

INQUIRY INTO INTEGRITY OF THE NSW BIODIVERSITY OFFSETS SCHEME

Organisation: Total Environment Centre

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The Total Environment Centre has worked for nearly 50 years to preserve the ecosystems that support living landscapes and healthy communities across Australia. It is an incorporated non-profit association and a registered charity. TEC was formed by the save the national park and rainforests movement of the 1970s, which naturally segued into our work to preserve clean air and stop coastal sand mining. Today we are supporting communities as they struggle to conserve precious parks and bushland.

Submission to the Inquiry into the Integrity of the NSW Biodiversity Offsets Scheme:

NSW Biodiversity Offsets Scheme and Sydney's Koalas

Portfolio Committee No. 7 – Planning And Environment

Legislative Council, Parliament House
Macquarie Street, Sydney NSW 2000
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31 August 2021

Terms Of Reference - That Portfolio Committee No. 7 - Environment and Planning inquire into and report on the integrity of the NSW Biodiversity Offsets Scheme, and in particular:

- (a) the **effectiveness of the scheme to halt or reverse the loss of biodiversity values**, including threatened species and threatened habitat in New South Wales, the role of the Biodiversity Conservation Trust in administering the scheme and whether the Trust is subject to adequate transparency and oversight,
- (b) - **the use of offsets** by the NSW Government for major projects and strategic approvals. This relates to the use of offsets for state significant development (SSD) and state significant infrastructure (SSI) major projects, including as part of strategic assessments (or **biodiversity certifications**) and **the offsetting conditions that consent authorities apply** to these types of projects.
- (c) - the impact of **non-additional offsetting practices on biodiversity outcomes**, offset prices and the opportunities for private landowners to engage in the scheme. Non-additional offsets are offsets that don't provide any additional conservation values or increase in biodiversity values, but still generate credits to enable the loss of existing biodiversity values. For example, converting existing nature reserves into offset credits.

Executive Summary

Offsets and biobanks establish a quantitative measure for comparing the differing biodiversity values of land, which while imperfect can be a useful tool in prioritizing conservation, and could be useful to offset vegetation that has to be removed or as a way of funding open space. Offsetting however, is a compensatory mechanism - land clearing currency - not a conservation tool.

As an offsetting tool, *Biobanks* are only as good as their conditions. *Biobanks* rely on a government created market, and thus require a strong and transparent public authority to enforce and apply it. The privatization of the environmental regulatory framework - not unlike private certification in the building industry - creates a systemic conflict of interest in regulatory oversight, and an incestuous relationship develops between the consultant - client - authority. This has certainly been our observation with the major players: Ecological Australia - Walker, Lendlease - NSW Planning. The pressure is not just to weaken biobanking conditions, and thus their value to conservation, but to remove them altogether. In summary to the terms of reference:

(a) The NSW Biodiversity Offsets Scheme can be effective, but it alone will not halt or reverse the loss of Koalas in Sydney. Offsets are a cost mitigation scheme; it doesn't stop land clearing or development. As habitat disappears, offsets become increasingly impossible to find, thus the strictness of the conditions disappears, until they aren't enforced, we are at this point. TEC has not had direct engagement with the Biodiversity Conservation Trust.

(b) The use of biodiversity certification and offsets by NSW Planning for Lendlease's major development at Gilead, has seen those Biobank conditions hollowed out to such an extent that Koalas gain little if any benefit from the offsets. NSW Planning removed biocertification or offsets requirements for Walker in Appin and Wilton, nor were they applied to Landcom at Smiths Creek Campbelltown. The proposed landscape scale biodiversity certification of the Cumberland Plain Conservation (draft) Plan relies mainly on offsets and some gradual conservation reservations; and could be as ineffective as the 2011 Cumberland Plain Recovery Plan, unless significant changes are made.

(c) NSW Planning's 'innovation' of 'non-additional' offsetting has along with other non-conditions particularly their positional blindness undermined biobankings effectiveness as an offsetting tool. An opaque biobank market will invariably mean higher prices are paid for land that protects less.

For further information please contact:

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Contents

This submission looks at the application or not of biodiversity certification and the offsets/biobanks they outline as an effective conservation model to conserve koala habitat on the edge of Sydney, this habitat is predominantly the critically endangered Cumberland Plain Woodland (CPW) and Shale Sandstone Transition Forest (SSTF) of the Sydney Basin. We can see the variety of ways offsets are either applied or not at Gilead, Wilton, Appin and around Campbelltown.

NSW Biodiversity Offsets Scheme and Sydney's Koalas	1
Executive Summary	2
Contents	3
NSW Planning is the greatest threat to Sydney's Koalas.	4
Serendipitous open space protections allowed Campbelltown's koalas to recover.	7
NSW Planning's Growth Areas chasing Biodiversity Offsets into extinction.	9
Privatised environmental regulation - Systemic conflicts of interest in Biodiversity Certification and Offsetting.	12
Effective Biobanking Requirements	13
NSW Planning undermining effective Offsets and Biobanks.	14
Campbelltown - Denial of Koala existence by NSW Government avoids regulations, Biodiversity Certification fails for positional blindness.	15
Gilead - Lendlease's development is the case study in Biobanking subversion.	16
SE Wilton - NSW Planning created a new Urban Development Zone, dismissed the need for a Koala Corridor, Koala Plan of Management, Biocertification or Offsets.	21
Appin - no Koala Plan of Management, no Biocertification nor offsetting.	23

NSW Planning is the greatest threat to Sydney's Koalas.

The Macarthur Koala colony is exceptional. It is genetically unique and Chlamydia free. Since the 2019/20 bushfire season remarkably left them unaffected, the health of the Campbelltown colony has become 'critical' to the NSW population's survival.¹ The Macarthur Region contains the only likely population in NSW still growing.²

The Koalas of the nearby Holsworthy Army Base survived near extinction in the 1930s when as few as 21 may have been left alive. From the mid-1980s they have been steadily recovering, and re-populating bush in the surrounding Sydney suburbs their preferred habitat. Estimates of the population are around 500 Koalas in Campbelltown³ and another 500 around Wilton. Not since Koala hunters of the 1920s have koalas faced a foe as formidable as NSW Planning.

NSW planning's '[Greater Macarthur 2040 Plan](#)', is the greatest threat to the long-term survival of this Koala Colony and thus Koalas in NSW, a threat they do not currently face. South West Sydney's peri urban residential growth will remove large Koala habitat areas and cut vital corridors. TEC's experience at Gilead, Appin and Wilton and around Campbelltown shows that NSW Planning will do little to ameliorate the threats they have created to Koala survival, especially when facing larger developers dealing with larger tracts land, that will have the most impact on Koalas: Landcom, Lendlease and Walker.

