restored and advocated for more research into restoration methods.

## 5. Protecting koalas

Questions were raised about the proposed koala-exclusion fencing. Many people are concerned that the Plan does not go far enough to protect koala movement corridors as recommended by the Office of the NSW Chief Scientist & Engineer koala report (2020), NSW.

## 6. Funding and implementation

Some people wanted to know more about how the long-term governance and funding arrangements will work. There were some concerns about the reliance on infrastructure contributions from developers to fund the conservation program.

## 7. Culture and heritage

Many respondents valued the semi-rural lifestyles in the less urbanised parts of the Plan Area and were concerned about losing agricultural land. There was strong support for incorporating Aboriginal knowledge and partnerships into implementing the Plan.

**Table 1** Key Themes

# 1. Proposed E2 zone and other planning controls

Protecting threatened biodiversity is a critical legislative step to reduce impacts of proposed development. The draft Plan proposed planning controls to protect biodiversity values on avoided land. These included applying the E2 Environmental Conservation zone, applying consistency between land categories identified in precinct plans and land covered by the Plan's biodiversity approvals, and guidelines to manage essential infrastructure on avoided land.

The strategic conservation area represents large remnants of native vegetation with high connectivity or areas with potential to improve landscape connectivity if restored. This comprises of approximately 27,200 hectares of the Plan area of regional biodiversity significance. Planning controls are proposed for new developments in the strategic conservation area to protect or enhance native vegetation and minimise development impacts. This will support the future conservation of land under the Plan and improve management of biodiversity to protect threatened ecological communities and species across the region.

## What you told us

### **The E2 zone will unfairly affect my property**

- There were concerns about restrictions on future land use and potential impacts on property value as a result of the proposed E2 zone.
- Small landholders and farmers feel they would pay the price for developers to clear vegetation and develop land.
- Existing land use zones should remain unchanged (such as RU1 and RU2).
- Environment protection zones such as E3 Environmental Management and E4 Environmental Living are less restrictive than the proposed E2 zone.
- Protection of vegetation through an E2 zone will increase bushfire risk to existing homes and new development.

### **There was inadequate consultation with landholders about the E2 zone**

- Landholders affected by proposed E2 zoning did not feel they were consulted or given adequate notice of the proposed changes to their land prior to public exhibition.
- Some landholders in Orchard Hills and Wilton were surprised by the proposed actions in the Plan and felt they were not adequately consulted about the Plan or the broader planning arrangements for Western Sydney.
- Some stakeholders felt that the public exhibition was not long enough to seek specialist advice, consider the complex Plan package and provide detailed submissions.

### **The proposed E2 zone is confusing and applied inconsistently**

- There was some confusion about the differences between the proposed E2 zone and strategic conservation area.
- There was concern that application of the proposed E2 zone was sometimes inconsistent across local areas and neighbouring properties.
- The permissible uses of the proposed E2 zone were inconsistent with the permissible uses of E2 zones under existing environmental planning instruments.
- The proposed E2 zone was applied to some properties with existing development applications in place.
- Some stakeholders felt that the restrictions of the proposed E2 zone would not lead to successful biodiversity conservation over current protections.



- Some stakeholders considered that the proposed E2 zone was sometimes inconsistent with land use zones in other environmental planning instruments and government plans such as Wilton 2040 and Greater Macarthur 2040.

### **The E2 zone and strategic conservation area were based on inaccurate mapping**

- Some stakeholders expressed concerns that the vegetation mapping was done from satellite imagery without adequate ground-truthing.
- Many landholders requested field-based vegetation assessments or review of the vegetation mapping on their properties, especially those affected by the proposed E2 zone.
- Landholders questioned the biodiversity value of their properties and their inclusion in the strategic conservation area.
- There was confusion about why some land with high biodiversity value was not included in the strategic conservation area.
- For specific properties, riparian zones do not reflect existing vegetation. Landholders questioned why these should be categorised as having biodiversity value.

## **Campaigns**



### **Cawdor Residents Group**

The group objected to properties in Cawdor being rezoned to E2 and sought to amend the urban-capable boundary. They were concerned that the assessment had been done remotely using information that was not up to date and therefore not reflecting recent or current land uses.



### **Orchard Hills Resident Group**

The group expressed concerns that the review of the Orchard Hills area had not resulted in an accurate portrayal of the environment.

They advocated that the Plan should be withdrawn until an on-site assessment is conducted on all affected properties. conducted on all affected properties.



### **Kemps Creek Flood Impacts Group**

The group objected to the flood study that was used to inform the extent of flooding along Kemps Creek and South Creek. They consider that the proposed environmental conservation zone is not suitable as large areas that are proposed for conservation are of low biodiversity value.



### **Moreton Park Road Owners Group**

Moreton Park Road Owners Group. The group expressed concerns the strategic conservation area would impact their properties. They considered their land as potentially prime employment and services land.



## Further information

### Development controls in the strategic conservation area

Some stakeholders wanted to understand what development controls will be applied to the strategic conservation area.

The aim of the strategic conservation area is to minimise impacts on areas of regionally significant biodiversity, maintain or enhance ecological function and protect or enhance koala habitat and koala corridors. The development controls proposed for land in the strategic conservation area do not change a property's current land use zone or the permissible land uses under that zone. Development controls provide additional environmental matters for a consent authority such as a council to consider before they give consent or approval for a new development.

### Vegetation mapping for avoided areas

Accredited ecological consultants engaged by the department mapped the vegetation and threatened ecological communities in 2019. This mapping used a mix of detailed on-site assessments on public and private land across all four growth areas. This also included desktop analysis, satellite imagery, review of existing threatened species records, modelling work and export reports. The consultants undertook this work in accordance with legislative requirements of the BC Act and EPBC Act, including requirements under the Biodiversity Assessment Method. The work exceeded the minimum requirements for site-based sampling. The mapping was a mix of on-site and desktop analysis.

We wrote to landholders seeking permission to access lands to conduct survey work. We mostly contacted landholders in areas that were likely to be certified as urban capable. In some areas, we were given approval to access more lands than needed, so we did not always access every site available. In some cases, landholders did not respond or were not comfortable providing access. This level of access for survey work allowed the department to prepare vegetation mapping that meets the requirements under Biodiversity Assessment Method for a strategic biodiversity assessment.

### Lands excluded from the strategic conservation area

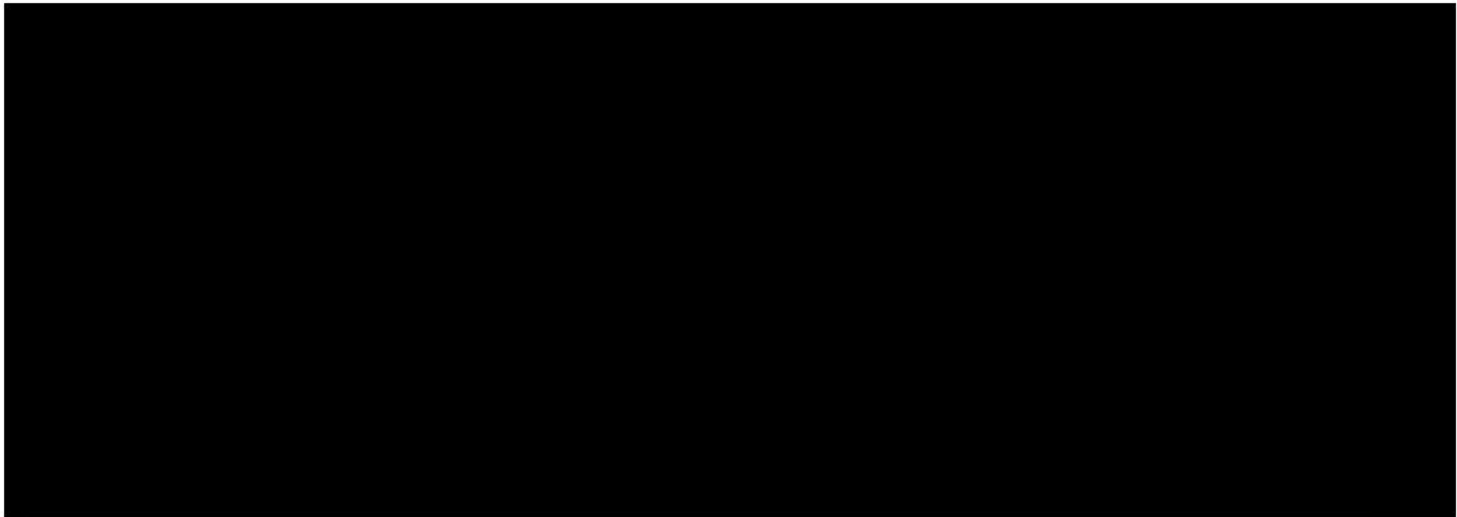
Several submissions asked why we did not include certain areas or reserves in the strategic conservation area. There are many reasons why we excluded some lands with valuable biodiversity from the strategic conservation area. These included that:

- the land does not support the vegetation types needed to offset development under the Plan
- the existing zoning or land use is incompatible
- the lots are too small (less than 5 hectares)
- the lots are too isolated to provide a strongly connected landscape
- the land is already protected and/or used as an offset, such as national park estate or is under an existing biodiversity stewardship agreement
- the land already protected separate to Commonwealth land such as the Air Services site and Shanes Park)

Our response:

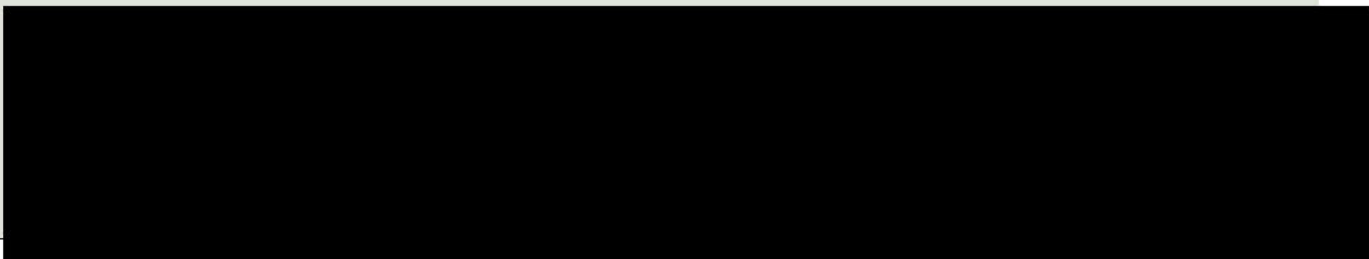






**Feedback from  
public authorities**

Some infrastructure providers were concerned about the proposed policy to seek approval or consent for development that can be carried out without consent under existing planning pathways, for example, under *State Environmental Planning Policy (Infrastructure) 2007*. An example of this was the proposed policy to obtain approval or consent for native vegetation clearing on avoided land and in the strategic conservation area.



