

Department
of Planning
and Environment

Cumberland Plain Conservation Plan

What we heard

August 2022



planning.nsw.gov.au



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.

Find out more:

www.dpie.nsw.gov.au

Title:

Cumberland Plain Conservation Plan – What we heard

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Contents

| | |
|--|-----------|
| Ministerial foreword | 4 |
| About this report | 5 |
| Part A. Background | 6 |
| The Cumberland Plain Conservation Plan | 7 |
| Key facts about the Cumberland Plain Conservation Plan | 8 |
| Public exhibition snapshot | 9 |
| Key themes | 11 |
| Part B. Responding to the feedback | 12 |
| Environmental Conservation zone | 13 |
| Development and biodiversity | 16 |
| Protecting koalas | 18 |
| The conservation program | 20 |
| Ecological restoration | 22 |
| Culture and heritage | 24 |
| Funding and compliance | 26 |
| Part C. Next steps | 28 |
| Next steps | 29 |
| Glossary | 30 |



Ministerial foreword

The NSW Government's vision is for a thriving and liveable Western Parkland City, a place where new homes can support a growing community. 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.

The Cumberland Plain Conservation Plan (CPCP) 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 CPCP 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.

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 CPCP is one of the largest strategic conservation plans in Australia and delivers on a commitment under the Western Sydney City Deal. Following exhibition of the draft CPCP from August to November 2020 we received a variety of feedback from the community, landholders, and other stakeholders.

We have heard your feedback and have made changes in the final CPCP, including:

- not applying environmental zoning to avoided land and maintaining a property's existing zoning
- removing smaller streams from avoided land
- working with landholders to encourage biodiversity stewardship sites around Razorback to protect Cumberland Plain Woodland
- working with NSW National Parks and Wildlife Service to create the new Georges River Koala Reserve, with the first 54 hectares dedicated in April 2022
- partnering with Transport for NSW to complete a koala and other fauna crossing across Appin Road
- increasing the number of compliance officers to support councils in the CPCP area.

In addition to the above, the NSW Government has committed \$114 million over the CPCP's first 5 years. This will fund establishing biodiversity stewardship sites, purchasing lands for future reserves and protecting koalas.

Together the CPCP's commitments and actions streamline the delivery of housing and infrastructure while protecting regionally important land for conservation and publicly accessible green space in Western Sydney. The CPCP will help ensure we deliver for our communities and protect of our natural environment now and into the future.

The Honourable Anthony John Roberts MP
Minister for Planning and Homes

About this report

The Cumberland Plain Conservation Plan (CPCP) is an important part of delivering the homes and new communities of the Western Parkland City. The CPCP will support the delivery of housing, jobs and infrastructure while protecting the region's important biodiversity such as threatened plants and animals. This report summarises what we heard during public exhibition on the draft CPCP and what has changed in the final CPCP.

The Department of Planning and Environment (the department) exhibited the draft CPCP from 26 August 2020 to 2 November 2020. The documents that were 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
- Explanation of Intended Effect for the proposed State Environmental Planning Policy
- Summary Assessment Report
- Draft Cumberland Plain Assessment Report.

We received valuable feedback from community, landholders, local councils, environment groups and other stakeholders. Thank you for having your say and your continued involvement in developing the CPCP and shaping the future of the Western Parkland City.

Key changes



We heard your concerns about environment zones and are **not applying conservation C2 zoning to avoided land**. Existing zoning will be maintained.



We are working with NSW National Parks and Wildlife Service to **establish the first stage of the new Georges River Koala Reserve**, with the first land already transferred in April 2022.



We have reviewed our mapping to **exclude smaller streams with no riparian vegetation from avoided land**.



We have partnered with Transport for NSW to deliver **a new fauna crossing at Ousedale Creek and improvements at Kings Fall Bridge** to aid koala movement.



We have **increased the number of compliance officers** embedded into councils to support the CPCP's implementation.



We are **prioritising protection of Cumberland Plain Woodland in the Razorback area** by working with landholders to encourage biodiversity stewardship sites.

Background

PART

A

The Cumberland Plain Conservation Plan

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 open and green spaces that local communities can enjoy.

The Cumberland Plain Conservation Plan (CPCP) was developed to support Western Sydney's biodiversity and growth. It is one of the largest strategic conservation plans in Australia and is the first strategic biodiversity certification to be undertaken under the *NSW Biodiversity Conservation Act 2016* (BC Act).

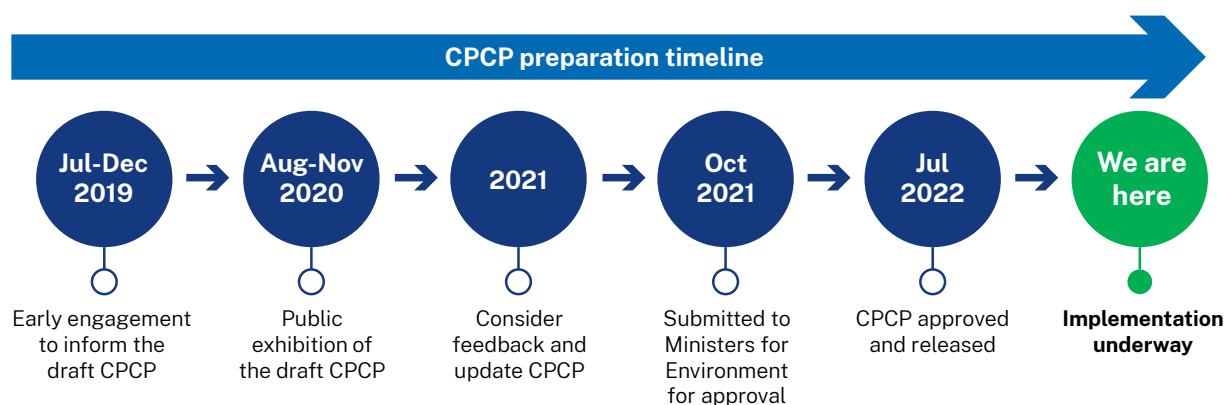
The CPCP covers 200,000 hectares, extending from north of Windsor to south of Picton, and from the Hawkesbury–Nepean River in the west to the Georges River, near Liverpool in the east. The CPCP will support the delivery of new housing and infrastructure across 4 areas, which are collectively referred to in this report as 'nominated areas':

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

The CPCP spans 8 local government areas and includes 4 major transport corridors that will deliver road and rail infrastructure in Western Sydney.