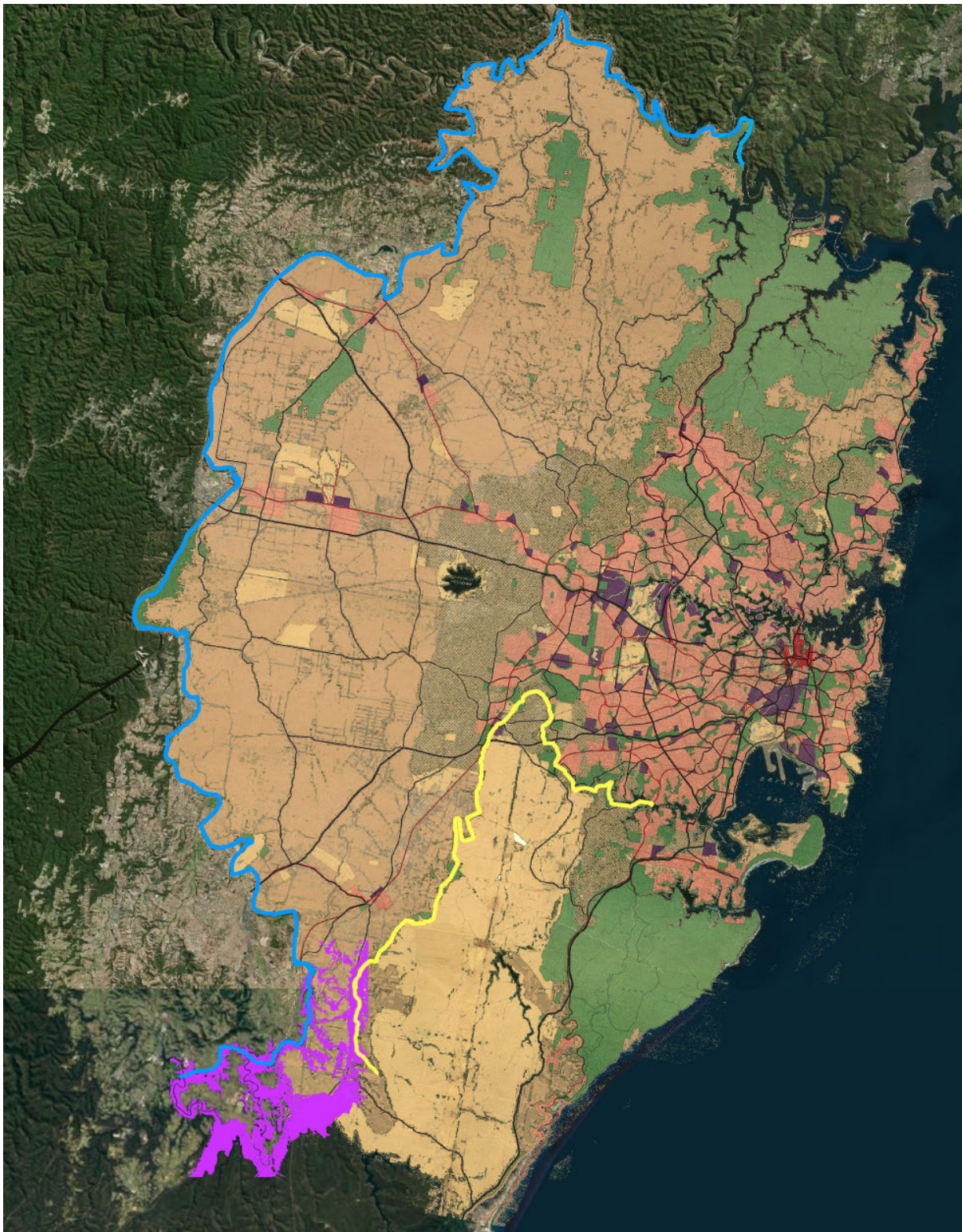
The scale of the residential rezoning envisaged by the *2040 plan* is phenomenal, it is an area about 17km long and 4km wide (a distance similar to that between the Sydney CBD and Parramatta). This development will occur in a unique geographical area. The Macarthur area sits where Sydney's two largest and longest rivers the Georges and Nepean nearly meet, this nutrient rich riparian zone is acting as a creche for the recovering Koala population numbers, that are now radiating out across the southern and western edge of Sydney. The spread of housing beyond Campbelltown, the historical edge of Sydney, is pushing urban growth into rural land, and recovering Koala habitat and corridors.

The declaration of Koala habitat as NSW Planning's new growth area, combined with the lack of Koala protection enforcement as outlined in this submission, has such wilful disregard for Koala survival in Macarthur, that we need to acknowledge that we are witnessing NSW Planning executing an Extinction Plan for Koalas in Macarthur.

¹ Mid November 2019 Cheyne Flanagan, director of the Port Macquarie Koala Hospital on ABC702 radio stated, following the North Coast fires, that the Campbelltown colony had now become 'critical' to Koala survival in NSW.

² McAlpine et. al. 2015. Conserving Koalas: A review of the contrasting regional trends, outlooks and policy challenges. Biological Conservation 192 226-236.

³ 'Saving Our Species: Campbelltown Koala update', OEH 5 November 2018.



Figure

1 : Above is the County of Cumberland Planning Scheme overlaid onto the Sydney Basin. The Yellow line is the Georges River and the Blue line is the Nepean River, the purple area is Koala habitat and corridors.

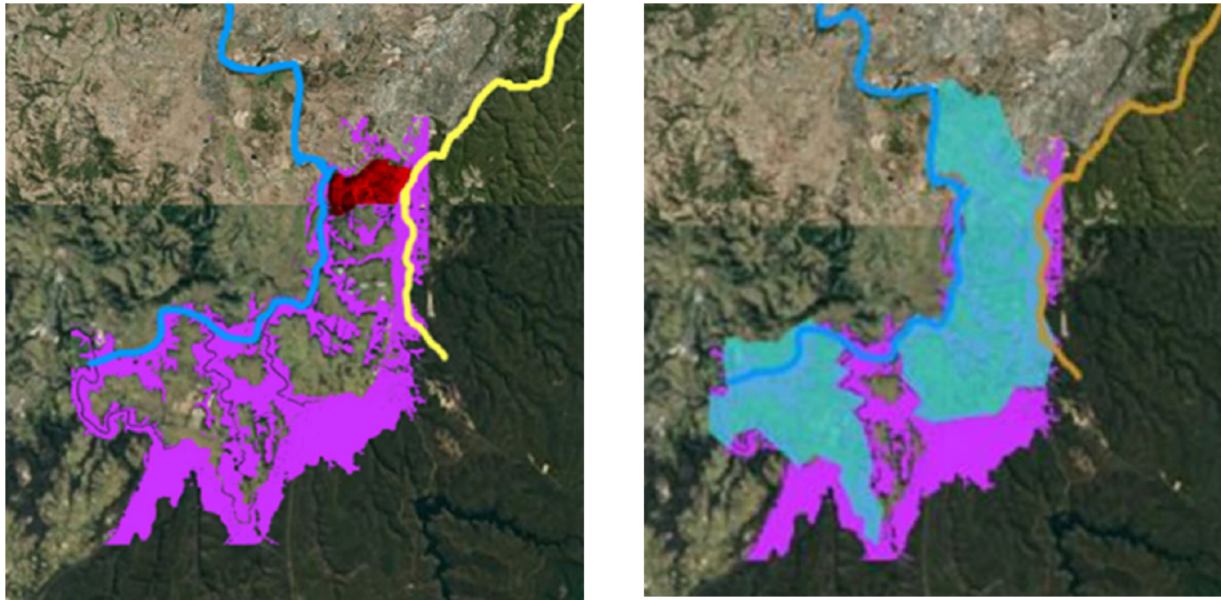


Figure 2. Gilead in red is the shortest Koala corridor between the Georges (yellow) areas above to be the new housing growth areas. The Sydney - Macarthur (top) and Wiltala habitat and corridors are shown in purple. (Source NSW Planning).
 Source NSW OEH

Serendipitous open space protections allowed Campbelltown's koalas to recover.

Koalas are only in Campbelltown through a fortuitous intersection of different open space protections, only the non government one - a Green Ban - was aimed specifically at protecting Koalas, but all of them minimized or stopped development occurring in Koala habitat. The protection of Beulah is an early Biobanking success in this area, though previous Council and State Heritage and Environment orders and lack of development had preserved it. Koalas have been spotted in all the below areas.

Holsworthy Military Base - No go zone. Koalas in south west Sydney appear to have been saved by the Holsworthy Army base, effectively a large taboo area, where people have been excluded, and while the habitat (mainly sandstone) and environment (live ordinance fire) is not particularly Koala friendly the exclusion of people and housing created an effective refuge and saved Koalas for Sydney.