## 2. Impacts to biodiversity

The draft Plan identified strategically important biodiversity areas that can offset the biodiversity impacts resulting from residential development and transport infrastructure in the [Western Parkland City](#). The draft Plan aimed to balance the protection of biodiversity with urban and transport development.

The Plan's objective is to improve ecological function and resilience over the long term. It will focus efforts on new conservation lands to ensure management is active, targeted and holistic. Avoiding and minimising impacts on biodiversity at a landscape scale is an important and required part of the strategic planning process. The total area of avoided land in the draft Plan is 4,795 hectares, which contains threatened ecological communities and species habitat. This is across the four nominated areas of approximately 40,000 hectares. Both the BC Act and EPBC Act require avoidance as a first step in the assessment process.

The draft assessment report identifies all the potential direct, indirect and cumulative impacts of future development in the nominated areas and transport corridors on threatened biodiversity. It also provides an assessment of the adequacy of the conservation program in meeting the requirements of the BC Act and EPBC Act. It concludes that the proposed conservation program is adequate to address all impacts of future development from the Plan on biodiversity.

### What you told us

#### **Balancing urban development and conservation is important**

- Long term residents were concerned about over-development of semi-rural areas.
- Industry stakeholders were concerned the Plan may constrain housing supply in Western Sydney.
- Increasing the population puts pressure on existing infrastructure.
- Further development should stop until there is adequate protection for native plants and animals in place.
- The Plan seemed to favour urban development over the protection of native vegetation in conservation land.
- Cumulative impacts of development in western Sydney on biodiversity values of the Cumberland Plain need to be better addressed.

#### **Transport corridors will affect existing conservation areas**

- Proposed transport corridors will have an impact on established nature reserves, in particular Wianamatta Regional Park, Shanes Park and Colebee Nature Reserve.
- The Outer Sydney Orbital should go through a tunnel under Wianamatta Regional Park to avoid impacts to this important area of biodiversity.
- Land that has been gazetted for conservation or established as a previous offset should not be excised for development.
- The Outer Sydney Orbital and Ropes Crossing Link Road will reduce connectivity between Wianamatta Regional Park, Colebee Nature Reserve and Shanes Park by isolating these reserves from each other.
- The proposed Camden Tunnel will have impacts on bushland of the Cobbitty Hills and a previously identified corridor – EMAI to Razorback Wildlife Corridor – and should be extended 6 kilometres northwards and 4 kilometres southwards to avoid impacts.

## Impacts to Cumberland Plain Woodland are too high

- The amount of impact to Cumberland Plain Woodland would be too high – this threatened community should be protected.
- Important areas of remnant Cumberland Plain Woodland need to be protected in areas such as Razorback, Cobbitty, Camden and the Cumberland Conservation Corridor.
- The Plan should adopt the recommendations of the Cumberland Plain Recovery Plan.
- Some reserve investigation areas such as The Confluence do not provide suitable offsets for Cumberland Plain Woodland.

## Climate and bushfire threats need to be considered

- Mitigation measures are needed to reduce the urban heat island effect in western Sydney.
- Retaining bushland on and around properties (in avoided land) will increase bushfire risk for landholders.
- Consideration of the impacts of urban heat and climate change and how these might affect the outcomes of the Plan.



## Further information

### Impacts to Cumberland Plain Woodland

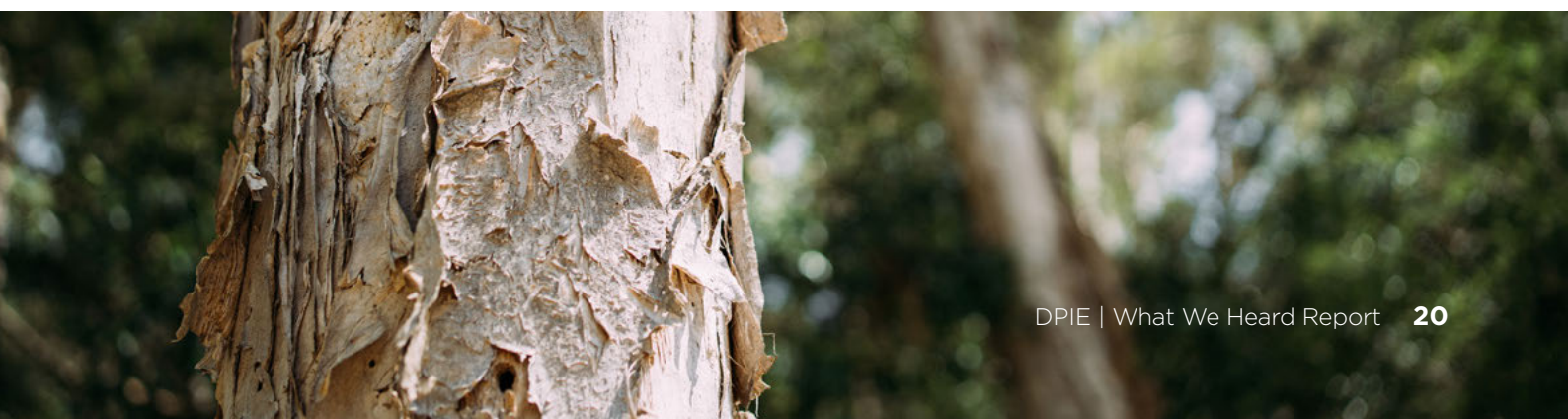
The draft Plan proposed urban development to occur on predominantly cleared and degraded land. Avoiding and minimising impacts on threatened biodiversity is a critical step in reducing overall impacts of development. The draft Plan has avoided a substantial area of Cumberland Plain Woodland. It avoids impacts to 96.3% of the intact NSW-listed Cumberland Plain Woodland in the nominated areas.

The draft Plan commits to protecting and managing 3,170 hectares of Cumberland Plain Woodland to secure its protection in the future and includes a program of ecological restoration of Cumberland Plain Woodland. The outcomes of Plan on Cumberland Plain Woodland are supported by the trend analysis undertaken by RMIT University as part of the assessment report<sup>12</sup>. This analysis examined one component of Cumberland Plain Woodland over the life of the Plan under various scenarios. It suggested restoration would have the potential to address the decline of Cumberland Plain Woodland due to landscape threats.

The report has assessed the impacts of the Plan on both the Commonwealth-listed and NSW-listed Cumberland Plain Woodland and the outcomes are considered acceptable.

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<sup>12</sup> NSW Government (2020), The Draft Cumberland Plain Assessment Report <https://www.planningportal.nsw.gov.au/draftplans/under-consideration/draft-cumberland-plain-conservation-plan>



