

Wilton Site Visit

Agenda

Details

Date:	Friday, 10 March 2017
Time:	7.30am (depart Sydney) – 12.00pm (return)
Location:	Wilton Farm – Picton Road, Picton

Meeting purpose

To inspect Wilton farm to view critically endangered ecological community potentially affected by proposed rezoning of land for urban purposes.

Participants for the visit

- Brendan Nelson:** Deputy Secretary GDP – Department of Planning and Environment
- Gina Metcalfe:** Team Leader – Department of Planning and Environment
- Bruce Colman:** Director, Land Release – Department of Planning and Environment
- Ian Hunter:** Executive Director, Regional Operations - OEH
- Susan Harrison:** Senior Team Leader - OEH
- Greg Steenbeeke:** Senior Threatened Species Officer OEH
- David Robertson:** Cumberland Ecology

Information for visit

- Map:**
- Summary of key issues (refer to attached)**

Order of Proceedings

Time	What	Who
7.30am	Travel to Wilton	
By 9am	Arrive at meeting point: Car park at 1105 Argyle Street Wilton (refer to attached map)	Contact for this point is Gina on mb: 0414 875 884
9.15am	Confirm arrivals and overview of agenda, travel to Wilton property in two 4WDs under direction from David Robertson	Gina Metcalfe
9.30am	Arrive at site view to vegetation	All
10.30 am	Conclude site visit and return to meeting point	All
11 am	DPE and OEH discussion of outcomes	All
11.30 am	Site Visit Close and return travel back to work	
1 pm	Brendan Nelson to arrive back in Pitt St for 2pm Board meeting	



Briefing note

Purpose

This briefing note outlines the ecological issues relating to a proposal to rezone land within the Wilton Priority Growth Area. The note has been prepared to inform a site visit planned to consider the proposal.

Current position

The Department of Planning and Environment (the Department) is preparing a draft land use and infrastructure strategy for Wilton Priority Growth Area.

In parallel, it is considering a submission from Walker Corporation (the proponent) in relation to rezoning of rural land in the Wilton South East Precinct within the growth area to enable urban development.

The Precinct has an approximate area of 437 ha and could accommodate up to 3,000 dwellings as shown in the proponent's draft Indicative Layout Plan submitted in late July 2016 (refer to Figure 1).

