

## SUBMISSION TO THE FEDERAL INQUIRY INTO

# Australia's faunal extinction crisis

*By the Senate Standing Committees on Environment and Communications*

**Date** 12 th August 2019

### **CALL to IMMEDIATE ACTION by the COMMITTEE**

There is **an immediate and urgent action** which the Committee should take to try to ensure that the **current rural/agricultural zoning** of 1,109 acres of known chlamydia free koala habitat land at Mount Gilead is **maintained** pending the completion of the Committee's Report.

**Proposed Urgent Action** – The Committee should make immediate representations to the responsible Minister and the Department of Planning that **no Gateway Approval be given** to the possible rezoning for urban development of 1,109 acres of land at Mount Gilead **AND** that the current **rural/agricultural zoning be maintained pending** the completion of the Committee's Report and its review by the Legislative Council.

**Why Urgent Action is required** – there is a window of opportunity to maintain the status quo of the only large area of land with koala habitat features and characteristics on the western side of Appin Road in this known koala inhabitation area until completion of this Inquiry. In all probability, the establishment of this Inquiry will have intensified lobbying efforts of property owners and developers to get Gateway Approval for land which is likely to be the subject of findings and recommendations by the Committee. If Gateway Approval is granted prior to the Committee completing its Inquiry, the economic impact of any recommendations will be significantly greater and most likely a barrier to implementation.

**Consequences if No Action** - If urgent immediate action is not taken, the opportunity to maintain the status quo for this important large parcel of land will be lost. If Gateway Approval is given, it will be next to impossible to reverse it and the opportunity to ensure the longevity of the koala population in this area will be lost.

**Consequences if Action taken** – there are no adverse consequences if the current zoning is maintained and applications for Gateway Approval delayed pending completion of this Inquiry and consideration of its recommendations.

For the reasons set out above, this submission is limited to this single aspect of the overall Inquiry which the Committee has embarked upon under its Terms of Reference.

### **BACKGROUND INFORMATION**

**The Mount Gilead 1,109 acres** – this parcel of land is located on Appin Road between Campbelltown and Appin, adjoins the Nepean River and contains several creeks and watercourses. It is part of the historic 1,928 acre property known as Mt Gilead, has been used for cattle grazing for over 150 years, was partly cleared many years ago, is a known koala habitat and contains stands of critically endangered SSTF and CPW trees. It is apparent the cattle grazing activities have co-existed harmoniously with the koala habitat and population. It is Lot 2 in DP 1218887 which was registered in September 2016. There is limited access to this land from the Sydney Water Canal access road or through the Mt Gilead property. There is no public access. Its southern border adjoins the Beulah Bush restoration and conservation area, its western border is the Nepean River and on its eastern border it is separated from Appin Road by the Lendlease urban development (see below). 2

**Ownership of Mt Gilead** – the property has been owned by the Macarthur-Onslow family for almost 80 years. Lee Macarthur-Onslow and his sister Katrina Hobhouse are equal owners of Mt Gilead Pty Ltd following the death of their mother about 5 or 6 years ago. A September 2016 sub-division created 3 portions of land on this property; namely, Lot 3 comprising 450 acres running along Appin Road (now owned by Lendlease - see below); Lot 2 comprising 350 acres comprising the historic homestead buildings and part of its heritage curtilage; and, Lot 1 comprising the 1,109 acres referred to above.

**Lendlease Urban Development**

Lendlease is undertaking an urban release called Fig Tree Hill for the development of around 1,700 homes on the 450 acres acquired from Mt Gilead Pty Ltd and about 100 acres from another owner. It is a staged development and land release commencing as soon as the DA conditions are satisfied and will take place over the next 5 years. Both parcels of land were included in a Gateway Approval in 2012, were rezoned in 2015 and were the subject of the initial land clearing and site works DA approved by Campbelltown City Council on 26 July 2019. Evidence and transcripts from recent proceedings in the Land & Environment Court and the Supreme Court indicate that Lee Macarthur-Onslow progressed the sale and development of this land and that his sister, Katrina Hobhouse, wished to retain and preserve those portions which are part of the historic Cumberland Plains heritage curtilage identified in studies undertaken and published by several eminent historians.

**Present ownership of the 1,109 acres** – Mt Gilead Pty Ltd is the owner of this 1,109 acre parcel. Statements made in various documents lodged on behalf of Lendlease, in connection with the approval process for its Fig Tree Hill development, indicate Lendlease has an option to acquire the 1,109 acres most likely when/if it is rezoned, possibly if Gateway Approval is granted or if Lendlease decides to exercise the option at an earlier time.

**Present ownership of the 350 acre homestead parcel** – Mt Gilead Pty Ltd is the owner of the 350 acre homestead parcel. It is apparent that Katrina Hobhouse will continue her lifelong residency in the homestead and wishes to maintain and preserve this complete parcel and its historic buildings and remaining heritage curtilage.

**KOALA POPULATION in and around MT GILEAD**

The existence of a chlamydia free Koala population in and around Mt Gilead and along Appin Road has been clearly established by numerous studies and reports over the past 20 years, some of which are listed below.

In a report entitled “***The koalas of Campbelltown, south-western Sydney: does their natural history foretell of an unnatural future?***” pre-eminent researchers Drs Daniel Lunney and Rob Close (and others) set out the results of their long term study and seminal research results and expressed the gloomy (despairing) conclusion that “...the long term future of this koala population depends on maintaining the integrity of koala habitat throughout the region, as well as in the Campbelltown LGA. Only a long-term commitment to koalas and their habitat will prevent the natural history of Campbelltown’s koalas transforming into an unnatural future...”

This Call to Action submission does not require the Committee to reach a concluded view about any of these matters before taking the Action outlined above. However, it does require the Committee to determine that the public interest will be best served by making immediate representations to the Minister and the Department to defer any applications for Gateway Approval for this 1,109 acres until the Inquiry is completed and its recommendation debated in Parliament. 3

The following reports confirm the existence of a koala population along Appin Road and around Mt Gilead:

- Koala Outcomes Report submitted by Ecological Australia to Campbelltown City Council as Appendix L, Volume 3, February 2009 relating to the AGL Leaf Gully Power Plant Environmental Assessment
- Expert Report for the Koala at Macquariedale Road, Appin Biodiversity Certification Application prepared by Ecological Australia, March 2015 for Wollondilly Shire Council
- Biolink 2016. Campbelltown Comprehensive Koala Plan of Management. Prepared for Campbelltown City Council, May 2016.
- Biolink 2018. South Campbelltown Koala Habitat Connectivity Study. Final report to Campbelltown City Council, updated April 2018.
- Mt Gilead Biodiversity Certification Application report prepared by Ecological Australia for exhibition by Campbelltown City Council
- Mt Gilead Biodiversity Certification Response to Public Submissions report 2018 prepared by Ecological Australia for Campbelltown City Council

## **CONCLUSION**

The Terms of Reference for this Inquiry are extensive and should result in the formulation of science and evidence based long term policies, initiatives, funding proposals and recommendations for the protection and conservation of the remaining koala populations and habitat in NSW. With goodwill from all stakeholders, sound policies and initiatives can be debated and adopted by the Parliament with a fast track implementation plan.

In the meantime, unless there is an interim freeze on Gateway Approvals for the rezoning and development of rural and agricultural land which contain habitat for the koala population in the Campbelltown and Wollondilly regions, there is a very substantial risk that the primary purpose of the Inquiry will be thwarted because the only chlamydia free koala colony in NSW will no longer exist due to the government approved future destruction of a substantial part of their habitat.

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Save Mt. Gilead Inc.