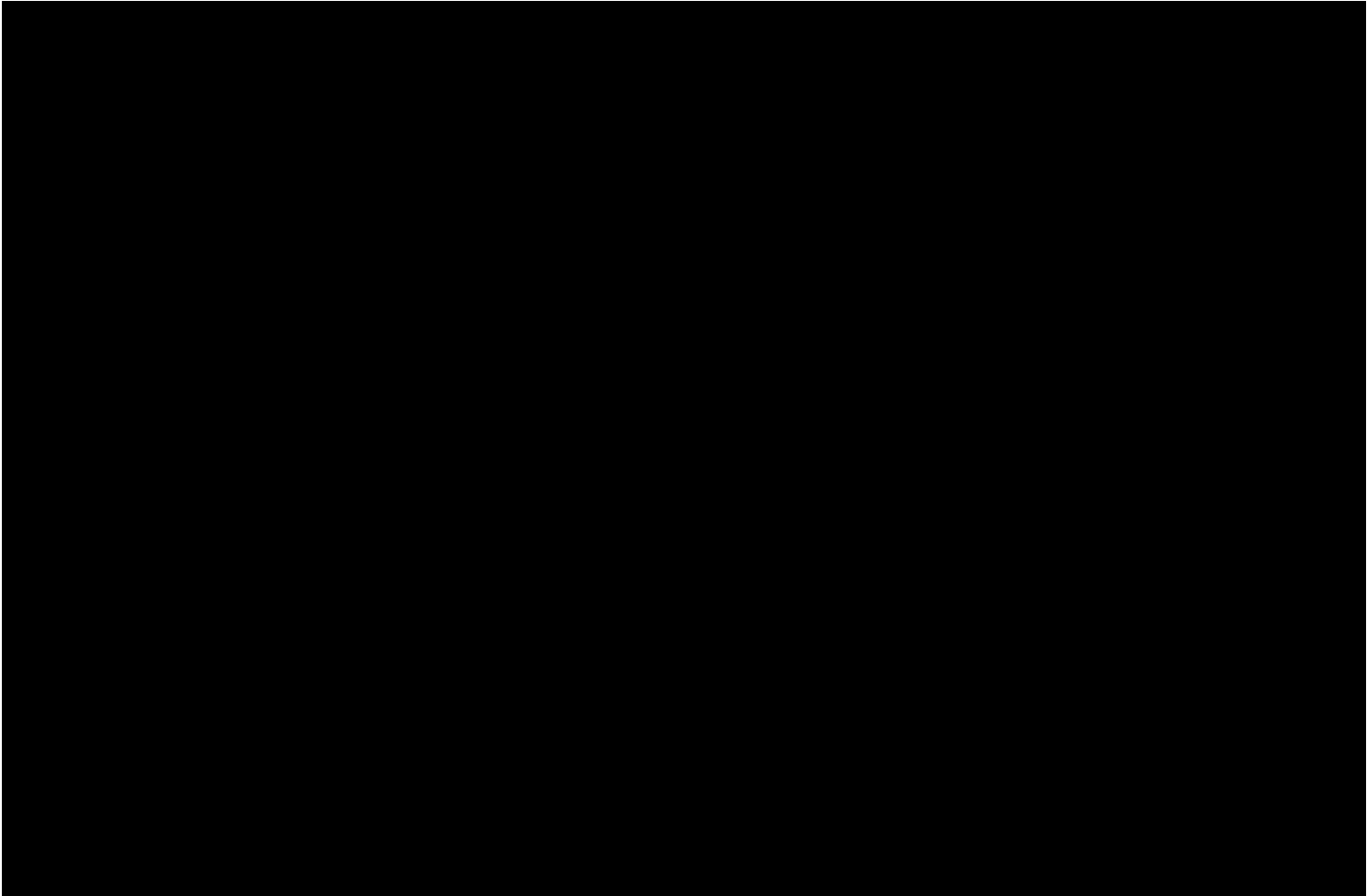


Our response:

[REDACTED]

[REDACTED]

[REDACTED]



### 3. The conservation program

The Plan's conservation program will focus on identifying and protecting conservation lands to offset impacts to biodiversity from development facilitated through the Plan.

We will select conservation lands from areas identified within the strategic conservation area. This area contains large remnants of native vegetation with good connectivity or are areas with the potential to enhance connectivity. The strategic conservation area comprises of habitat for 49 threatened flora and fauna species and 8 threatened ecological communities listed under either the BC Act or EPBC Act, or both.

We will establish conservation lands as new national parks or additions to existing national parks, public reserves and biodiversity stewardship sites. Conservation lands can also include areas of degraded habitat where it provides connectivity and can be enhanced through a restoration project.

Under the draft Plan, the establishment of conservation lands will protect a minimum of 5,475 hectares of threatened native vegetation in perpetuity to offset development. More than double this area – around 11,000 hectares – is likely to be protected to support the establishment of conservation land.

### What you told us

#### Adequacy of the conservation program

- The Plan has been designed to facilitate urban development that will result in unacceptable impacts to important habitat for threatened species and ecological communities.
- The Plan is an offset program for development not a holistic conservation program for the Cumberland Plain.
- The plan does not adequately consider cumulative impacts of future development in western Sydney.
- The Plan does not consider other impacts of development such as changes in hydrology and water quality
- The full impact of development under the Plan is unknown because infrastructure routes through 'avoided land' have not been determined.

#### Environmental corridors need protection

- There is strong support for preserving corridors and enhancing connectivity for the survival of habitat and key threatened species.
- Additional corridors should be included in the strategic conservation area and protected through the Plan including Kingshill Corridor, Blaxland Creek, the Cumberland Connection Corridor, Ropes Creek Corridor, and the EMAI-Razorback Wildlife Corridor.
- Corridors described in the Plan for protection are not continuous, like-for-like or wide enough and do not incorporate wildlife crossings.
- The priority reserves do not support connectivity.

#### Biodiversity offsetting is complex and not effective

- Offsets must not be selected from public reserves or already protected sites.
- All offsetting should occur on the Cumberland Plain – vegetation protected outside the subregion will not result in like-for-like offsets.
- Biodiversity offsetting is not an adequate trade off or compensation for development.
- Some properties will not be able to participate in protecting biodiversity due to minimum lot sizes recommended by the Biodiversity Conservation Trust.
- Engagement is needed with landholders and developers to support the Plan's biodiversity offset program.



## Campaigns



### Action Network Group

This campaign raised concerns about the overall adequacy of the plan and the protection of conservation lands. Participants considered that the plan did not adequately protect remaining Cumberland Plain Woodland or the local koala population.



### Nature Conservation Council

This campaign of submissions expressed their concern that in its current form the plan would result in fragmentation and clearing of significant areas of habitat and threatened ecosystems.

They were concerned that there was not enough funding to ensure that the offsets are delivered. Submissions did not want offsets created on existing public reserves and emphasised the importance of staging development to keep pace with offsets.





## Further information

### **Biodiversity offsets**

The conservation program will avoid, mitigate and offset impacts on biodiversity. Biodiversity offsetting will maintain biodiversity values by seeking to conserve, protect or establish conservation lands in the strategic conservation area, and where necessary, in suitable sites across Western Sydney or adjacent regions. These lands will be established in accordance with legislative requirements that prioritise direct and like-for-like offsets. If they are established outside of the strategic conservation area, they will be selected according to a strict ecological criteria and capped to a maximum of 20 per cent of the Plan's offset targets.

Biodiversity offsets will not be 'double counted'. Existing conservation reserves such as the NSW National Parks and Wildlife Service estate, cannot be used for offsetting. These existing conservation sites were not considered as part of developing the Plan's strategic conservation area.

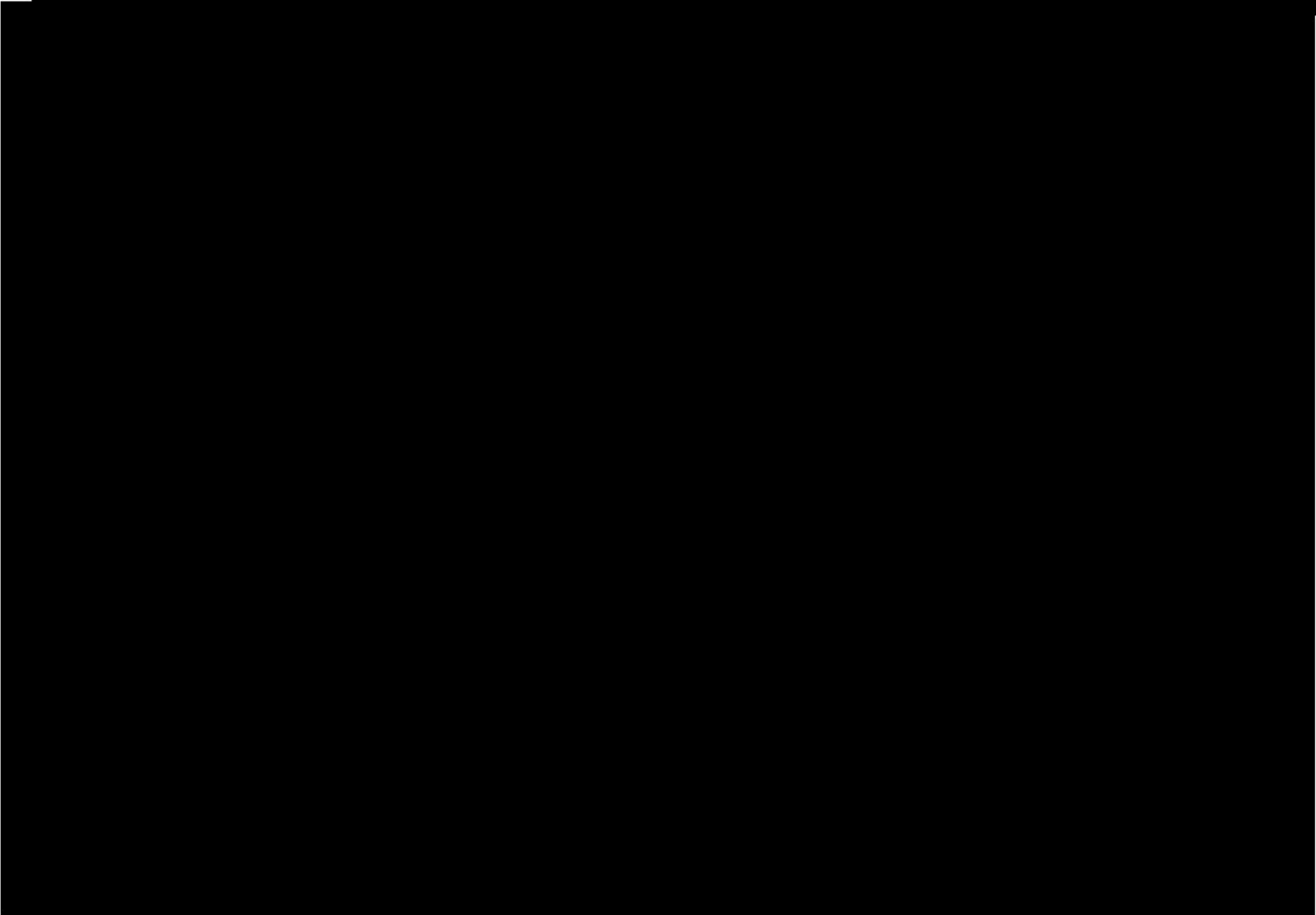
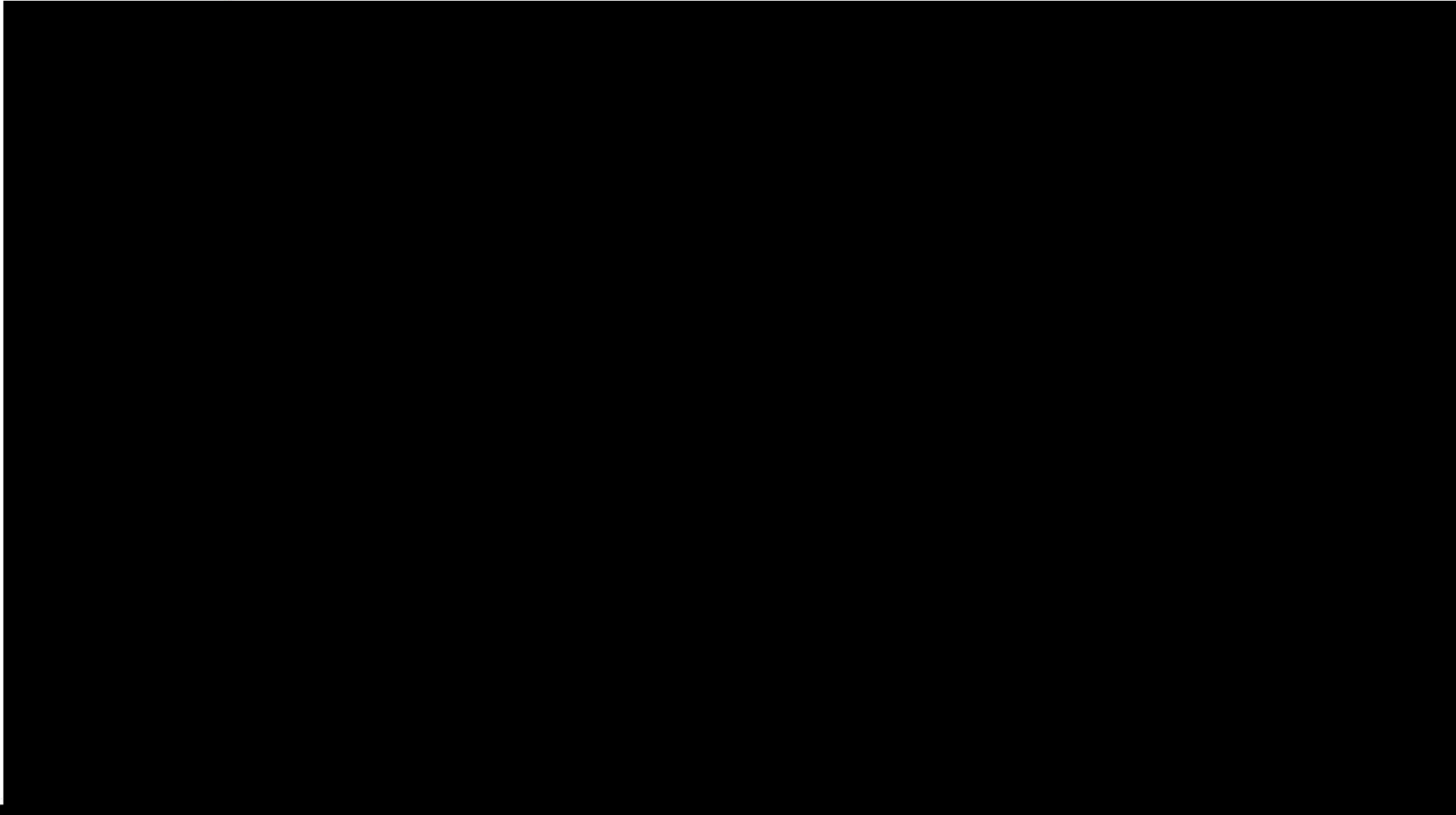
We will enable the purchase of credits (as offsets) from existing stewardship sites if they meet the Plan's criteria for offsets and contain the Plan's target species and threatened ecological communities. For example, we could consider sites if they adjoin the strategic conservation area and would otherwise meet the criteria for conservation land. This could benefit all land holders with suitable stewardship sites, not just those established after the Plan commences. It could also lead to an improved ecological outcome in the Plan area, where the purchase of credits could transition a site from passive to active management.