The CPCP was prepared to meet the requirements for strategic biodiversity certification¹ under the BC Act and strategic assessment² under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act).

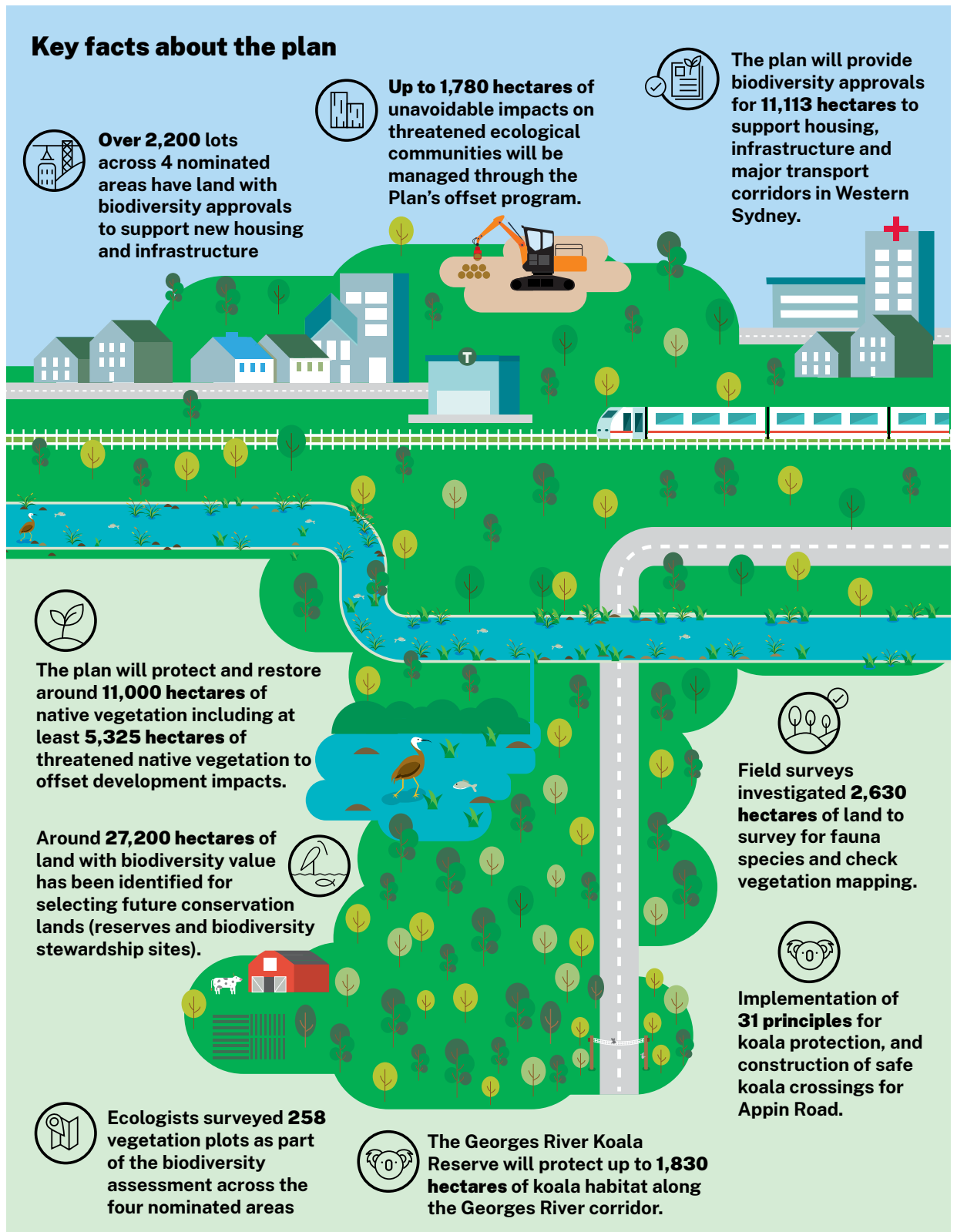
By the time the CPCP is completed in 2056 it is expected that the plan will have supported at least 73,000 new homes and protected around 11,000 hectares of important native vegetation.



1. 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>

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

Key facts about the Cumberland Plain Conservation Plan



Public exhibition snapshot

The draft CPCP was placed on exhibition as per the requirements of the BC Act and EPBC Act. The department exhibited the draft Plan for 9 weeks from 26 August 2020 to 2 November 2020.

- briefings with Tharawal and Gandangara Aboriginal Land Councils and NSW Aboriginal Land Council
- meetings and site visits with some landholders on request
- community meeting with Orchard Hills residents on request
- briefing with the Urban Development Institute of Australia.

Engagement events

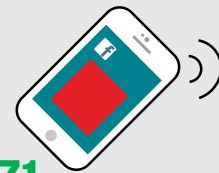
During the public exhibition period we undertook a range of engagement activities and met with a number of community members and stakeholders in a range of COVID-safe virtual or in-person events. These included:

- a community webinar
- a webinar and briefings with 8 local councils in western Sydney

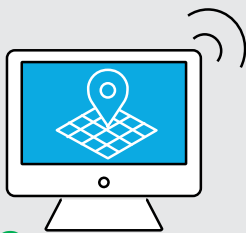
Engagement snapshot



34,500+
department website views



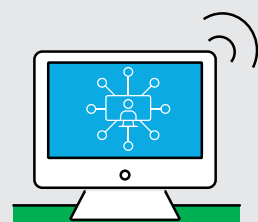
307,671
people reached via social media within the Western Sydney area