Campbelltown Scenic protection zones. Early 1970s planning objectives were designed to protect the scenic beauty and rural settings of the greater Campbelltown area in order to “balance growth needs with conservation of the special assets of history and landscape.”⁴ Rural subdivisions were limited to a minimum lot size of 100 ha and scenic protection zones were established.

Wedderburn Green Bans. Since koalas were “rediscovered” in 1986, the local community in Wedderburn opposed development on Koala habitat. In 1988, a proposal for a rural residential subdivision of 26 - four to 10 ha blocks was withdrawn after a breeding population of koalas was discovered in the area. A protest action by the Macarthur Branch of the National Parks Association led to a union green ban being placed over the area, the first time a green ban had been used in NSW to protect animal habitat.⁵

Georges River Parkway Road Reservation - Office of Strategic Land. The land put aside for the Georges River Parkway (a road) and the rural zoning south of Campbelltown allowed Koala numbers to come back and thrive in the more nutrient rich Sandstone Shale Transition Forest. The declaration of this land as the **Georges River Koala Reserve** is an important step in Koala protection in South West Sydney, as it removes a threat - the Parkway, and helps secure the north-south koala corridor along the west bank of the Georges River. That

⁴ Davies. P. 2011, “One of the main objectives common to all planning controls since the early 1960s was to create Campbelltown as a compact city set within a scenic landscape. This was achieved through land use zoning and development controls which encouraged a well-defined urban edge with the continuation of active rural land uses beyond, and the active discouragement of commercial, industrial, residential or other non-farm related development.”

⁵ Ibid

this is a reserve and not a national park, means other development proposals east of Appin road could eat into this link and erode its protection.

Water NSW - Vegetated Riparian Setbacks. The only reason we have any protection of Koala corridors in Gilead or Macarthur is because of Water NSWs mandatory Vegetated Riparian Setback requirements along creeks and rivers to protect the banks of watercourses. In fact NSW Planning has relied on this mechanism to do all its heavy lifting regarding biodiversity corridors, but it is woefully inadequate as a Koala corridor. The highest stahler order only requires a 40m setback. The importance of these setbacks however is their effectiveness and contiguity: as they are absolute (dictated by the stahler order of creeks and rivers) thus easily assessable and hard to avoid and always connected - biodiversity needs the same tool. If these Vegetated Riparian Setbacks were quintupled when in Koala habitat/corridors we would have - a ***Koala Blue-Green Grid*** providing certainty, a contiguous structure and effective widths and thus a chance for Koalas to survive beyond the next 30 years.

Noorumba Bushland Reserve: This 60 hectares bushland reserve was purchased by Campbelltown Council in 1980. In 2000 National Heritage Trust funding was used to fence and bush regenerate the area. In 2004 a Plan of Management led to community classification and categorized the area as natural bushland *“to provide a management framework to ensure the ongoing viability of the natural environment within the Reserve, whilst providing minimum impact passive recreation and community education facilities.”* In 2006 when Campbelltown Council applied for a section 91 license under the Threatened Species Conservation Act 1996, they made direct references to Koalas being within the Noorumba reserve. A Noorumba Reserve bushcare group meets fortnightly to care for the reserve. NSW Planning approved it as a Koala species Biobank in 2019.

Beulah Historic Site. In 2010 Beulah was acquired with \$600,000 coming through OEHs Biodiversity Offset program and a biobanking agreement to preserve the 60 ha of significant bushland on site. The descendent owner Ellen Hume and Beulah were featured in *The Australian Home Beautiful* in 1934, she wished that her trees - The Hume Sanctuary - be left to the nation, but she left them to the RSPCA instead who sold it to Northbridge Estates in 1971. Environmental and Heritage orders from both the state government and Campbelltown Council stopped it from being sold off, until acquired by the state as a Biobank offset. The Historic Houses Trust of NSW is left to preserve the House.

NSW Planning's Growth Areas chasing Biodiversity Offsets into extinction.

NSW Planning has moved further and further along its reliance on Offsets and Biobanks to protect biodiversity - primarily a compensation tool for land clearing - leading to random conservation outcomes. In 2008 the [Growth Centres Biodiversity Offset Program](#) for the [Sydney Region Growth Centres 2006 \(Growth Centres SEPP\)](#) was setup to achieve better outcomes for biodiversity and streamline planning decisions rather than assess individual properties in a piecemeal fashion. The program [relies on developer levies \(\\$530 million in 2005-2006 dollars\)](#) and [biodiversity offsets](#) both within and outside of the Growth Centres to achieve the “improve or maintain” desired conservation outcome. Offsets for the South West Growth Area (yellow) were to be found in the Priority Investment Areas - Priority Conservation Lands (orange) as seen in the image below.

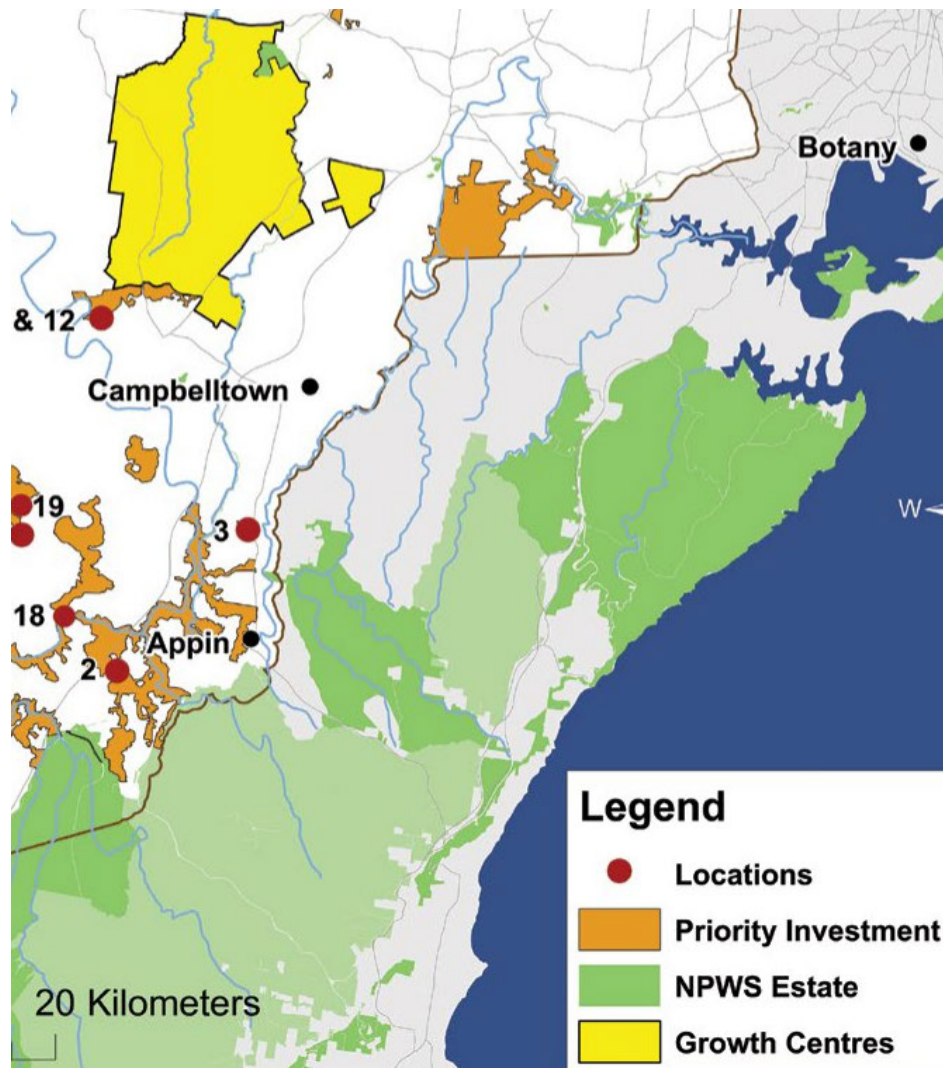


Figure 4. *Detail of the Vegetation and habitat protected by the program (Growth Centres Biodiversity Offset Program Annual Report 2018–19 p14) .*

However that is not what has happened in practice. Land in these orange areas are still being rezoned from rural to residential. The areas of most concern to Koalas has been NSW Planning's unilateral decision to rezone Priority Conservation Lands along Allens Creek and Ousedale Creek at Walker's request, both times over the objections of Wollondilly Council. These Priority Conservation Lands are not just Critically Endangered CPW and SSTF, they are of vital importance as Koala corridors. The [Approved Recovery Plan: Recovery plan for the Koala \(2008\)](#) and the [Cumberland Plain Recovery Plan](#) , has had little discernible effect in stopping rezoning of Koala Habitat.