### **Biodiversity stewardship sites**

The Biodiversity Conservation Trust generally advises not all landholdings will be suitable for biodiversity stewardship sites. Smaller landholdings (e.g. holdings less than 10 hectares) may not be suitable because of the cost of managing the site may be greater than the value of credits generated from the biodiversity stewardship site. The factors that determine whether a biodiversity stewardship site is viable is specific to the landholding and the landholder. Therefore, we encourage individual landholders to contact the Biodiversity Conservation Trust with any enquiries.

We are working with the Biodiversity Conservation Trust to develop a community engagement program to consult with landholders about the benefits of biodiversity stewardship sites and to maximise the uptake of stewardship agreements.

## Our response:



12 NSW Government (2020), The Draft Cumberland Plain Assessment Report <https://www.planningportal.nsw.gov.au/draftplans/under-consideration/draft-cumberland-plain-conservation-plan>



[REDACTED]

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## 4. Ecological Restoration

Much of western Sydney's environment is degraded. Ecological restoration will play a critical role in delivering conservation lands, expanding native vegetation and creating new habitats within the Plan area. This will also assist in the recovery of ecosystems that have been degraded through erosion, weeds or past land uses. Ecological restoration also has the potential to enhance connectivity between fragmented habitats and replace some areas of over-cleared vegetation communities.

The Plan commits that a maximum of 25% of the Plan's offset target for threatened ecological communities will be delivered through restoration of habitat. Restoration will target threatened ecological communities such as Cumberland Plain Woodland, Shale Gravel Transition Forest and Swamp Oak Forest that is needed to help meet offset targets. Restoration of these threatened ecological communities will also contribute to restoration of koala habitat protected under the Plan in Georges River Koala Reserve, the Ousedale Creek corridor, and other priority areas of habitat.

### What you told us

#### **Protecting existing bushland should be the priority**

- We need to conserve existing remnant bushland first rather than restore degraded areas.
- Planting seedlings will take decades to provide useful habitat.
- Replanting should only be used as a last resort.
- The Confluence does not have high biodiversity value and should not be a priority reserve.

#### **More knowledge is needed for effective restoration**

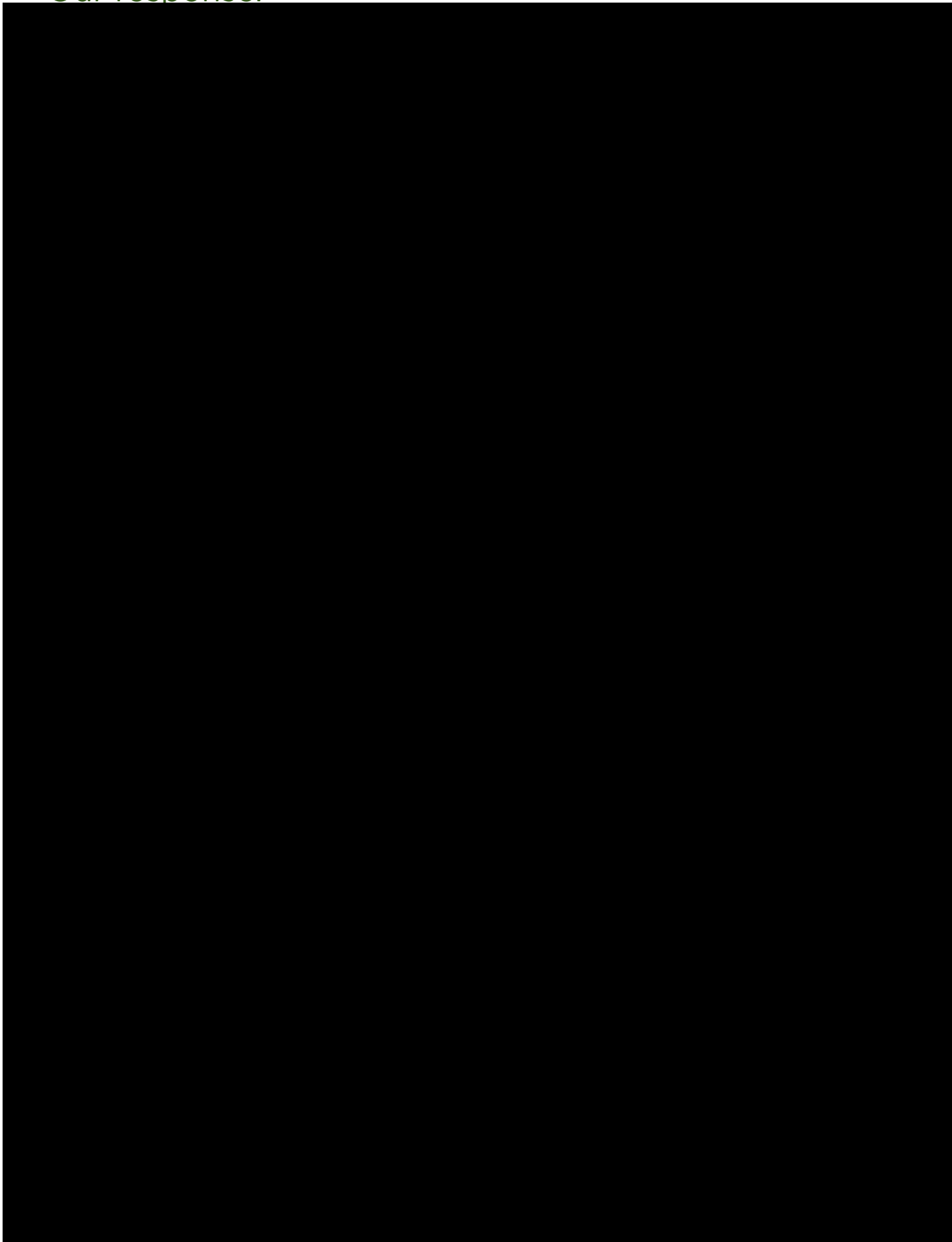
Replanting Cumberland Plain Woodland has a low success rate and should not be relied on to deliver conservation lands.