2,822
clicks to the spatial viewer



2,902
e-newsletters sent by the department



202
people attended the community webinar



20
council and stakeholder meetings and briefings



379
replies to phone and email enquiries

Consultation materials

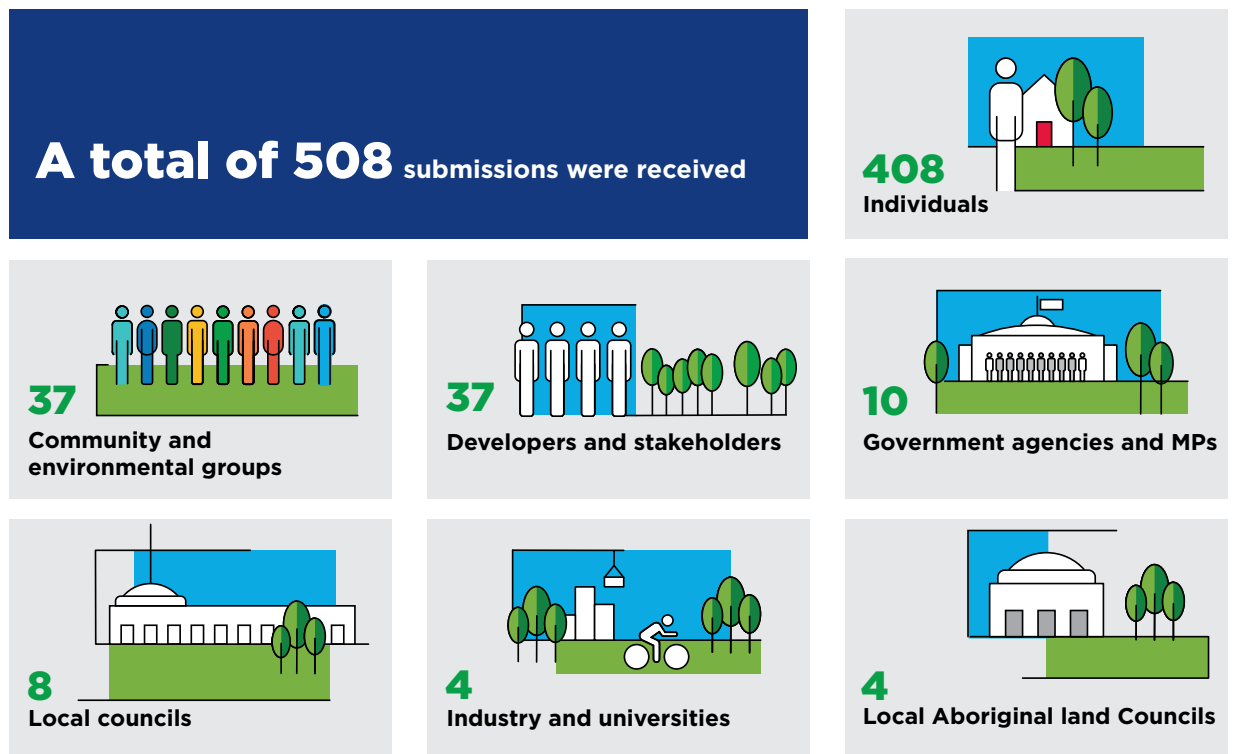
We prepared a range of materials to help the community and stakeholders understand the draft CPCP and to raise awareness of the public exhibition. This included:

- direct mail to affected developers and landholders
- emails 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 CPCP mapping and proposed zoning
- a social media advertising campaign
- newspaper advertising, which also targeted culturally and linguistically diverse groups.

Submissions analysis

We received 508 individual submissions and several thousand campaign emails during the public exhibition period. Submitters included landholders and developers, community and environment groups, industry, local councils, and Aboriginal Land Councils.

We reviewed each submission individually, considering all information and additional maps, notes and photos with our own data. Accredited ecological consultants reviewed all supplementary reports and information provided in submissions. The views and information provided in submissions helped inform the changes we made to the CPCP and have been summarised in this 'What we heard' document.



Key themes

Land use and development



Environmental Conservation zone

Landholders were concerned about restrictions on future land use and potential impacts on property value because of the proposed C2 Environmental Conservation zone. Some landholders also expressed concerns about the accuracy of the vegetation mapping used to identify avoided land.



Development and 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.

Conservation and restoration



Protecting koalas

Questions were asked about the proposed koala-exclusion fencing. Many people were concerned the CPCP did not go far enough to protect koala movement corridors.



Conservation program

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



Ecological restoration

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

Connection to Country



Culture and heritage

Many respondents valued the semi-rural lifestyles in the less urbanised parts of Western Sydney's growth areas and were concerned about losing agricultural land. There was strong support for incorporating Aboriginal knowledge and partnerships into implementing the CPCP.

Implementation



Funding and compliance

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.

Responding to
the feedback

PART

B

Land use and development



Environmental Conservation zone



Protecting threatened biodiversity is critical to reduce the impacts of proposed development. The CPCP's objective is to improve long term ecological resilience and target efforts on new conservation lands.

The draft CPCP proposed planning controls to protect biodiversity values on avoided land. These controls included applying the C2 Environmental Conservation zone (previously known as E2 Environmental Conservation).



In December 2021, the NSW Department of Planning and Environment changed the naming of 'environment zones' to 'conservation zones'. Renaming these zones reflects the 'conservation' land use function more clearly. Land uses that are currently permitted and prohibited in the environment zones will continue with the renaming to conservation zones. Only the name of zones is changing.

What you told us

The C2 zone was not supported

- Landholders had concerns about restrictions on future land use and potential impacts on property value because of the proposed C2 zone.
- Small landholders and farmers felt they would pay the price for developers to clear vegetation and develop land.
- Some landholders asked for existing land use zones to remain unchanged or for more flexible zoning, such as C3 Environmental Management and C4 Environmental Living, be applied.
- Some stakeholders felt that the restrictions of the proposed C2 zone would not lead to successful biodiversity conservation over current protections and may increase bushfire risk.
- Landholders expressed concerns that application of the proposed C2 zone was inconsistent across local areas, neighbouring properties and in regard to other government plans such as Wilton 2040 and Greater Macarthur 2040.

Biodiversity value mapping was not accurate

- Some stakeholders expressed concerns that biodiversity values were identified using a range of methods that included expert advice, satellite imagery and species records, rather than dedicated ground surveys and asked for field-based validation.
- Landholders questioned the biodiversity value of their properties and their inclusion in the strategic conservation area.
- Landholders questioned why some watercourses and riparian zones were mapped as having biodiversity value, when there was no vegetation present.





- Kemps Creek residents objected to the flood data used to inform the extent of flooding along Kemps Creek and Wianamatta-South Creek. They feel the proposed environmental conservation zone is not suitable as large areas that are proposed for conservation are of low biodiversity value.