In 2018 NSW Planning's [Greater Macarthur 2040 Plan](#) was put on exhibition, and again a promised landscape scale comprehensive strategy to preserve koala habitat and movement corridors, was promised in its [Cumberland Plain Conservation Plan \(CPCP\)](#), the first [strategic biodiversity certification](#) to be undertaken under the NSW Biodiversity Conservation Act 2016, while this still awaits approval. NSW Planning is rezoning Koala Habitat for residential development for Walker and Lendlease. NSW Planning is also fighting any changes to the CPCP that would need to incorporate the multiple Koala corridors called for in the [Campbelltown Koala Plan of Management 2018 \(CKPoM\)](#), and the [NSW Chief Scientists 30 April 2020 Advice on the protection of the Campbelltown Koala population](#), especially the most important Koala corridor along Menangle Creek. The CPCP will negate the need for site biodiversity certification and and remove ongoing federal oversight of NSW Planning's biobanks and offsets.

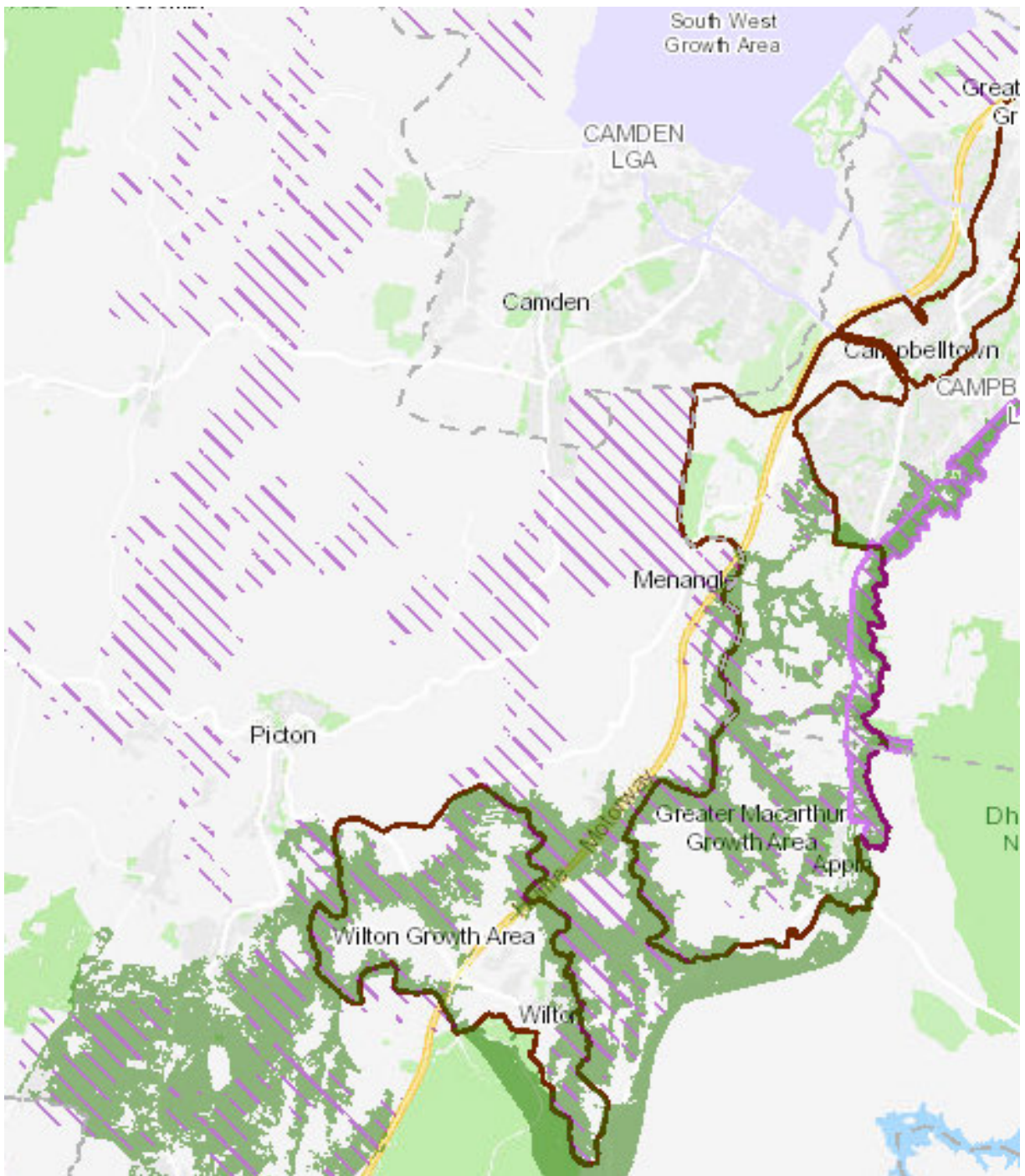


Figure 5: Above is a detail of the [Draft Cumberland Plain Conservation Plan - Exhibition](#) showing the Growth Areas outlined in Black, the Strategic Conservation Areas hatched in purple (the new name for Priority Conservation Lands) and Koala habitat corridors shown in dark green. The edge of the previous growth area - the South West Growth Area - is shown in light lavender at the top.

Privatised environmental regulation - systemic conflicts of interest in Biodiversity Certification and Offsetting.

NSW Planning has been the main authority in the protection of Koalas in NSW. However, due to their conflicted priorities and a systemic conflict of interest, they cannot adequately protect Koalas. NSW Planning's main focus is housing.

The major property developers in NSW, gain their main economic windfalls from rezoning land to residential (and/or at high densities). NSW Planning has the authority to change rezonings. Major developers thus apply tremendous pressure to NSW Planning to rezone land to residential. So, though Sydney's existing residential footprint is already larger than London's, while its population is only half the size, the pressure to expand residential zoning, whatever the wildlife or environmental cost continues.

Biobanks rely on a government created market, and thus require a strong and transparent public authority to enforce and apply it. The privatization of the environmental regulatory framework used in Biobanking (and rezonings and DA applications) has created a systemic conflict of interest in regulatory oversight, and an incestuous relationship between; consultant - client - authority. In the Macarthur Area the major players are: Ecological Australia - Walker, Lendlease - NSW Planning. The dominant financial position of the developer, creates a disincentive in the consultant to be objective in its conclusions.

The staff involved in this rarefied environment are specialists that move between these client-consultant-authority roles. It is not unusual to find the same people who were consultants on projects in the Greater Macarthur - Wilton area are now acting in an authority or client role. The over complexity of the planning system perhaps necessitates this exchange of expertise, but it casts a shadow over the objectivity of any appraisal, and muddies the water as to whether Koala interests are getting a fair hearing over self-interest.

It is thus essential that all Biocertification Agreements and Biobanks get final approval by an independent authority, with no financial or career path into this incestuous nexus.