- More research is required before ecological restoration in the plan area is undertaken.
- Traditional and scalp and seed restoration methods are not successful in Cumberland Plain Woodland.

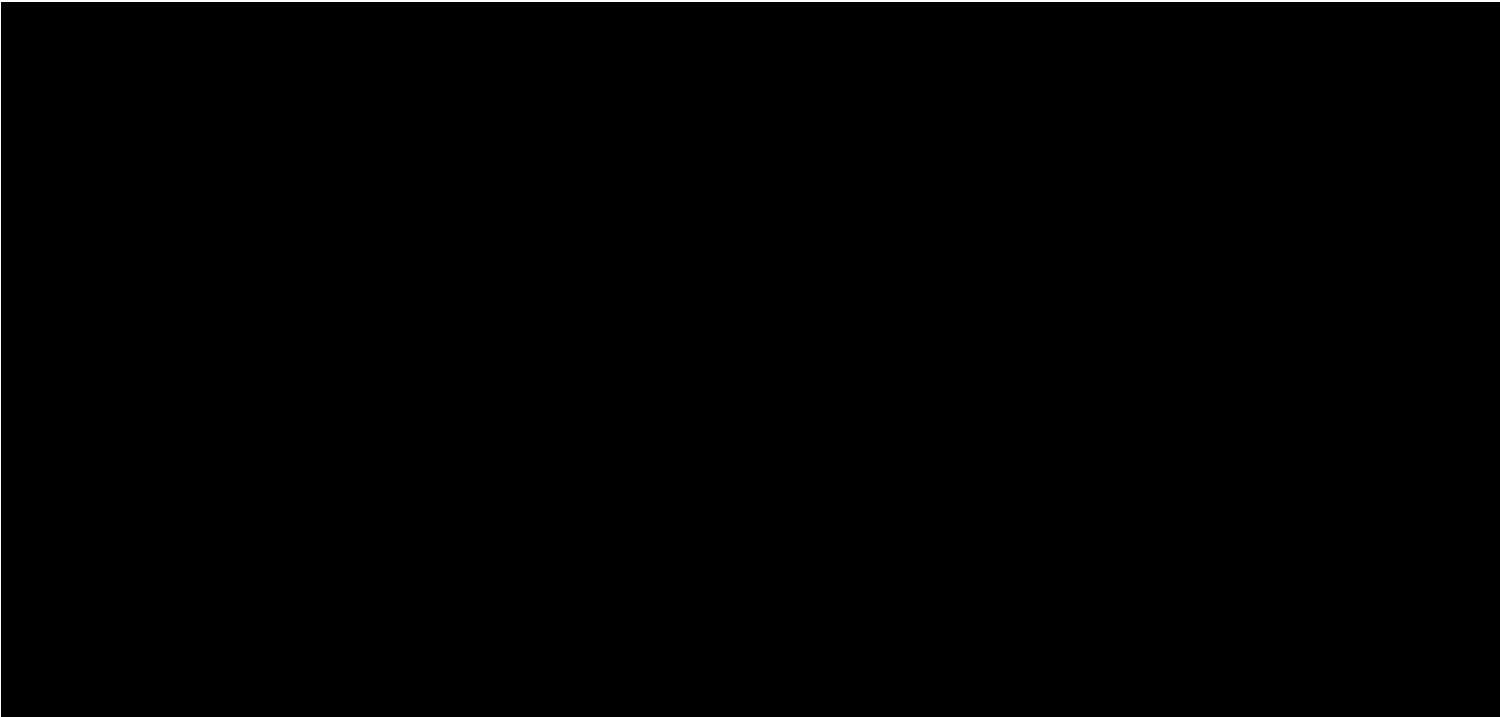
#### **There is limited capacity for restoration and seed production**

- There is limited regional capacity to supply seeds and propagate the plants that are needed to support a project of this scale.
- Community education and engagement is one way of increasing involvement in ecological restoration activities.

Our response:







## 5. Protecting Koalas

While koala numbers are in decline across much of NSW, western Sydney has one of the healthiest koala populations in NSW. A koala population occurs in south western Sydney around Campbelltown and Wollondilly local government areas. The protection of these koalas is at the forefront of the Plan to ensure they continue to grow and thrive..

The conservation program for koalas will establish new conservation lands including reserves and biodiversity stewardship sites to protect koala habitat protected under the Plan in perpetuity. Under the draft Plan, this includes establishing the Georges River Koala Reserve to protect and manage up to 1,885 hectares of koala habitat<sup>12</sup>. The Georges River Koala Reserve will protect 3 times the required offset target for koalas (around 80 hectares to restore by replanting). Ecological restoration will aim to expand the area's native vegetation and maximise ecological connectivity for koalas. The conservation program will restore up to 83 hectares of koala habitat in the Georges River Koala Reserve over the life of the Plan.

To mitigate against urban threats, koala-exclusion fencing will be installed between koala habitat and urban-capable land, and along the western boundary of the Georges River Koala Reserve. This includes up to 10 kilometres of koala-exclusion fencing along Appin Road to mitigate the impacts of vehicle strike on koalas. Transport for NSW will be fencing an additional five kilometres of Appin Road. Two fauna crossings under Appin Road will provide safe access (under Kings Falls Bridge) and east-west connectivity between the Georges and Nepean rivers (Ousedale corridor). As part of the Plan, we have prepared model clauses that can be used in development control plans to address threats to koalas and their habitat from increased development.

The conservation program will deliver education and a targeted stakeholder and community engagement program to build awareness among residents about koala conservation and key threats. Research will enhance our knowledge of koalas, allow for conservation initiatives and monitor populations as development occurs in western Sydney. We will also be providing funds to the NSW Koala Strategy and its NSW Volunteer Wildlife Rehabilitation Sector Strategy to support koala health and welfare in south-western Sydney.

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<sup>12</sup> The area comprising of the Georges River Koala Reserve currently includes publicly and privately owned land.



Photography:  
Sarah Puling/  
Bear Hunt Photography

## What you told us

### **Greater protection is needed for east-west koala corridors**

- All six of the east-west koala corridors that connect the Nepean and Georges rivers should be protected (many submissions cited the Office of the NSW Chief Scientist & Engineer Advice 2020).
- The Plan should incorporate the Office of the NSW Chief Scientist & Engineer Advice 2020 recommendation for habitat corridors to have an average width of 390 to 425 metres. There are also specific requirements for buffers and asset protection zones.
- More than one crossing point needs to be in place to allow koalas to safely move across Appin Road.

### **Koala-exclusion fencing has both benefits and impacts**

- There is support for fencing both sides of Appin Road to mitigate koala vehicle strikes.
- The construction of koala-exclusion fencing will isolate and fragment the southern Sydney koala population.
- Koala-exclusion fencing will have a visual impact on new developments and along Appin Road.
- The proposed koala-exclusion fencing will require ongoing maintenance.

### **Mapping and protecting koala habitat is critical**

- Protecting koala habitat in southern Sydney is critical to the survival of this koala population.
- There is not enough dedicated land being protected for koalas and their movement in south-western Sydney
- The Plan needs to consider the Campbelltown Koala Plan of Management and associated habitat mapping.
- Cleared land and properties where no koalas have been sighted have been identified as koala habitat protected under the Plan.
- It is unclear how the Plan relates to other koala planning instruments such as the Koala SEPP.

### **The Georges River Koala Reserve must be established as soon as possible**

- There is widespread support for the establishment of the Georges River Koala Reserve.
- The proposed timeframes for establishing the reserve are too long and it needs to be established as soon as possible before any more koala habitat is lost.
- The reserve proposal does not protect enough of the koala habitat in south-western Sydney and is less than historic proposals and recommendations by government.
- The Georges River Parkway falls within the proposed reserve and should be removed from all planning instruments.
- Some landholders within the reserve are concerned about acquisition of their properties.





## Further information

### Office of the NSW Chief Scientist & Engineer Advice 2020

The Office of the NSW Chief Scientist & Engineer Advice on the protection of the Campbelltown Koala population (2020) (Office of the NSW Chief Scientist & Engineer Koala Advice 2020) is a report by an independent, expert panel advising on the protection of the Campbelltown koala population. It included several recommendations relating to the Plan that have been addressed in the conservation program for koalas.

The feedback in many submissions assumed that the Office of the NSW Chief Scientist & Engineer Koala Advice 2020 recommended the protection of all six east-west koala corridors for koala movement. However, the report recognises that some of these corridors are too fragmented and that not all of them are necessary for koala movement. The report identifies which of these corridors should be a priority for koala movement. For further information on the recommendations and an analysis of how we have addressed these, see the Sub Plan B<sup>13</sup>.

In April 2021, the Minister for Planning & Public Spaces and Minister for Energy & Environment sought advice regarding the adequacy of the Plan's koala-specific measures to support a long-term strategic landscape-scale outcome for koalas across the Wilton and Greater Macarthur growth areas. Provided a second report titled Advice regarding the protection of koala populations associated with the Cumberland Plain Conservation Plan (Office of the NSW Chief Scientist & Engineer Koala Advice 2021), which provides principles to be applied in the region for the protection of the South Western Sydney koala population, and an assessment of the Plan's proposed protection measures and how they relate to the principles.

### Koala-exclusion fencing

Koala-exclusion fencing has been recommended by the Office of the NSW Chief Scientist & Engineer Koala Advice 2020, Office of the NSW Chief Scientist & Engineer Koala Advice 2021, and the Conserving koalas in Wollondilly and Campbelltown LGAs report (Office of Environment and Heritage 2018) as a best-practice method to separate koalas from future urbanised areas.

Urban development in proximity to koala habitat poses several threats to koalas. Threats include domestic dogs, cars and swimming pools, particularly in the Wilton and Greater Macarthur growth areas. Without specific mitigation actions, threats to koalas near urban areas will increase as the population grows.