Inadequate consultation with landholders about the C2 zone

- Some landholders affected by proposed C2 zoning did not feel they were consulted about the proposed changes to their land prior to public exhibition.
- Some landholders in Orchard Hills and Wilton felt they were not adequately consulted about this Plan or the broader planning for Western Sydney.
- Some stakeholders felt that the public exhibition period should have been longer.



Benefits of a landscape approach

The native vegetation in Western Sydney, even in pristine condition, can often look scrubby and disconnected and we understand for this reason that landholders may want the department to inspect each property individually to verify the important biodiversity

The CPCP is a landscape scale offset program across 200,000 hectares and it is not possible to visit every parcel of land. More than 250 individual on-site visits were completed and this provided sufficient information to confirm the vegetation communities across the landscape, including at an individual lot-scale.

Due to the historic fragmentation of important biodiversity in Western Sydney, even poor-quality vegetation may be important in providing linkages across the landscape. Once those linkages are broken by development the opportunity to restore habitat or strengthen corridors is lost forever.

How we are responding

The C2 zone will not be applied

- The CPCP will not apply the proposed environmental conservation zone (C2 zoning). Landowners will retain the current land use zones and permitted uses on their land.
- Zoning will remain for land that has already been zoned C2 through the precinct planning process.
- Planning controls will be used to protect avoided land instead of C2 zoning, providing a more flexible approach for landholders. The planning controls require the relevant consent authority to consider potential impacts on biodiversity when determining a development application on avoided land.

Revision of vegetation mapping

- The department's accredited ecological consultants reviewed all the reports and information shared with us through public exhibition. In some cases they recommended changes that resulted in boundary adjustments, removal of some avoided lands and an increase in the number of lots in the development footprint.

Revision of riparian mapping

- We have revised the riparian mapping to remove second and some third order streams from the avoided land category where no native vegetation is present. Any development near watercourses will need to comply with the *Water Management Act 2000* and *Fisheries Management Act 1994*.



Updated strategic conservation area

We reviewed submissions and feedback about the strategic conservation area and made some changes.

- Some land has been added to the strategic conservation area to support habitat connectivity and offer restoration opportunities
- Some land was removed from the strategic conservation area where:
 - an approved development application was in place and advised by landowners
 - land was changed to certified urban-capable or excluded land in the nominated areas.

Consultation with landholders

- The public exhibition period was extended twice to allow all stakeholders including landholders, Councils and community groups adequate time to review the plan documents and provide a submission.
- During the public exhibition period a meeting was organised by the Member for Mulgoa with Orchard Hills residents with Sydney Metro planning team also in attendance to respond to resident's concerns about future land use planning for this area.
- We are working closely with Independent Community Commissioner Roberta Ryan to address concerns from landholders in Western Sydney Aerotropolis and surrounding areas.

Feedback from public authorities

- To protect biodiversity in Western Sydney from the impacts of infrastructure development, the department will introduce infrastructure guidelines that require infrastructure providers to avoid or minimise impacts on biodiversity on avoided land and in the strategic conservation area.





Development and biodiversity



The Cumberland Plain Assessment Report identifies all potential direct, indirect and cumulative impacts of future development on threatened biodiversity in the nominated areas and transport corridors. It provides an assessment of the adequacy of the conservation program in meeting the requirements of the BC Act and EPBC Act. Both Acts require avoidance as a first step in the assessment process.

The report concludes that the proposed conservation program is adequate to address all impacts on biodiversity from future development in the 4 growth areas being certified through the CPCP.

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 that the draft CPCP constrained housing supply.
- Increasing the population puts pressure on existing infrastructure.
- Further development should stop until native plants and animals have adequate protection in place.
- The CPCP seemed to favour urban development over protection of native vegetation conservation.
- Cumulative impacts of development in western Sydney on biodiversity 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, particularly 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 in the Razorback area and should be extended northwards and southwards to avoid impacts.

Impacts to Cumberland Plain Woodland are too high

- The impact to Cumberland Plain Woodland would be too high – this threatened community should be protected from development.
- Important areas of remnant Cumberland Plain Woodland need to be protected in areas such as Razorback, Cobbitty, Camden and the Cumberland Conservation Corridor.
- The CPCP should adopt the recommendations of the Cumberland Plain Recovery Plan.
- Some reserve investigation areas 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.
- The impacts of urban heat and climate change should be considered and how these might affect the outcomes of the CPCP.



How we are responding

Balancing urban development and conservation

- The CPCP has been designed to avoid and minimise impacts from urban development on biodiversity by strategically determining up front which areas are suitable for development and which areas should be conserved.
- We have identified over 11,000 hectares of certified urban-capable land, which will be the focus for new development and infrastructure. Much of this is located on areas already cleared of native vegetation.
- We have identified over 4,500 hectares of high biodiversity land that is not certified for development in the nominated areas. This land, called 'avoided land', will have planning control to protect native plants and animals, and support habitat corridors.
- Precinct plans will provide further clarity by identifying the permissible development and infrastructure at a finer scale.

Minimising the impact of transport development

- The conservation program includes specific actions designed to offset impacts within transport corridors. A range of tailored mitigation measures includes pre-construction surveys, pest control and weed management programs, and connectivity measures.
- Transport for NSW is working to minimise impacts on existing reserves including Wianamatta Regional Park. Tunnels are not the first choice for avoiding on-ground impacts because they are expensive and technically complex.
- Transport for NSW is proposing an elevated viaduct to pass over Wianamatta Reserve. Transport for NSW will offset all vegetation within the corridor. For viaducts, clearing will be limited to construction sites and pylons allowing habitat connection and animal movement under the viaduct.

- We have shared your feedback on suggested extensions to the Camden tunnel with Transport for NSW, for consideration in future planning.

Protecting Cumberland Plain Woodland

- When determining the land certified for development, we avoided 96.3% of intact Cumberland Plain Woodland. Much of the proposed impact on this ecological community is on residual native grassland or scattered trees.
- In addition to the 3 reserve proposals in the draft plan (Gulguer, Georges River and The Confluence) we are now engaging with landholders in the Razorback area to establish biodiversity stewardship sites. This area is rich in Cumberland Plain Woodland and other threatened ecological communities that we need to offset through the CPCP.