The Federal government plays an important but limited role here, another independent body such as a Koala Recovery Team or Commissioner or even another state government body on assignment could have the same function. Any [Bilateral agreement](#) that removes ongoing oversight must be rejected.

Effective Biobanking Requirements

The main planning tool to ameliorate the loss of threatened species and bushland is NSW planning's offset and biobanking mechanism. Biobanking can in theory ameliorate some of these impacts, but they are only as effective as the conditions applied to them. Additionality is a condition of utmost importance in the Macarthur - Wilton Growth Areas, for both Koalas and the Critically endangered Cumberland Plain Woodland and Shale Sandstone Transition Forest they rely on, but for an animal that moves along the ground like the Koala contiguous habitat corridors are at least as important. A more expansive list of necessary conditions required to make biobanks effective are:

1. **Additionality** - Biobank protections must be additional, if protections are already in place they can not compensate for a loss of habitat. Restoration can play a role here, but protection of additional CPW, SSTF still threatened, must be the first priority.
2. **Contiguous** - Biobanks are important for their shape too (not just size), they need to be connected to other bush, biobank sites or even parks, and they need to be wide enough to be useful as Koala habitat corridors. (the primary focus of the Chief Scientists Report and the Campbelltown Koala Plan of Management). At Gilead contiguity can be read even more simply as accessibility koalas need to be able to access biobanks put aside for them.
3. **Proximity** - Biobanks ideally need to be within the site or adjacent, or in the immediate vicinity, for them to be useful to the animal losing its habitat.
4. **Upfront** - Corridor and Habitat biobanks need to be set in place first, before any development occurs. Firstly so it is actually implemented, and secondly so they're are paths and protections in place for Koalas as they seek refuge from their cleared habitat.
5. **Ownership** - Biobanked lands need to be put in the hands of an organization or institution that has the expertise, incentive and perpetual interest in keeping the ecological value of the land, this is not the developer.
6. **Zoning** - Biobanks must have a zoning that prioritizes the habitat and corridors of Koalas ie. environmental zones.

NSW Planning's biobank approvals at Gilead saw all of these conditions subverted to a greater or lesser degree, but the nadir of absurdity came when they were approving biobanks west of Appin road for Koalas, while simultaneously planning to exclude Koalas from that area.

NSW Planning undermining effective Offsets and Biobanks.

To compensate for an expanding Growth Area chasing smaller and smaller pools of possible offset bushland for conservation, NSW Planning has come up with many 'solutions' to this 'road to extinction' problem, but none of them involve stopping the removal of habitat:

1. **Removal of additionality and other conditions as a requirement for offsets.** Here a developer pays another authority to protect already protected woodland. We see this with [NSW Plannings Biobank approval of the Noorumba Bush Reserve for Lendlease's Gilead development](#).
2. **Money in lieu of offsets.** Since 2017 NSW Government's [Biodiversity Offsets Policy for Major Projects](#) has tried to solve the problem of chasing disappearing CPW, by allowing money to be paid in lieu of offsets to the Biodiversity Conservation Trust.
3. **Block species accessing their habitat.** NSW Planning is pursuing a policy of excluding Koalas from their habitat and range, in the Macarthur Growth Area. This is the reason behind the Appin Koala exclusion fence proposal in [Conserving Koalas in the Wollondilly and Campbelltown Local Government Area](#). And why the department doesn't want to recognize the most important corridors identified in the [Chief Scientists Advice on the protection of the Campbelltown Koala population](#), corridor A (Menangle Creek) and B (Woodhouse Creek). But without corridors, it is retiring Koala Biobanks for Lendlease, that it is stopping Koalas from accessing !
4. **Deny a species occupies an area.** Landcom at Newbrook in Campbelltown's Smith Creek just denied that Koalas existed on their site though it sits across a well known Koala corridor, and therefore there was no need to provide Koala protection for them. As Landcom is a NSW government developer it was being assessed by itself through NSW Planning.
5. **Remove the requirements for offsets at all.** NSW planning's most recent 'innovation' is to [fast track residential development for Walker in Appin](#) in Koala habitat, by removing the need for Koala protections to be followed such as Biodiversity Certification and offsets to cover the losses of Koala habitat. This follows a similar fast tracking process NSW Planning has used for Walker in SE Wilton again to get around Koala protections.
6. **Biodiversity Certification used to gazump the need to follow Koala SEPP's Koala Plans of Management.** Biodiversity Certification does not need to consider a Koala Plan of Management, but once certified it can be used under the Biodiversity Conservation Act to remove the requirement to meet any other biodiversity considerations. [Lendlease and Campbelltown Council prosecuted this argument at the Campbelltown Local Planning Panel \(16th Dec 2020\) to stop Lendlease having to apply the CKPoM to the Gilead Stage 1 - Development Application](#).

Campbelltown - Denial of Koala existence by NSW Government avoids regulations, Biodiversity Certification fails for positional blindness.

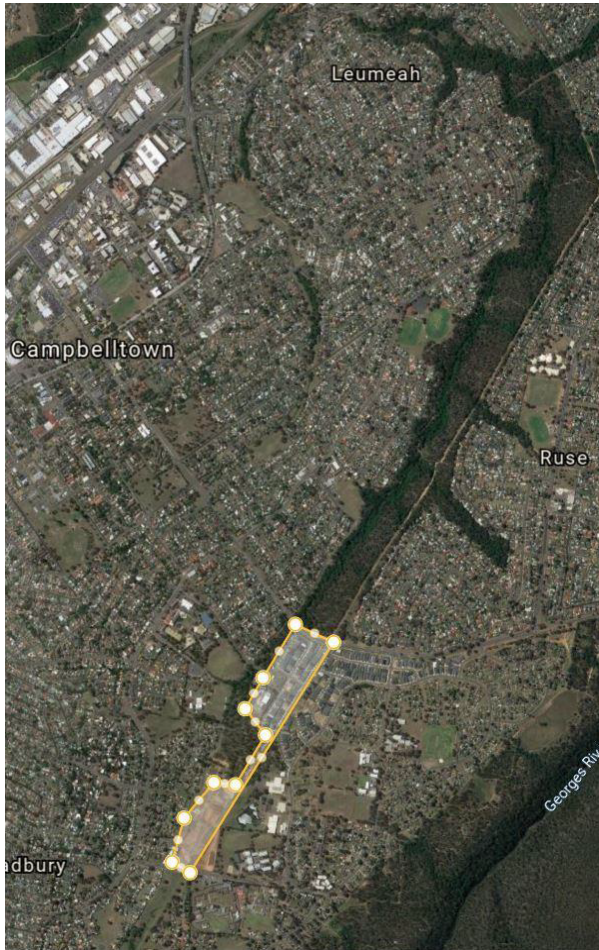


Figure 6. Landcom's (NSW Government) *Newbrook development* (outlined in yellow) is being built across the most famous *Koala refuge* in Campbelltown - Smiths creek (see dark green bush strip).

CEO John Brogden said “There are no resident koala populations within the Landcom . . . development area. Resident koala populations have been identified in the adjacent bushland and koalas only traverse the development area from time to time.”

Brogden's statement is patently ludicrous, and visually the habitat corridor is completely obvious. Yet this development has gone ahead without any reference to Koalas, based on this blanket denial and thus evaded any Koala regulations. It highlights the lack of a regulatory cop on the beat, especially when our own government is the perpetrator, an issue outside the inquiries terms of reference.

But it highlights the limits of the Biodiversity Certification process and offsets, as the main tool for Koala protection. For while the characterized habitat here could possibly be offset somewhere else, in reality it can't because of its position, this is a corridor, removing this habitat by Landcom destroy contiguity and plugs the corridor - the effect of which could be a Koala sink (Chief Scientist term for Koalas that cannot move through a corridor, that then becomes a dead end, where they die quicker attracting another Koala this new free area and the process repeats.)