### Cleared land as koala habitat

There was some confusion about why the Plan mapped some areas of cleared land as koala habitat. Cleared land may be identified as koala habitat protected under the Plan if it is part of an important koala movement corridor and a potential restoration area.

The Conserving Koalas in Wollondilly and Campbelltown LGA's Report (OEH 2018) recognises these cleared areas informally as a primary koala corridor. We have identified these cleared areas for potential ecological restoration as part of the Plan based on the EES mapping. If restored, these areas have the potential to become koala habitat. Nevertheless, koalas do cross these cleared areas to reach suitable areas of habitat, and in this context, cleared areas adjacent to primary koala corridors could be informally considered part of a koala corridor. The Office of the NSW Chief Scientist & Engineer Advice 2020 also recognises koala corridors with cleared areas such as the Georges River Koala Reserve as essential to the persistence of the Southern Sydney koala population.

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13 Office of the NSW Chief Scientist & Engineer Advice 2020

## Koala SEPP and plans of management

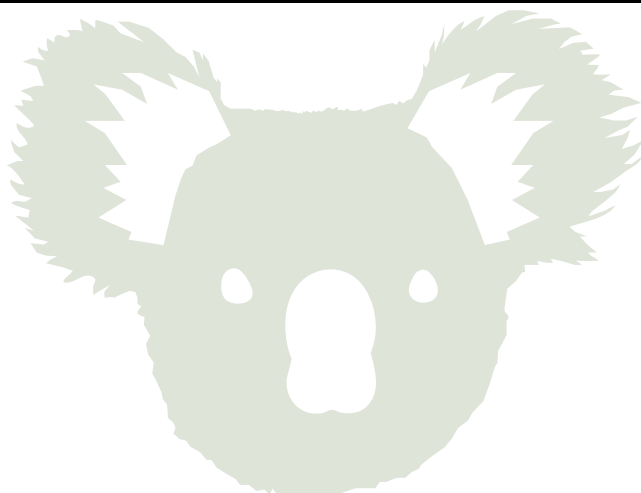
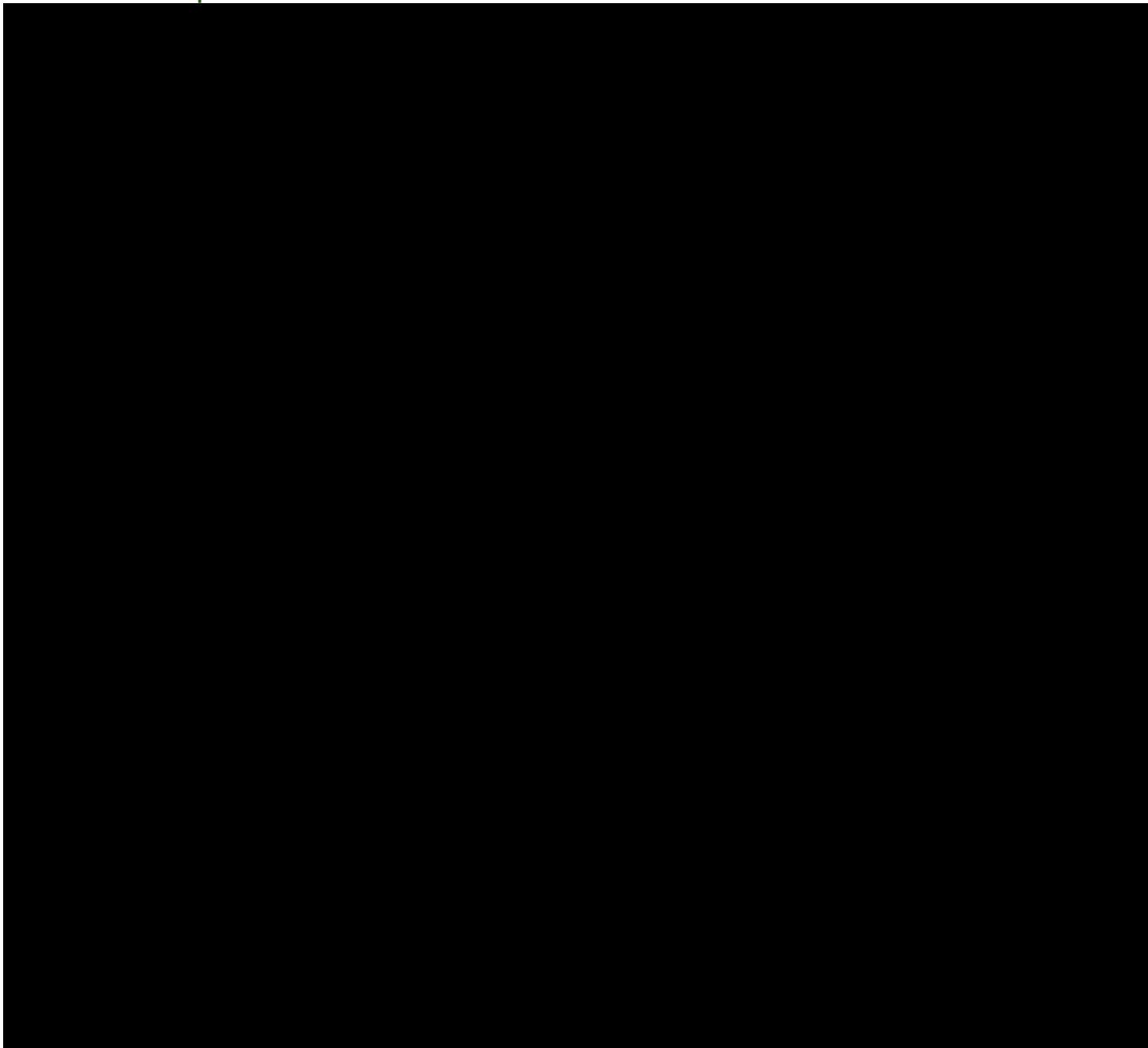
The State Environmental Planning Policy (Koala Habitat Protection) 2021 (Koala SEPP) provides local councils with a pathway for assessing development applications. This also enables councils to create koala plans of management (KPOMs). There are currently 9 approved KPOMs in NSW. There are requirements for development applications in areas with or without an approved KPOM. Campbelltown Council have an approved KPOM which needs to be considered when assessment development applications.

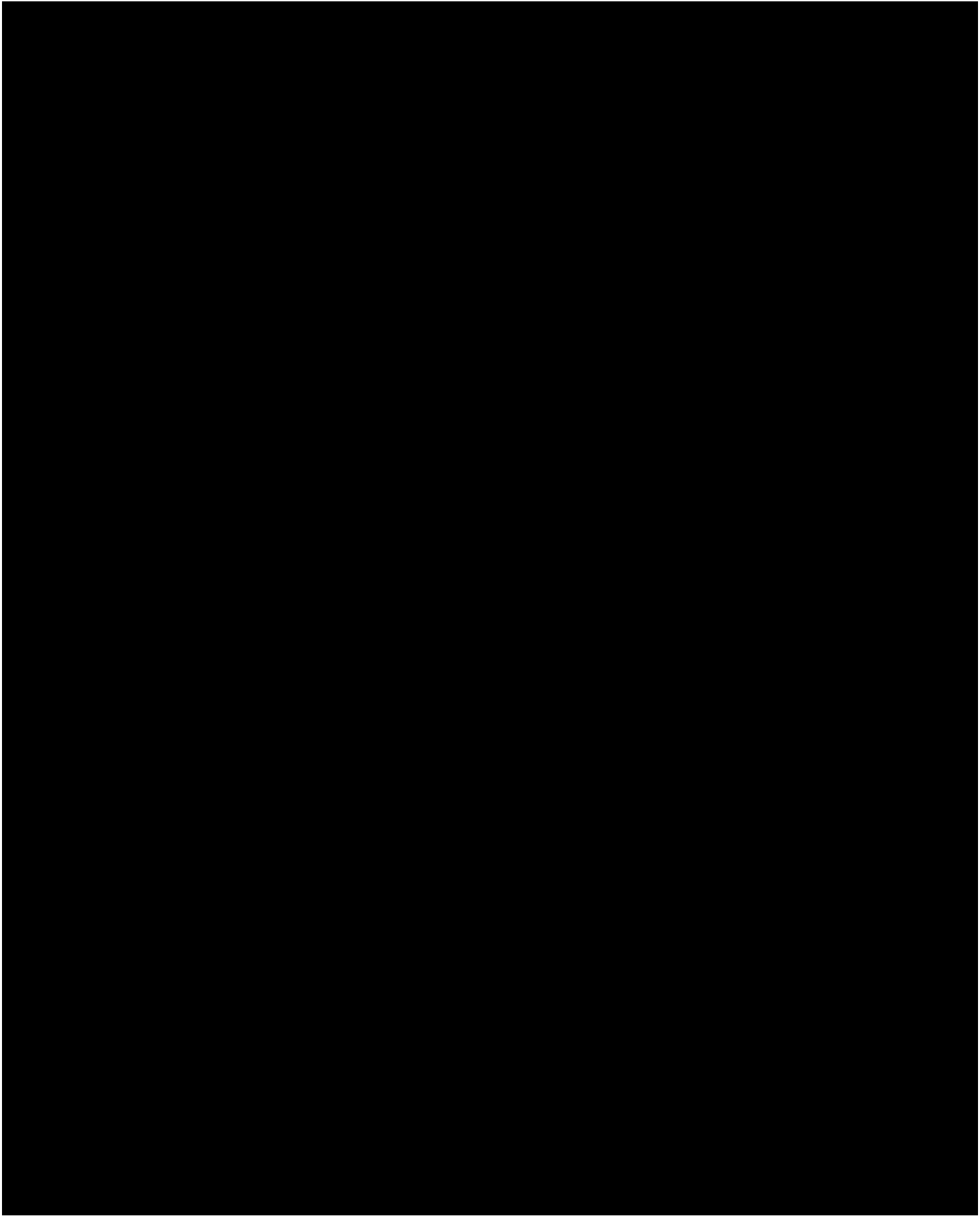
The draft Plan has been developed to meet requirements for strategic biodiversity certification under the BC Act and strategic assessment under the EPBC Act to deliver strategic conservation planning across Western Sydney.