Addressing climate threats and urban heat issues

- The NSW Government will fund research to help identify the most at-risk species and ecological communities in the Cumberland subregion. This includes identifying priority locations that would provide refuge for threatened plants and animals in a changing climate. The CPCP's evaluation program will help measure how well we are enabling plants and animals to adapt to climate change.
- In the first 5 years, the department will prepare a fire management strategy for the strategic conservation area to identify fire management priorities. Aboriginal specialists in Indigenous fire management will train and support land managers.
- The CPCP contributes to wider government efforts (such as the Green Grid and Premier's Priorities) to increase green canopies and mitigate the urban heat island effect.
- The CPCP will introduce development controls in local planning documents to protect biodiversity and other habitat features (such as hollow-bearing trees) in new urban developments.

Conservation and restoration



Protecting koalas



The koala conservation program will establish new conservation lands, including reserves and biodiversity stewardship sites including up to 1,830 hectares for the Georges River Koala Reserve .

The Georges River Koala Reserve will protect more than twice the required offset target for koalas. Ecological restoration will expand the area's native vegetation and maximise ecological connectivity for koalas. Acquisition of private land will enhance existing government owned land.

Koala-exclusion fencing will help separate koala habitat and urban-capable land, and along the western boundary of the Georges River Koala Reserve where appropriate. Koala-exclusion fencing will be constructed as development progresses, with priority locations, such as Appin Road, installed earlier to mitigate the impacts of vehicle strike and other risks to koalas.

What you told us

East-west koala corridors need greater protection

- All 6 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 from 2020).
- The CPCP should incorporate the recommendation of the Office of the NSW Chief Scientist & Engineer Advice for habitat corridors to have an average width of 390 metres to 425 metres and be consistent with specific requirements for buffers and asset protection zones.

- More than one crossing point needs to be in place to allow koalas to move safely across Appin Road.

Koala-exclusion fencing has both benefits and impacts

- Community members generally support fencing of Appin Road to mitigate koala vehicle strikes.
- 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 and will require ongoing maintenance.

Mapping and protecting koala habitat is critical

- Protecting koala habitat is critical to the survival of this koala population.
- More land is needed to protect koalas and their movement in south-western Sydney
- The CPCP 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 to be protected.
- It is unclear how the CPCP relates to other koala planning instruments such as the Koala SEPP.

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

- Community and stakeholders widely support 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.

How we are responding

Protecting koala corridors and movement

- We worked alongside the expert panel that prepared the 2020 advice for the Office of the NSW Chief Scientist & Engineer to gain their insights and ensure that the CPCP was consistent with their recommendations.
- We sought updated advice from the Office of the NSW Chief Scientist & Engineer in 2021. It recommends an average width of 390 to 425 metres and management of key threats for a safe koala corridor.
 - The Ousedale Creek to Appin North corridor is the most suitable east-west corridor due to the condition and width of the vegetation.
 - Appin Road at the Ousedale corridor (near Brian Road) will contain one fauna crossing to support east-west connectivity between the Georges and Nepean rivers.
 - Under bridge improvements at Kings Falls Bridge on Appin Road will enhance north-south connectivity along the Georges River.
- The department is working with Transport for NSW to design and build both crossings.
- The department has mapped all koala corridors as avoided land and planning controls will protect them from clearing.
- Corridors in the Mount Gilead Stage 2 development are outside the scope of the CPCP as the development has its own biodiversity approval. However, the department is working with Lendlease to ensure a consistent application of the Chief Scientist's advice.

Refining the application of koala-exclusion fencing

- A feasibility study will determine the suitability of location and design for koala exclusion fencing in the Greater Macarthur and Wilton growth areas including along Appin Road and in the Georges River Koala Reserve. The fencing will be delivered in stages as development progresses.
- Comprehensive community engagement will support the design and construction. The fencing will be maintained as part of reserve management or as agreed management actions on biodiversity stewardship sites, or as agreed with relevant landholders.

Faster establishment of the Georges River Koala Reserve

- We are working with NSW National Parks and Wildlife Service to transfer government-owned land within Stage 1 of the Georges River Koala Reserve as a priority. The first 54 hectares were transferred in April 2022. Some land within the proposed Georges River Koala Reserve is private land and we are now calling for expressions of interest to purchase land in the koala reserve.
- The Office of Strategic Lands and NSW National Parks and Wildlife Service will purchase, transfer and reserve future properties so that Stage 1 is complete by year 10 of the CPCP and Stage 2 is complete by year 20 of the CPCP. Land within the koala reserve is a priority for voluntary purchase at market value.
- The department, in consultation with NSW National Parks and Wildlife Service and local councils, is developing a concept design plan for the Georges River Koala Reserve that will identify intended uses, proposed infrastructure and visitor facilities, and optimal boundaries and access points.
- The department is working with Transport for NSW to determine the future of the Georges River Parkway, which was exhibited as part of the koala reserve.



The conservation program



The strategic conservation area comprises habitat for 49 threatened flora and fauna species and 8 threatened ecological communities listed under either the BC Act or EPBC Act, or both.

Through the CPCP, the establishment of conservation lands will protect a minimum of 5,325 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 CPCP has been designed to facilitate urban development that will result in unacceptable impacts to habitat for threatened species and ecological communities and the local koala population.
- The CPCP is an offset program for development, not a holistic conservation program for the Cumberland Plain.
- The conservation plan does not adequately consider cumulative impacts of future development in western Sydney or other impacts such as changes in hydrology and water quality.
- The full impact of development through the CPCP is unknown because infrastructure routes through ‘avoided land’ have not been determined.
- Development needs to be staged to keep pace with offsets. The current program lacks the funding to ensure the implementation of offsets can be achieved ahead of development and over the life of the plan.

Environmental corridors need protection

- Community and stakeholders strongly support preserving corridors and enhancing connectivity to preserve habitat and threatened species.

- Additional corridors should be included in the strategic conservation area and protected through the CPCP including Kingshill Corridor, Blaxland Creek, the Cumberland Connection Corridor, Ropes Creek Corridor, and the Razorback Wildlife Corridor.
- Corridors described in the CPCP are not continuous or wide enough and do not incorporate wildlife crossings.
- The priority reserve proposals do not support habitat 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 stewardship agreements due to minimum lot sizes recommended by the Biodiversity Conservation Trust.
- The government needs to engage with landholders and developers to support the CPCP’s biodiversity offset program.