Gilead - Lendlease's development is the case study in Biobanking subversion.

On July 5th 2019 a Biodiversity Stewardship Agreement for Gilead was gazetted by NSW Planning. This Biodiversity Certification Process sidelined the Campbelltown Koala Plan of Management and necessitated NSW Planning generating its own internal documents to justify the certification - [*Conserving Koalas in the Wollondilly and Campbelltown Local Government Area*](#). The retirement of credits under a **Biodiversity Stewardship** site listed on the public register:

1. 104 HN556 Biodiversity Credits, and 85 Koala species credits, from **Macarthur-Onslow Mt Gilead** - ID 208.
2. 28 HN528 Biodiversity Credits, and 48 Koala species credits, from the **Noorumba-Mt Gilead** - ID 209.
3. 151 Koala species biodiversity credits from **Campbelltown Council's Noorumba Bush Reserve** - ID 239.

The Biodiversity Certification relied on offsets and biobanking for Koala protection. In Lendlease's master plan we see a disdain for Koala conservation in its Biobanking regime, and NSW Planning for approving it. There are four issues important biobanking conditions that are undermined:

1. **Additionality:** The Campbelltown Council reserve Noorumba is used as a biobank, though it is already a Bush Reserve and thus provides no additional habitat to that lost on site. The federal government recognized this and refused to accept it in Condition 5 of the EPBC 2015/7599 approval that asked that another site in West Appin must be secured, instead.
2. **Contiguity:** The avoidance areas are vegetation islands, not connected to anything. All biobanks need to be connected and part of wildlife corridors. But the big issue is that none of the Koala Biobanking sites are meant to be accessible for Koalas, based on the *Conserving Koalas* report that was relied on to make the determination for Biocertification.
3. **Proximity:** Lendlease had land east of Appin Rd. it could have used as a Biobank, instead it used Fernhill 40 km away.
4. **Zoning :** All the above Biobanks were zoned either Rural or Residential rather than Environmental. This has allowed Lendlease to include water detention basins, play equipment, etc, within them.

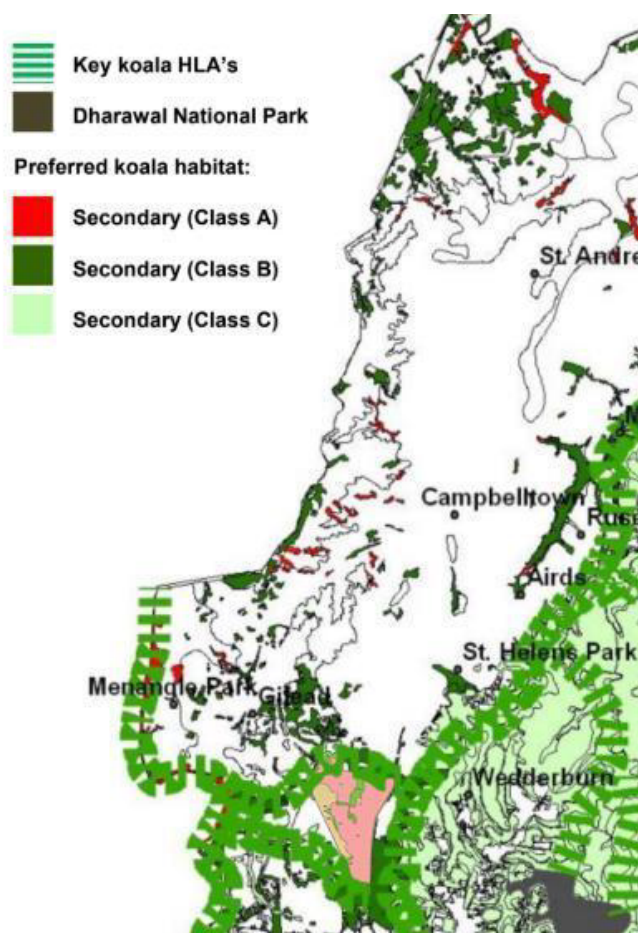


Figure 3: Mt Gilead Biodiversity Certification Assessment Area and location of existing conservation areas and proposed Biobank sites within the BCAA, and potential Biobank sites outside the BCAA

Biocertification has been the only tool for Biodiversity conservation used, yet without additionality in offsets and biobanks not one extra tree is being planted or preserved, despite the loss of many trees in the Gilead development.

Lendlease has a new rezoning proposal to substantially increase urban density. And they are substantially changing the masterplan. But the new rezoning proposal only shifts open space areas around, it does not increase the open space available to Koalas or wildlife.

They don't believe they need a new Biodiversity Certification approval, though they have asked for the red flagged avoided areas to become new Biobanks, and will remove the ecological buffer area to Beulah. They are rezoning their biobanks to environmental though from rural and public recreation, which TEC had previously called for.



However, this second planning proposal approval gave Lendlease the opportunity to again fix up the major absurdity of its Koala offsets. The fundamental issue for Gilead is its negation of the Koala corridor along Menangle Creek - Noorumba. Biodiversity Certification, is positionally blind and created not only non contiguous Biobanks, but inaccessible ones.

It is unprecedented, that the importance of a corridor to the long-term survival of a colony is so well documented, as that of the Menangle Creek - Noorumba Corridor: Council's [South campbelltown koala habitat connectivity study](#) 2017, the planning instrument's [Campbelltown Koala Plan of Management](#) 2018 (CKPoM), and the [NSW Chief Scientists 30 April 2020 Advice on the protection of the Campbelltown Koala population](#) (CSA), all prioritize this corridor's importance, and require widths of 425m (CKPoM), or between 390 to 425m (CSA).

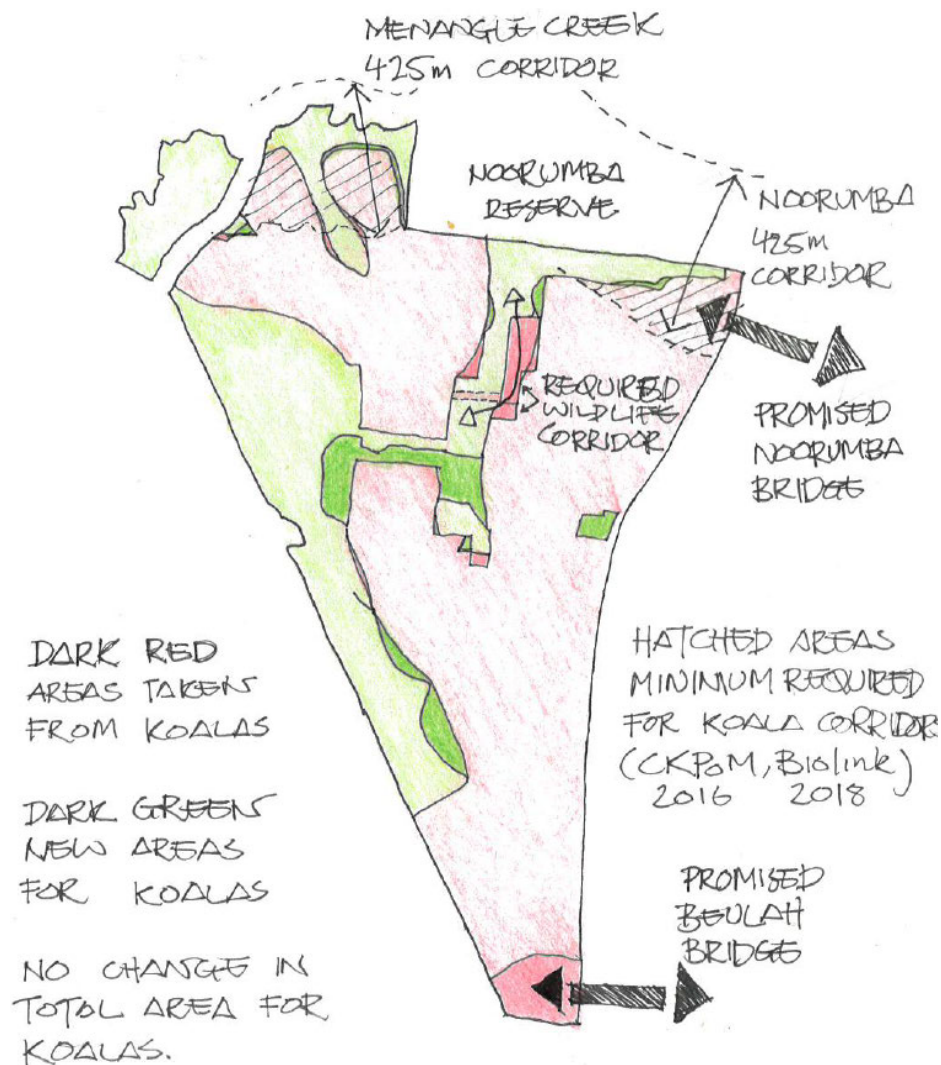
The [Campbelltown Local Planning Panel](#)