The Koala SEPP is a separate regulatory process that reinstates the policy framework of Statement Koala Habitat Protection 2019. Accordingly the department considers and provides feedback about any potential consistency issues for the draft Plan as a KPOM is finalised or approved.



Our response:







## 6. Funding and implementation

The department will have long-term responsibility for implementing, and reporting on the Plan and reporting on its progress to stakeholders and the community. An implementation and assurance framework will ensure the success of the conservation program and provide confidence to stakeholders we will meet the commitments of the Plan.

At the time of exhibition, the NSW Government had committed \$84 million to implementing the Plan's commitments and actions for the first 5 years. Since the end of the exhibition period, this funding commitment has increased to \$114 million. We propose to recover costs of the conservation program from industry through contributions from developers in the 4 western Sydney nominated areas.

### What you told us

#### **Secure funding is needed for the plan**

- The funding secured for the Plan is inadequate given the scale of offsets required under the Plan and the associated timeframes.
- More upfront funding is needed to achieve conservation commitments and outcomes.
- There is no certainty about future funding after the first 5 years of the Plan.
- Funding needs to be in place to ensure offsets are secured prior to development.
- There are concerns about the role of a special infrastructure contribution, who will pay for biodiversity offsets, and what land categories will be subject to a special infrastructure contribution.

#### **Timeframes for implementing the plan are unclear**

- There needs to be clarity on the timeframe for development contributions and offsets.
- Development should be staged appropriately to ensure offsets keep pace with development.
- The Plan does not identify a timeframe to protect lands of high biodiversity value.
- Timeframes for acquisition of lands are too long.

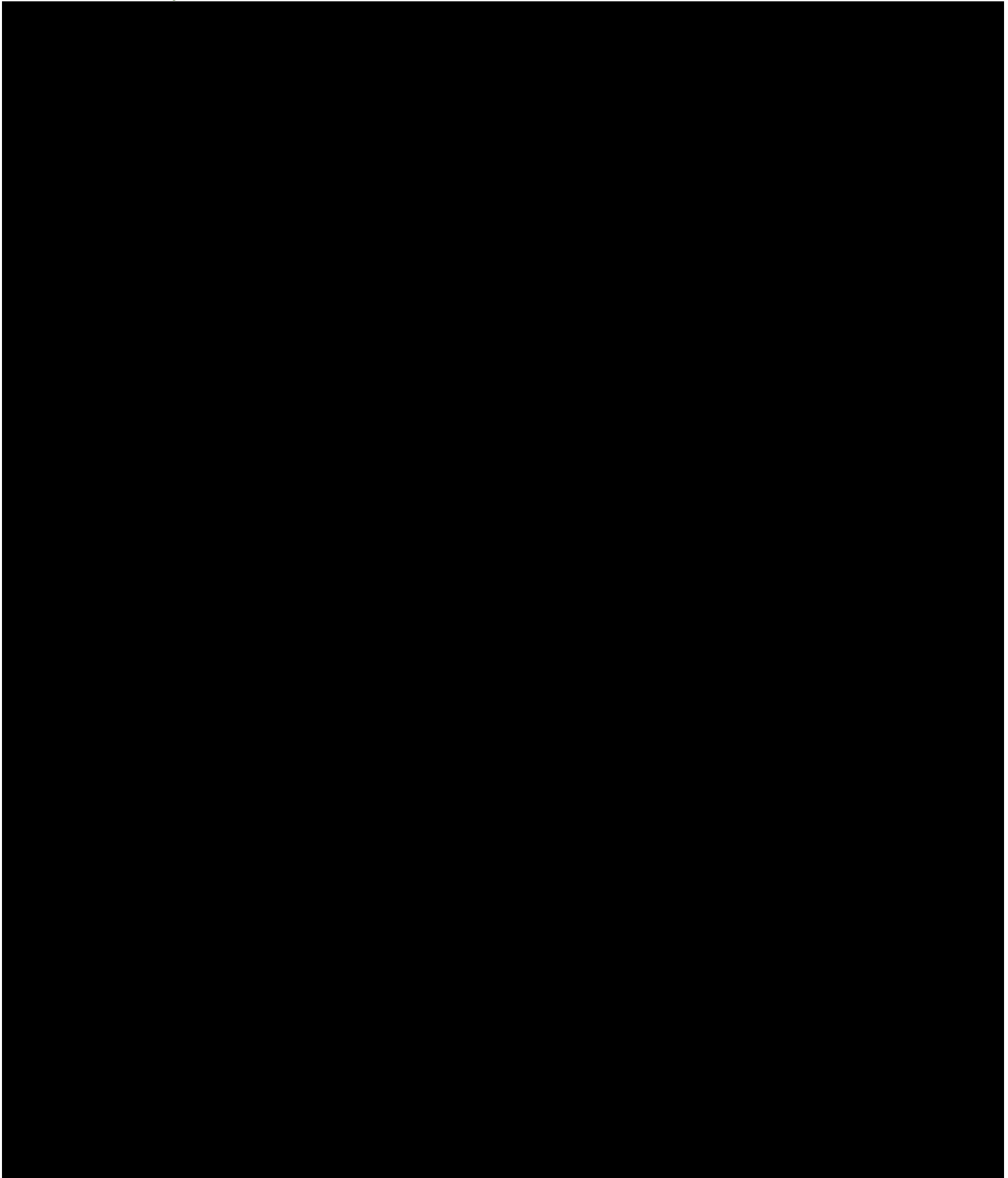
#### **Ensure appropriate governance is in place**

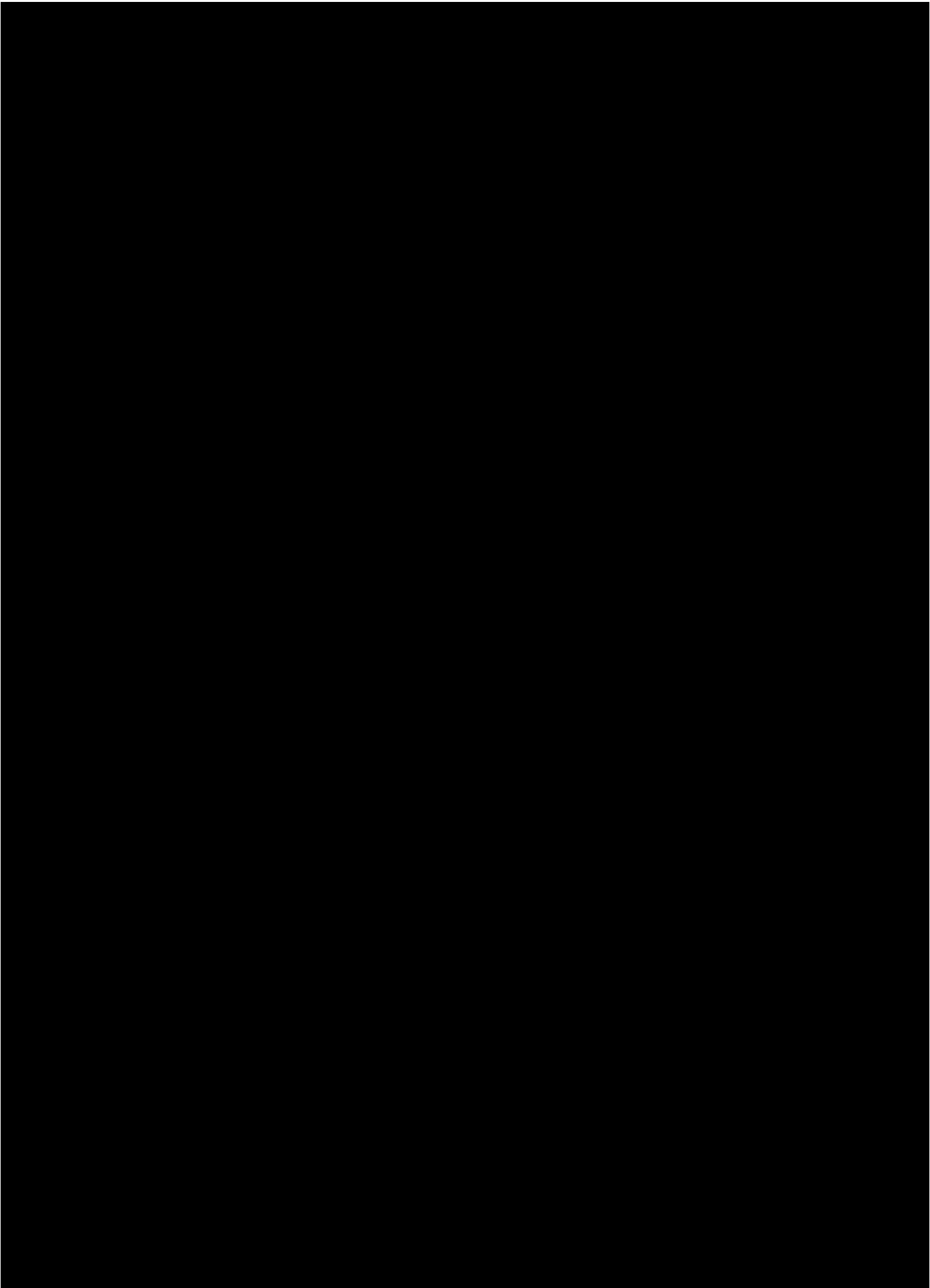
- More detail is needed on how developers will apply the Plan within the context of the NSW planning system.
- More information is needed on the governance framework, constitution, terms of reference and representation.
- There should be a role for community and stakeholder groups to help implement the plan and provide feedback on its progress.
- The role of local councils in the governance structure needs to be clearer.