How we are responding

Increasing protection through the conservation program

- The CPCP’s offset targets for biodiversity meet legislative requirements for strategic biodiversity certification (NSW) and strategic assessment (Commonwealth) and will secure large areas of habitat in perpetuity as conservation lands.
- The CPCP has been developed to ensure consistency with other conservation plans in the region, including the Cumberland Plain Recovery Plan and NSW Koala Strategy.
- The department has assessed potential impacts to biodiversity values using the Biodiversity Assessment Method and the terms of reference for the strategic assessment.



Minimising indirect and cumulative impacts

- The conservation program identifies mitigation measures to manage indirect and ongoing impacts to threatened ecological communities and species from development. For example, development controls will be used to retain large trees where possible during precinct planning within nominated areas. This will protect habitat important to several species including microbats, flying foxes and nectivorous birds, and owls and raptors.
- Development controls to be applied by the relevant Councils have been designed as part of the CPCP to minimise the cumulative impact of future development to biodiversity in the growth areas.
- Planning controls including the CPCP Mitigation Measures Guidelines and CPCP Guidelines for Infrastructure Providers will further mitigate the impacts of development on threatened species and their habitat.
- These new guidelines for essential infrastructure development will ensure that impacts from future essential infrastructure projects on avoided land are acceptable by constraining certain types of infrastructure and outlining requirements to protect biodiversity. Some infrastructure projects may need to seek their own biodiversity offsets under NSW biodiversity legislation (the BC Act).

Protecting environmental corridors

- We have updated the strategic conservation area to include some of the corridors suggested through the submissions process.
- We will review the strategic conservation area every 5 years and update it to reflect any new opportunities for conservation.
- The Cumberland Plain Assessment Report demonstrates that the future impacts are acceptable because the majority of the most important areas of connectivity (BIO Map regional corridors and core areas) have been avoided and will not be directly impacted by development.

Managing the complexity of biodiversity offsets

- The CPCP includes some flexibility in targets to allow for alternative offsets if like-for-like species and threatened ecological community offsets cannot be secured.
- We will source offsets outside the Cumberland subregion only as a last resort and these will be capped at 20% of the overall offset target for native vegetation. The selection steps and flexibility mechanisms we have included in the CPCP are consistent with the Biodiversity Conservation Regulation (NSW).
- The CPCP will establish a reconciliation accounting process within one year of the CPCP's approval to track offsets secured against development impacts. If offsets are not keeping pace with development, the department will introduce additional measures, such as compulsory acquisition, or temporarily constraining development until the offsets program is back on track.





Ecological restoration



The CPCP commits that a maximum of 25% of the CPCP's offset target for threatened ecological communities will be delivered by restoring habitat. Restoration will target threatened ecological communities such as Cumberland Plain Woodland, Shale Gravel Transition Forest and Swamp Oak Forest, which is needed to meet offset targets.

Restoring these threatened ecological communities will also contribute to restoration of koala habitat protected by the CPCP in Georges River Koala Reserve, the Ousedale Creek corridor, and other priority areas.

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 and should only be used as a last resort.
- The Confluence reserve proposal does not have high biodiversity value and should not be a priority for conservation.

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 is undertaken through the CPCP.
- Traditional and scalp and seed restoration methods are not successful in Cumberland Plain Woodland.

The capacity for restoration and seed production is limited

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

How we are responding

Protecting existing bushland first

- The CPCP is committed to protecting important remnants of bushland as the first priority for offsets. The plan's conservation land selection steps prioritise direct offsets from mapped vegetation communities within the strategic conservation area. The steps allow some flexibility in case offsets from this area are not available. This is where restoration of threatened habitat will be used to make up any shortfalls.
- Trend analysis conducted as part of the Cumberland Plain Assessment Report showed that active restoration or reconstruction has significant potential to improve Cumberland Plain Woodland, even when the ecological community is in poor condition. It demonstrated that active restoration would deliver greater gains in the long term when compared to lower-intensity vegetation management (such as weeding) combined with early protection of offset sites.
- The Wianamatta (South Creek) corridor is a priority corridor in the Sydney Green Grid⁴ due to its proximity to several existing reserves. The Confluence reserve proposal offers the opportunity to restore threatened River-flat Eucalypt Forest and create linkages with existing nature reserves in Windsor Downs and Londonderry, and with South Creek. It was selected as an early priority for conservation to minimise impacts on landholders as the large sized lots are not suitable for urban development.

3. Government Architect New South Wales (2017) Sydney Green Grid, <https://www.governmentarchitect.nsw.gov.au/projects/sydney-green-grid>



Using best practice restoration strategy

- We are working with the Office of Strategic Lands to identify restoration opportunities on its land. Each site will be assessed for restoration potential and a restoration site management plan will be prepared. Qualified service providers will deliver the restoration works and early site maintenance.
- The department will provide funding for research into techniques for best practice restoration and land management. We will also draw on other best practice restoration successes, such as Scheyville National Park, where direct seeding of Cumberland Plain groundcover is helping to reconstruct plant communities in a highly fragmented landscape.

Building seed supply and production

- The Cumberland Plain Knowledge Infrastructure project will provide evidence to inform restoration projects through the CPCP. The Royal Botanic Gardens and Domain Trust are leading this work. It will identify suitable areas where seeds can be sourced and provide guidelines for establishing seed production areas and collecting seeds for priority species.
- The department will also partner with interested local councils in the CPCP area to help them establish or expand seed banks and community nurseries.
- We will establish a panel of restoration service suppliers to spread opportunities across the CPCP Area, minimise risks and maximise access to seed and plant stock.

4. Government Architect New South Wales (2017) Sydney Green Grid, <https://www.governmentarchitect.nsw.gov.au/projects/sydney-green-grid>

Connection to Country



Culture and heritage



Conserving rural landscapes and European and Aboriginal heritage is an important part of recognising Western Sydney's unique culture and heritage.

The CPCP 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 a unique of knowledge and understanding of ecology and biodiversity.

The CPCP commits to co-developing a 10-year Caring for Country Strategy with Western Sydney's Aboriginal Community including Traditional Custodians and Local Aboriginal Land Councils.