(16 Dec 2020) too, recognized the corridor's importance stopping Lendlease's Gilead earthworks DA from encroaching within 250m of Menangle Creek. It is because of its unique position being the shortest link between the Georges and Nepean Rivers.

Figure 8. In the image above, Gilead Stage 1 is pink, and the green dashes represent the Koala corridors as outlined in the CKPoM.

Lendlease's second proposal however, still dismisses all these reports, planning instruments, conditions and indeed their own Chairman Michael Ullmer's promise at the 2020 AGM ..*"will be meeting or exceeding all substantive areas of that Chief Scientist's Report."* The only substantive area on Gilead stage 1 is the Menangle Creek corridor, instead Lendleases proposes a width of less than 60m (a width needed primarily for infrastructure).

Figure 9. Below is an image showing what the Koala sees after these new rezonings. The dark red areas are those lost to Koala movement (and the pink developable areas), and the dark green areas are those gained. It still blocks East - West koala movements across Gilead.



NSW Planning however appears to make the corridor requirement conditional on whether a Koala underpass at Noorumba is built, this is baseless, the Noorumba - Menangle Creek corridor is a functioning corridor now with or without an underpass (as koalas can still get to the other side, albeit exposed to danger).

Indeed this implied NSW Planning condition is absurd as it incentivises any developer that is required to upgrade Appin road, which at Gilead is Lendlease of course, (via an RMS SVPA) to not build a Koala underpass, as to do so would be an extra expense and would see them lose developable area along the Menangle Creek Koala corridor, this faux condition gives them an effective veto over all the corridor Koala Strategies in South West Sydney, a veto they are wielding ***‘the Secondary east-west corridor identified within the draft Campbelltown Koala Plan of Management for the study area is unlikely to be of vital importance to the local Koala population.’***⁶ (2018 Lendlease & RMS Appin Road Upgrade Report).

NSW Planning is now executing this plan, see [Conserving Koalas in the Wollondilly and Campbelltown Local Government Area](#) ‘Koalas could continue to move through the landscape via primary movement corridors, rather than via the east–west secondary corridors. ... ***Allowing koalas access to the secondary corridors would expose them to threats associated with residential areas***’⁷. This report comes with an exclusion fencing proposal all down Appin Road to stop Koalas moving east-west to keep the land west of Appin road clear of Koalas. A localized extinction plan, obviously for developer interests not Koalas.

This is not just a localized extinction plan. The **exclusion fencing** makes redundant all of Lendleases Koala Biobanking credits as they are all west of Appin road; it also devalues other Biobanks sites such as ‘Beulah’. Koalas are deliberately stopped from using land put aside for them.

⁶ Lend Lease Communities (Roads And Maritime). Appin Road Upgrade, Mt Gilead, Nsw Biodiversity Assessment. October 2018 WSP, p59

⁷ Conserving Koalas in the Wollondilly and Campbelltown Local Government Areas 2018 (OEH) 2019 (DPIE).

SE Wilton - NSW Planning created a new Urban Development Zone, dismissed the need for a Koala Corridor, Koala Plan of Management, Biocertification or Offsets.

South East Wilton is rural land with significant native grasses, the south east corner next to Allens Creek has bushland encircling a much smaller area of grassland, it is home to Xhondo a tagged Koala, and for these reasons, this corridor was recognized as a Koala corridor and priority conservation land. The first koala spotted by a European John Price was seen near here, likely at Pheasant's nest. Walker, however, wanted to rezone and flip the area, for a [Chinese developer Country Garden](#) (Risland),.

By proxy NSW Planning has gone in hard to bat for China's largest property developer against the Koala, and has removed every single Koala protection they could, to make it happen. NSW Planning made South East Wilton a priority Growth area, they then rezoned unilaterally against Wollondilly Council's opposition; created a new developer flexible zoning regime the Urban Development Zone, they then sidelined the need for an independent Koala Plan of Management, and obfuscated the need for Biodiversity Certification and thus Offsets to compensate for loss of habitat, finally they removed reference to the Priority Conservation Land (PCL) classification so it can no longer act as corridor for Koalas.



Figure 10 South East Wilton's 'Koala thumb' (the far right green area). [The Baseline Koala Survey for Wollondilly Shire](#) (April-May 2016) tracked 'Xhondo' a female Koala here (yellow dots are Koala sightings, red crosses road deaths),

The [2011 Cumberland Plain Recovery Plan](#) (pIV) identified the thumb as priority conservation land, as does NSW Planning's own [2018 Conserving Koalas in Wollondilly and Campbelltown LGAs](#). This bushland and the Koala thumb is the Allens Creek Koala Corridor.

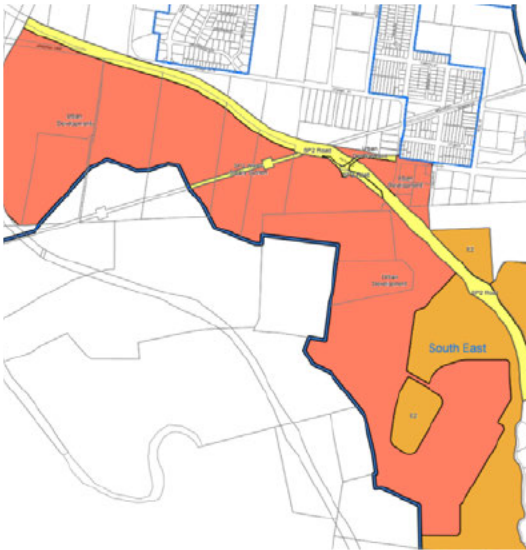


Figure 11. This 2019 zoning map aligns with the Koala mapping shown above. Despite the importance of the PCL to the Allens Creek Koala Corridor, in 2018 NSW Planning delivered to Walker *The South East Wilton Precinct Plan*, followed by a flexible **Urban Development Zone** (salmon colour) applied directly over the **Priority Conservation Land** - the 'Koala Thumb'. The E2 zone (orange) was only applied to some of the remnant bushland and fragmented.

NSW Planning has not required Walker to provide Biodiversity Certification for this development.



Figure 12. This is a detail of the Koala Thumb area, from Walker's 2019 DA application for South East Wilton. The Blue line is Allen's Creek. The white dotted line is Walker's Koala fencing proposal.