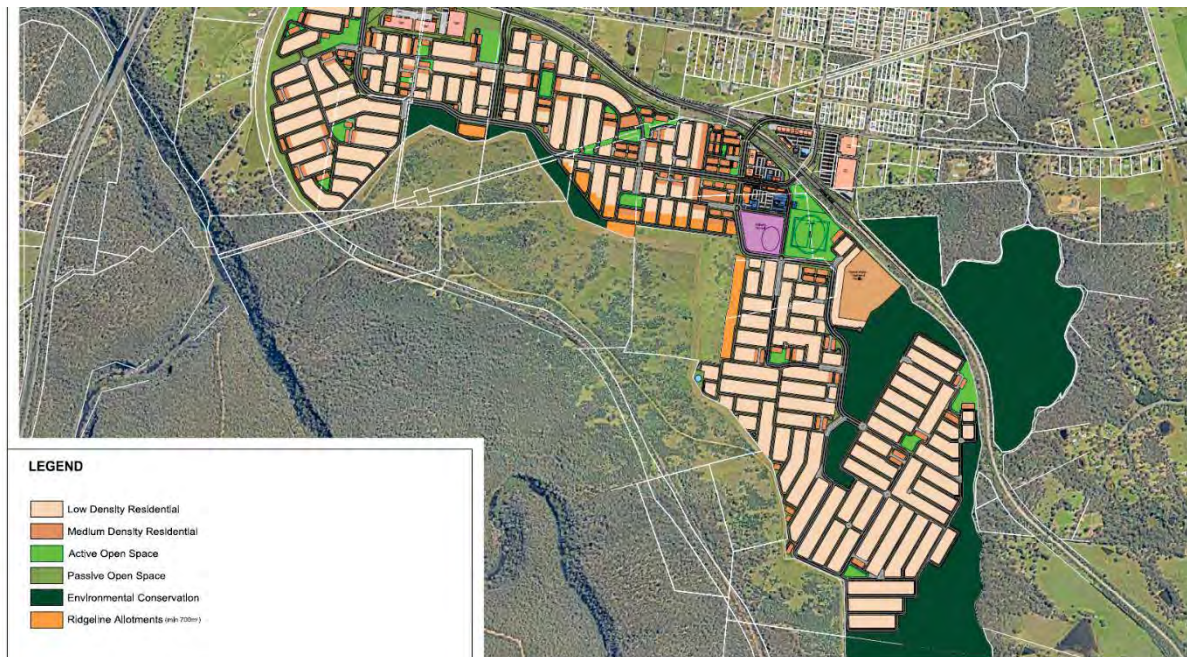


Figure 1 Draft Indicative Layout Plan July 2016

The proponent's draft indicative layout plan involves clearing critically endangered ecological communities for urban development, road connections, other utilities and bushfire hazard reduction.

The south-eastern edge of the Precinct, is defined by a vegetated corridor running north-south along Allens Creek. The site also includes a western finger of vegetation of approximately 40 hectares which almost traverses the Precinct.

Vegetation comprises threatened ecological communities of Shale Plains Woodland and Shale Sandstone Transition Forest, including derived native grasslands. Both communities are listed as critically endangered and endangered ecological communities under the *Threatened Species Conservation Act* and the *Commonwealth Environment Protection and Biodiversity Conservation Act*.

There is approximately 563,901 ha of vegetation (all woody vegetation types) in the CMA subregion, and of this, approximately 6763 ha or 1.12% is Shale Plains Woodland. Therefore, this critically engendered ecological community, which would be mostly impacted by development would not be considered relatively abundant in the region.

Options developed by the proponent

Between September and late December 2016, the proponent provided three alternative options to address feedback from the Office of Environment and Heritage and the Department's Land Release team.

OEH is not satisfied that Walker Corporation has sufficiently avoided or minimised impacts to critically endangered communities in its draft Indicative Layout Plan or with any of the options put forward to date.

The proponent's options are:

Option	Hectares of Cumberland Plain Woodland (Shale Plains Woodland) to be removed excluding DNG ¹	Hectares of Shale Sandstone Transition Forest to be removed excluding DNG
A Fig 1	26.1	1.6
B Fig 2	18.67	1.10
C Fig 3	15.5	Nil
D Fig 4	25	

With Option D the proponent offered to dedicate 70 ha of land on Allens Creek, outside of the precinct, as a bio-banking site in addition to any offsets required as a consequence of the biodiversity certification process. The vegetation on this site includes sandstone ridgetop forest and sandstone gully forest which included threatened species but are different ecological communities from those on the subject site.

The proponent argues the intensity and scale of development and associated clearing is required to support a primary school and enable access in/out of the eastern neighbourhood during emergency (e.g. accident, fire, flood).

The proponent also wishes to distribute the cost of three new intersections with Picton Road and other supporting infrastructure over the broadest possible catchment.

Background

In late 2015 the Greater Macarthur Land Release Investigation Land Use and Infrastructure Analysis and Preliminary Strategy and Action Plan were released for community consultation. The land that is subject of the planning proposal was identified as "unencumbered land which is suitable for development" with the exception of the areas vegetated with threatened ecological communities. Land between the vegetated areas was identified as being potentially suitable for rural residential development.

Following exhibition of the Preliminary Strategy, Wilton was declared a priority growth area in July 2016. The Department has prepared a draft land use and infrastructure strategy for Wilton during 2016 which will shortly be considered by the Executive and Minister before public exhibition.

As part of the process of preparing the draft land use and infrastructure strategy the Department procured specialist studies including biodiversity. Proposed Biodiversity Conservation areas are mapped in the draft strategy (refer to Figure 6).

The proposed Biodiversity Conservation areas are the outcome of a planning process that took into account key biodiversity values at a regional scale including:

- Priority Conservation Lands identified in the Cumberland Plain Recovery Plan (DECCW 2011). These lands, represent the best remaining opportunities in the region to maximise long-term biodiversity benefits for the lowest possible cost including the least likelihood of restricting land supply
- Landscape connectivity for fauna such as koala, a species surveyed for in 2016 across the eastern part of Wollondilly LGA including Wilton and were found to have an active and present status and at medium to high densities.
- Mapped vegetation community information from existing data

In general, the draft strategy identifies the above values for protection, with more than 90% of the Priority Conservation Lands being identified for conservation. The exceptions include patches of Priority Conservation Lands that extend out into predominantly cleared areas with limited connectivity and higher likelihood of edge effects.