What you told us

Partnering with the Aboriginal community is important

- Indigenous knowledge and land management should be incorporated into the CPCP.
- Local Aboriginal Land Councils (LALCs) and the NSW Aboriginal Land Council in Western Sydney strongly support the commitment to co-develop a 10-year Caring for Country strategy under the CPCP.
- Aboriginal education officers and rangers have a role to support the delivery of the CPCP.
- Formal partnership agreements between the department and Local Aboriginal Land Councils and other Aboriginal groups would be beneficial to implement components of the CPCP.

- Impacts to Aboriginal burial sites were identified due to the proposed M9 (Outer Sydney Orbital) route.

Agricultural and rural heritage areas are valued

- Further development in south-west Sydney will have impacts on agricultural land and food production 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 CPCP.
- Some people enjoy semi-rural lifestyles in parts of the CPCP area and fear the rural character of villages such as Wilton and Mulgoa will be lost.

How we are responding

Partnering with Aboriginal communities

- Based on strong support, the department is co-developing a 10-year Caring for Country Strategy to ensure Aboriginal people are at the forefront of implementing the CPCP and can benefit from the opportunities arising from its delivery.
- During 2021, the department met with Traditional Custodians, Aboriginal Land Councils, local community, businesses, and service providers in Western Sydney to understand the opportunities and priorities for this Strategy. We are aiming to release a draft Strategy in the second half of 2022 for public comment.
- The department has also already funded a \$1 million grants program open to the 3 Western Sydney LALCs to support them to assess and manage biodiversity, culture and heritage on Aboriginal-owned lands.

Protecting Aboriginal culture and heritage

- The department will work with Traditional Custodians, LALCs and landholders to protect Aboriginal heritage on new reserves and stewardship sites through the Caring for Country Strategy.



- We have forwarded submissions that raised concerns about the potential destruction of Aboriginal burial sites in the Outer Sydney Orbital corridor to Transport for NSW for further investigation. Transport for NSW has confirmed that they are engaging with the Aboriginal community to further refine the corridor alignment.

Agriculture and rural heritage

- Western Sydney is in a transition from an agricultural landscape to a thriving but sustainable urban city. Much of the land that will be zoned urban capable is currently vacant or used for low intensity grazing.
- The Western Sydney International (Nancy-Bird Walton) Airport presents opportunities to invest in agriculture and agribusiness. This area can support intensive plant agriculture, horticulture and viticulture alongside urban and industrial development.
- The permanent protection of remnant bushland through the CPCP conservation program will ensure that rural character and natural vistas are maintained for future generations.
- Future growth in western Sydney will continue to be guided by relevant strategies of the Greater Sydney Commission including A Metropolis of Three Cities and the Western City District Plan.





Implementation

Funding and compliance



The department will have long-term responsibility for implementing, and reporting on the progress of the CPCP to stakeholders and the community. An Executive Implementation Committee will be established within 3 months of the plan's approval to guide the overall implementation of the CPCP.

The NSW Government has committed \$114 million to implementing the CPCP's commitments and actions for the first 5 years. We will 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

- The funding for the CPCP is inadequate given the scale of offsets required to be secured and the associated timeframes.
- More upfront funding is needed to achieve conservation commitments and outcomes.
- Stakeholders are concerned about the lack of certainty around funding beyond the first 5 years of the CPCP.
- Funding needs to be in place to ensure offsets are secured prior to development.
- Industry representatives have 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 CPCP are unclear

- The CPCP needs clarity on the timeframe for development contributions and offsets.
- Development should be staged appropriately to ensure offsets keep pace with development.
- The CPCP 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 requirements of the CPCP within the context of the NSW planning system.
- Community and stakeholder groups want a meaningful role to help implement the CPCP and provide feedback on its progress
- More information is needed on the governance framework, constitution, terms of reference and representation.
- 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.
- Implementation of the CPCP relies heavily on planning instruments that could 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.



How we are responding

Securing funding

- The NSW Government has increased its funding commitment to deliver high priority conservation actions in the first 5 years of the CPCP from \$84 million to \$114 million. This money will fund actions including land purchase for reserves, restoration of habitat, and securing biodiversity offsets.
- Conservation actions to be delivered over the life of the CPCP will be fully recovered through developer contributions from the Regional Infrastructure Contribution scheme.

Communicating timeframes

- The timeframes for acquiring and establishing new reserves seem long because they are based on voluntary acquisition. Compulsory acquisition will be used only as a last resort.
- To ensure that offsetting keeps pace with development the department will establish a reconciliation accounting process (within one year of the CPCP approval) that will continually track offsets secured under the CPCP against impacts to biodiversity from development. If offsets are falling behind, the adaptive management framework for offsets will be triggered which would enable the department to consider options such as compulsory acquisition and temporarily constraining development of precincts.
- See Appendix A of Sub-Plan A⁵ for timeframes for all proposed commitments and actions under the CPCP

Confirmed governance

- The Executive Implementation Committee will support the delivery of the CPCP including governance arrangements and evaluation. This Committee will include executive-level representatives from key government agencies who will guide implementation actions and raise issues for ministerial attention.

- Specialised working groups will advise the Executive Implementation Committee and oversee implementation of some commitments and actions. Working groups will be established to guide activities such as weed and pest control, restoration, compliance and koala protection.
- The department will commission a comprehensive, independent review on the status of implementing the CPCP and its outcomes every 5 years over the life of the CPCP. Annual reporting will be published on the department's website.

Compliance

- Local councils are a key delivery partner and play a critical role in implementing the CPCP. A Compliance Strategy will be prepared in partnership with councils to ensure they have the resources they need to carry out compliance associated with the CPCP
- Based on council feedback, we have increased the number of compliance officers from 3 to 6. These roles will identify threats to the conservation program and investigate issues such as illegal dumping and vegetation clearing.
- A Council Working Group, with representatives from all 8 local government areas in the CPCP area, will be established in the second half of 2022.
- We will also provide funding such as competitive grant programs so councils can help deliver actions, such as weed and pest control, and community education and engagement programs.