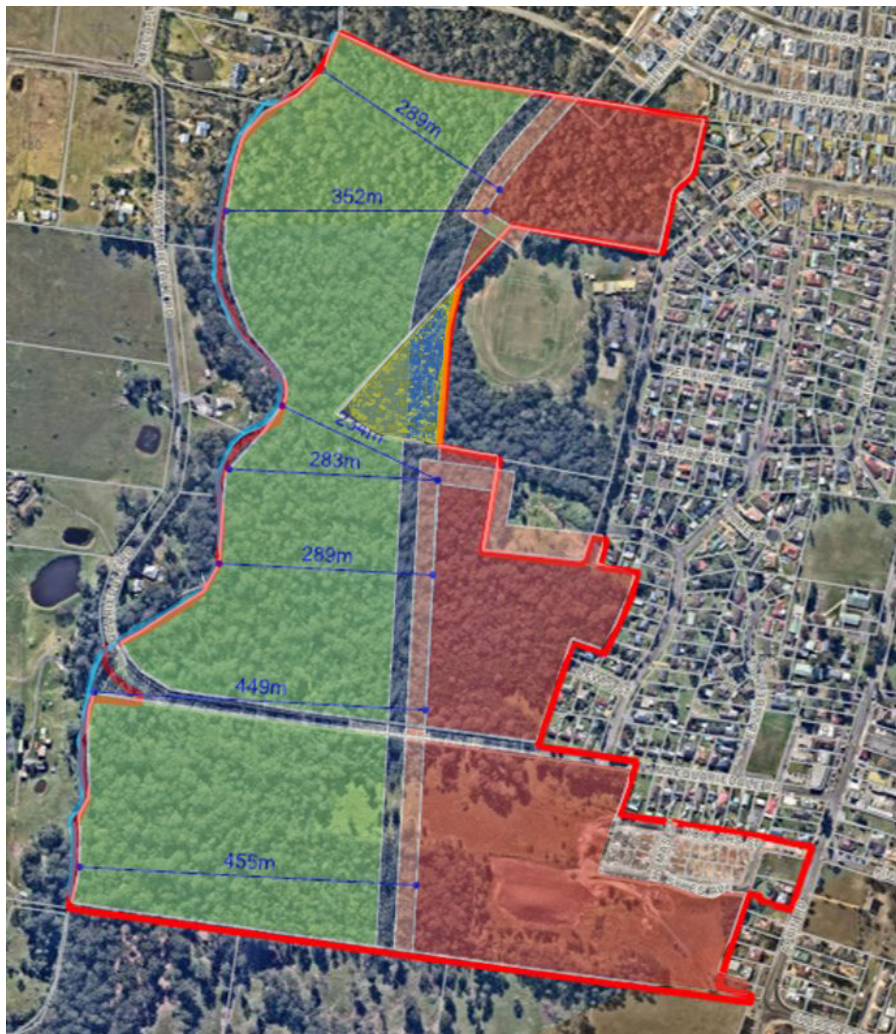
The Fence cuts the already fragmented E2 zoned bushland in half again, It blocks Koalas from using the bushland, corridor, and if they want to cross Picton road, they have to pass through a narrow neck into a caged space. Walker's learnt disdain for Koalas, Koala protections and the NSW and Federal authorities in charge of their implementation could not be more evident.

The bushland spotting in the Koala Thumb will be removed without even the need to offset it, as a Biodiversity Certification has not been carried out.

Appin - no Koala Plan of Management, no Biocertification nor offsetting.

The Walker development at [55 Macquariedale road](#) is being approved via Ministerial decree. Minister Stokes *"I am completely confident that on the basis of the merits and the independent advice associated with this rezoning application that 280 homes is the right amount for this site . . . I fail to see how conserving two-third of the site is overdevelopment."* Wollondilly Council rejected this proposal. This fast tracking process is the removal of Koala protections, indeed NSW Planning has weakened further Koala Protections that Wollondilly Council didn't think were enough.

Figure 13. Loss of Habitat - the site is 59 Ha as outlined in red below. The Total Developable Area shaded in red is 20 Ha, these trees are to be removed as are those in the likely road reserve left uncoloured. Trees shaded green are to be retained. The site sits between Ousedale Creek to the west and Appin to the east.



Undermining the Ousedale Creek Koala Corridor - Under NSW Planning Department's Cumberland Plain Conservation Plan, Ousedale Creek was the main recognized east-west koala corridor. The Chief Scientist's Report (2020) also identified this Corridor (E) as being vital, requiring a width of between 390m and 425m. This development is being proposed before that corridor has been secured.

Walker's Appin Valley development of a similar size directly adjacent to the north, cleared nearly all the possible east-west connections along Appin Road from Ousedale Creek; it also removed Priority Conservation Land here too. Without any upfront biobanking or the establishment of corridors, any possible east-west corridors will be removed by this cumulative development.

No Offsets required - This development's previous rejection by Wollondilly Council had an offset to compensate for the loss of habitat as required under the Biodiversity Conservation Act. NSW Planning's decree has removed the need for the previously proposed offset. The DA is applying under the yet to be gazetted Cumberland Plain Conservation Plan, a presumption it will not require compensation for habitat loss ?

Figure 14. Below is Walker's previous planned offset (now not required).

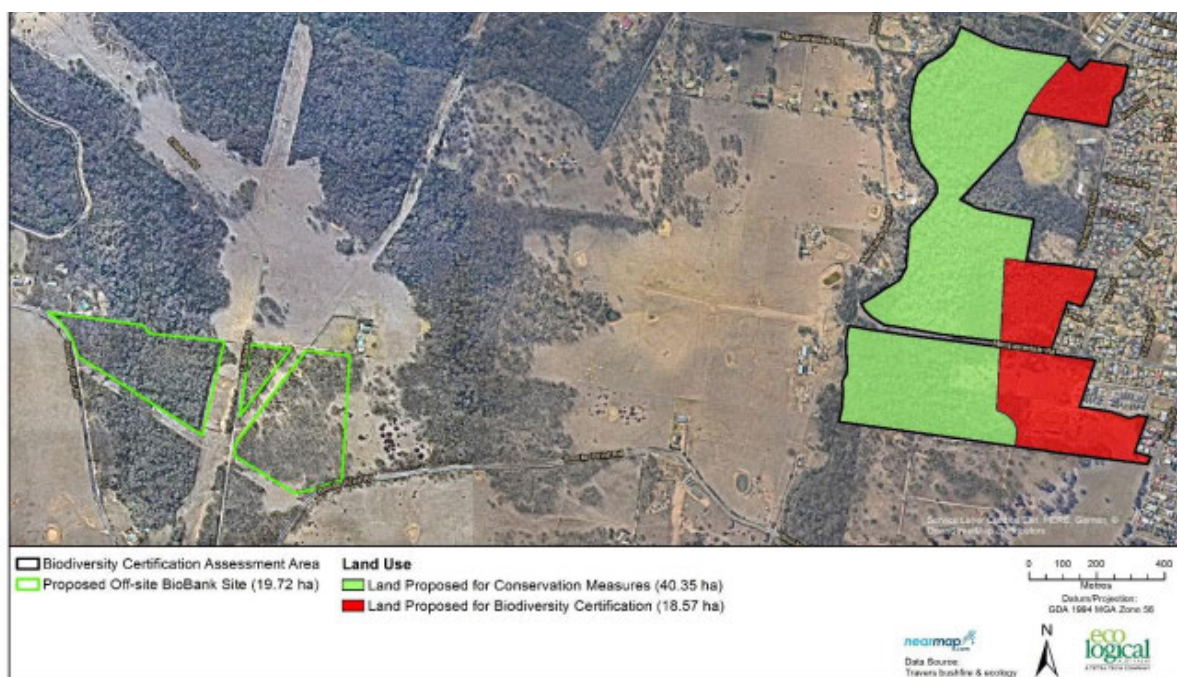


Figure 3 – Proposed Off-Site Biobank Site

No independent Koala Plan of Management - Walker has put forward their own Koala Plan of Management, that asks little of them obviously, an independent Wollondilly Koala Plan of Management is yet to be gazetted.