#### **Compliance is important**

- Local councils are stretched for resources and need support for further compliance work.
- The Plan relies heavily on planning instruments that can easily be amended or repealed in the future, such as SEPPs and development control plans.
- Many commitments are worded in a way that will make progress with implementation difficult to measure, and compliance and enforcement difficult to undertake.

Our response:





## 7. Culture and heritage

Conserving rural landscapes and European and Aboriginal heritage is an important part of recognising the western Sydney's unique culture and heritage. Strategic conservation planning aids forward planning of open spaces and protects sensitive bushland that contributes to rural character.

The development of the Plan acknowledges more than 60,000 years of continuous Aboriginal connection to the land that makes up NSW. Aboriginal people hold a profound knowledge, understanding, obligation and custodianship of the landscape, often referred to as 'connection to Country'. Through this connection, Aboriginal people have developed their own system of knowledge and understanding of ecology and biodiversity. Through the Plan we want to support Aboriginal communities to care for Country and receive economic benefits from implementing the Plan.

### What you told us

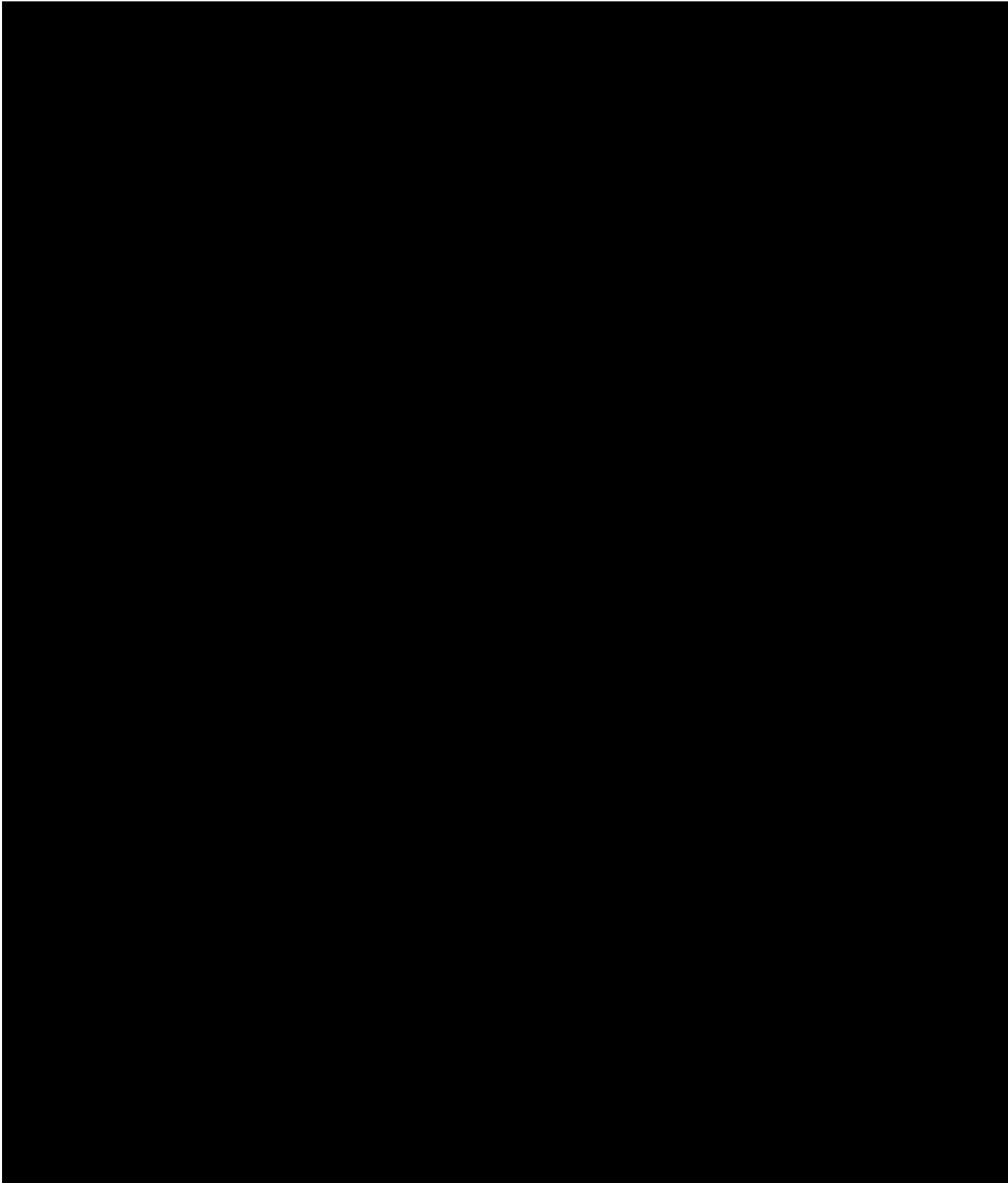
#### **Partnering with the Aboriginal community is important**

- Indigenous knowledge and land management should be incorporated into the Plan
- There is strong support for the proposed Aboriginal Engagement and Implementation Strategy for Western Sydney and gearing up Aboriginal businesses and organisations to deliver services under the Plan such as ecological restoration.
- There is a role for Aboriginal education officers or rangers to support biodiversity conservation.
- Formal partnership agreements between the department and Aboriginal Land Councils would be beneficial to implement components of the Plan
- It is unclear how the Plan might affect undetermined Aboriginal land claims.
- Impacts to Aboriginal burial sites have been identified due to the proposed M9 (Outer Sydney Orbital) route.

#### **Agriculture and rural heritage is valued**

- Further development in south-west Sydney will have impacts on agricultural land and food production and supply to Greater Sydney.
- Rural and agricultural land is an important part of the cultural landscape and heritage, especially in the southern part of the Plan area.
- Some people enjoy semi-rural lifestyles in parts of the Plan area and fear the rural character of villages such as Wilton and Mulgoa will be lost.

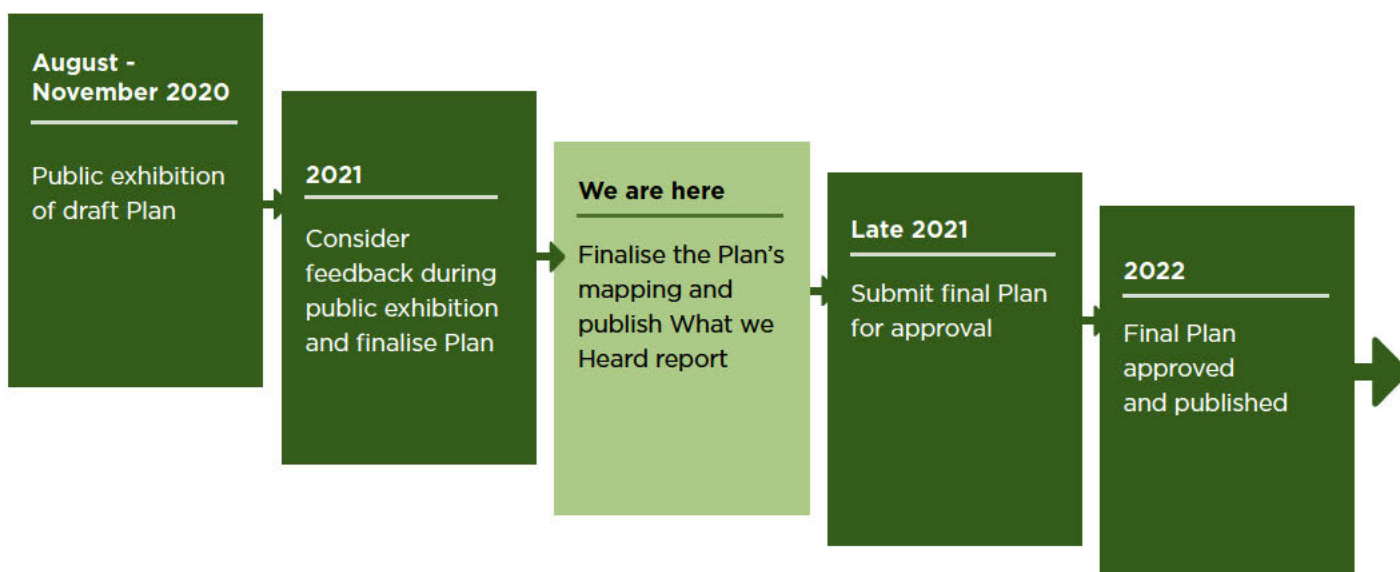
## Our response:





## Next steps

The department has reviewed all submissions received during the public exhibition period and is currently finalising the Plan based on your feedback to submit for approval.



**Figure 4** Submissions timeline

In late 2021, the following documents will be submitted for approval to the NSW Minister for Environment under the BC Act and the Commonwealth Minister for Environment under the EPBC Act:

- The final Cumberland Plain Conservation Plan and its associated documents
- the final Cumberland Plain Assessment Report
- ministerial direction under section 9.1 of the EP&A Act to prevent the avoided land and the strategic conservation area being rezoned to more intensive land uses
- State Environmental Planning Policy for strategic conservation planning.

### Contacting the department

The department is committed to engaging with the community and industry as we continue to develop and implement the plan for protecting Western Sydney's biodiversity.

If you have any questions or wish to raise any issues, contact the department by email on:

[CPCP@planning.nsw.gov.au](mailto:CPCP@planning.nsw.gov.au)

Phone

**02 8289 6189**

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