5. NSW Government (2020) Cumberland Plain Conservation Plan, Sub Plan A

<https://www.planningportal.nsw.gov.au/draftplans/under-consideration/draft-cumberland-plain-conservation-plan>

Next
steps

PART

C

Next steps

The NSW Minister for the Environment approved the CPCP. This approval removes the need for landholders to seek their own biodiversity approvals under the NSW *Biodiversity Conservation Act 2016* for development on certified –urban capable land.

The Commonwealth Minister for the Environment has been notified of the NSW approval and we are awaiting approval under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999*. There is no statutory timeframe within which the Commonwealth Minister for the Environment must review the CPCP. However, given the collaborative work both State and Commonwealth agencies have done, it is hoped the CPCP will be fully in force by the end of 2022.

Landholders can submit development applications, seek subdivision or start master planning. However, development that will have a significant impact on matters of national environmental significance (MNES) on certified -urban capable land cannot commence until the Commonwealth CPCP approval is in place.

If MNES will not be significantly impacted, then the development may proceed subject to other relevant environmental and planning approvals being obtained.

Over the coming 5 years the department will continue to progress our early implementation actions that are helping to protect koalas, restore koala habitat, establish a research program and begin implementing the Caring for Country Aboriginal Outcomes Strategy. We will continue to progress the establishment of the Georges River Koala Reserve with a second transfer of land to NPWS forecast in 2023, and begin working with the Biodiversity Conservation Trust to establish new biodiversity stewardship agreements.

The department will be preparing a communications and engagement strategy to guide the implementation of the CPCP over its lifetime. This strategy will identify ways that the community can get involved in implementing some of the actions in the CPCP and how they can provide input into the plan as it progresses.



Glossary

| Term | Definition |
|---|---|
| Aerotropolis | A metropolitan area where infrastructure, land uses and economy are centred on an airport and includes the outlying corridors, and aviation orientated business and residential development that benefit from each other and their accessibility to the airport. |
| Avoided land | Avoided land is avoided from development due to identified biodiversity values on the site, or because the land cannot legally or feasibly be developed due to its topography or due to an environmental feature such as a riparian corridor. In this instance, 'avoidance' refers to the approach the department has undertaken to avoid and minimise the impacts to biodiversity from development in the nominated areas, as required under the BC Act and EPBC Act. |
| Biodiversity offsets | Measures that compensate elsewhere for the adverse impacts of an action, such as clearing for development. Biodiversity offsets protect and manage biodiversity values in one area in exchange for impacts on biodiversity values in another. |
| Certified urban capable land | <p>Land identified for future urban development. This land will be biodiversity certified under Part 8 of the <i>Biodiversity Conservation Act 2016</i> and approved for urban development under Part 10 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p>Development in these areas does not require further site by site biodiversity assessment or approval under the <i>Biodiversity Conservation Act 2016</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i>, if consistent with the CPCP and its approvals. Other NSW planning and assessment legislation may also apply.</p> |
| Cumberland Plain Assessment Report | The Cumberland Plain Assessment Report identifies all potential direct, indirect and cumulative impacts of future development on threatened biodiversity in the nominated areas and transport corridors. It provides an assessment of the adequacy of the conservation program in meeting the requirements of the BC Act and EPBC Act. Both Acts require avoidance as a first step in the assessment process. |
| Cumberland Plain Conservation Plan (CPCP) | Will address impacts on biodiversity from urban growth through a conservation program that includes commitments and actions designed to improve ecological resilience and function over the long-term. The CPCP will enable land to be certified for development and areas avoided from development conserved. The CPCP will enhance a network of green spaces, natural and semi-natural systems in Western Sydney. |
| Development application | An application for consent under Part 4 of the EP&A Act to carry out development (not including an application for complying development) such as change of use of land, subdivide land, or building, landscaping and other work. |
| Development Control Plan | Provides detailed planning and design guidelines to support established planning controls. |
| E2 zone | See Environmental Conservation (C2) zone. |

| Term | Definition |
|--|--|
| Environmental Conservation–Zone C2 (formerly E2) | <p>Environmental Conservation zone applies to areas that contain high ecological, scientific, cultural or aesthetic values. The objectives of the zone are to protect those resources and to prevent development that could destroy damage or otherwise have an adverse effect on those values.</p> <p>In December 2021, the NSW Department of Planning and Environment changed the naming of ‘environment zones’ to ‘conservation zones’. Renaming these zones reflects the ‘conservation’ land use function more clearly. Land uses that are currently permitted and prohibited in the environment zones will continue with the renaming to conservation zones. Only the name of zone changed, not the function of the zone.</p> |
| Excluded land | This land has been excluded from the CPCP and for which NSW strategic biodiversity certification and the Commonwealth strategic assessment approval will not be sought. Land was excluded for reasons including, where development approvals or other relevant processes already exist, including land already developed |
| Greater Sydney | The local government areas within the boundary shown on the map in the <i>Greater Sydney Region Plan</i> and Schedule 1 of the <i>Greater Sydney Commission Act 2015</i> . |
| Green Grid | The network of high-quality green spaces and tree lined streets that supports walking, cycling and community access to open spaces. It will provide cool, green links throughout the Aerotropolis and connect more broadly to the Western City District and Greater Sydney. |
| Growth Area | Identified by the NSW Government as major greenfield development or urban renewal areas. |
| Local Environmental Plan | Defined in the EP&A Act. Guides planning decisions in local government areas through zoning and development controls. |
| Nominated area | An area in Western Sydney identified for future growth, which seek approvals through the Plan under the <i>Biodiversity Conservation Act 2016</i> (NSW) and <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth). These areas are: Greater Macarthur Growth Area, Greater Penrith to Eastern Creek Investigation Area, Western Sydney Aerotropolis and Wilton Growth Area. |
| Riparian corridor | The channel which comprises the bed and banks of a watercourse (to the highest bank) and the vegetated riparian zone adjoining the channel. |
| State Environmental Planning Policy (SEPP) | Environmental planning instruments that address planning issues of State significance. |
| The Confluence | The Confluence is a reserve investigation area within the Hawkesbury LGA in the north of the CPCP and to the east of Londonderry. The investigation area, much of which is flood prone, covers about 600 hectares. It has been identified as a potential area for conservation and ecological restoration efforts due to its proximity to several existing nature reserves, thus improving local connectivity. It also offers the opportunity to link with the Wianamatta (South Creek) Corridor, which has been identified as a priority in the Sydney Green Grid. |