Cleared land on the subject site has been identified as suitable for urban development.

¹ Native grasslands derived from the clearing of the woodland and forest in these critically endangered communities are also part of these community and covered equally by the TSC Act and EPBC Act.

Advice from the Office of Environment and Heritage on proponent's options

The Office of Environment and Heritage (OEH) sees immense value for the region in retaining the width of the vegetated corridor, including the finger of vegetation. OEH does not support the width or the area of the vegetated corridors being eroded. OEH does not believe that a reasonable attempt has been made by Walker Corporation to avoid clearing of vegetation in the south-east corner of the precinct. OEH is not satisfied that Walker Corporation has attempted to avoid critically endangered vegetation which would be the subject of assessment through a biodiversity certification application.

OEH advises that avoiding and minimising impacts is a primary principle underpinning offsetting (e.g. NSW Biodiversity Offsets Policy for Major Projects, Principles for the Use of biodiversity offsets in NSW, EPBC Act Offsets Policy). Offsets should be applied to compensate for impacts that cannot be avoided or mitigated. While the land at Allens Creek (Option D), offered by Walker as compensation for the loss of the endangered ecological communities on its land at Wilton, contains biodiversity values including threatened flora species and Shale Sandstone Transition Forest, this offer does not address the need to avoid the vegetation in the first instance nor would it deliver like-for-like offsets for the critically endangered ecological community which would be lost (Shale Plains Woodland).

Given the extent and scale of urban development that will be occurring across Greater Macarthur and Wilton - from Glenfield to Menangle Park and Mt Gilead down to Appin and West Appin, ending with the new town at Wilton – OEH also argues that efforts must be made now at the strategic planning stage to conserve the remaining threatened ecological communities, corridors and threatened species. OEH has provided a suggested conservation footprint (Figure 5).

Options

Options for the next steps include:

1. Exhibiting a plan to permit urban development as proposed by the proponent in Option D, including dedication of the Ashwood Road site.
2. Modify the OEH design to allow for any required infrastructure that can be shown to be unable to be delivered without avoiding the endangered ecological communities.
3. Deferring the affected part of the site from rezoning to allow biodiversity certification assessment of a modified option.

Costs and benefits of these options are outlined overleaf.

Option	Benefits	Costs
1. Exhibiting option D including removal of ~ 25 hectares of critically endangered vegetation	<ul style="list-style-type: none"> • Quick to proceed to exhibition. • Provides additional housing supply and more efficient development and infrastructure delivery. • Could secure additional conservation land outside the precinct via VPA (but does not avoid and minimise impact) 	<ul style="list-style-type: none"> • Involves loss of critically endangered ecological communities. • While exhibition might be quick, there may be delays in rezoning because of concerned submissions. • Sets a site by site process precedent (not strategic) for other land release precincts. • May require re-exhibition of plan if modifications are made post-exhibition. • Despite rezoning, Commonwealth or Council may not allow outcome to proceed based on legislation.
2. Modify the OEH design to allow for any required infrastructure that can be shown to be unable to be delivered without avoiding the endangered ecological communities	<ul style="list-style-type: none"> • Very limited clearing of native vegetation • Allows some development • Likely to achieve biodiversity certification and Commonwealth approval 	<ul style="list-style-type: none"> • Reduces yields • OEH will only support asset protection zones being accommodated within the area to be developed.
3. Defer affected part of the site from exhibition until it can be exhibited with a biodiversity certification application	<ul style="list-style-type: none"> • Allows for more strategic evaluation of proposal against the biodiversity certification assessment methodology • Has the potential for certification to meet the requirements of the EPBC Act and further streamlining approval processes. 	<ul style="list-style-type: none"> • Creates uncertainty for negotiation of voluntary planning agreement for infrastructure and establishment of Special Infrastructure Contributions framework. • The proponent does not want to delay rezoning.

Figure 6 Biodiversity constraints

