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Council's role in strategic conservation planning



Councils are important delivery partners for implementing the Draft Cumberland Plain Conservation Plan.

What is the Draft Cumberland Plain Conservation Plan?

The vision of the [Draft Cumberland Plain Conservation Plan](#) (the Plan) is to 'support Western Sydney's biodiversity and growth'. This means it will support the creation of infrastructure, housing and jobs for Western Sydney in a planned and strategic way that protects and maintains important biodiversity.

The Plan will deliver commitments and a series of planned and managed actions designed to improve ecological resilience and function, and offset biodiversity impacts from housing and infrastructure development.

The Plan will ensure long-term conservation outcomes in the Western Parkland City by avoiding and protecting important biodiversity in new development areas and in infrastructure corridors. Outside those areas, it will ensure biodiversity-related outcomes by creating or adding to public reserves (such as national parks), investing in biodiversity stewardship sites on privately owned land and restoring areas of native vegetation.

Which councils are covered by the Plan?

The Plan Area covers about 200,000 hectares across parts of eight local government areas. These are Blacktown City, Camden, Campbelltown City, Fairfield City, Hawkesbury City, Liverpool City, Penrith City and Wollondilly Shire.

What role will councils play in delivering the Plan's vision?

Local councils will play an important role in helping to implement the Plan.

The Department of Planning, Industry and Environment (the department) will support councils, providing guidance and information to ensure they can act in accordance with the Plan's environmental outcomes.

Councils will be able to:

- assess development applications to meet the Plan's commitments and actions, as implemented under the proposed State Environmental Planning Policy (SEPP) for strategic conservation planning and development control plans
- assist in establishing and managing conservation lands to be secured under the Plan. This will offset the impacts of development and oversee compliance on land identified in the Plan.

The Plan commits to providing extension services to help councils build capacity to implement the Plan and undertake conservation management actions.

What new planning controls are proposed to support the Plan's implementation?

The Plan commits to introducing planning controls to support strategic conservation planning in Western Sydney and to deliver the Plan.

The [Explanation of Intended Effect](#) proposes a new SEPP for strategic conservation planning. It will introduce controls to:

- protect avoided land and ensure consistency with biodiversity approvals within nominated areas
- minimise impacts on land with regional strategic biodiversity values, identified by the Plan as the strategic conservation area.

The department is also proposing a Ministerial Direction under section 9.1 of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) to protect avoided land and the strategic conservation area.

Where can councils access spatial information and maps on exhibition with the Plan and the *Explanation of Intended Effect*?

Detailed interactive maps that identify the categories of land in the nominated areas and the strategic conservation area can be accessed in the [Draft Cumberland Plain Conservation Plan Viewer](#) (the Plan Viewer) for public exhibition. The Plan Viewer has been developed to display information at a variety of scales, from local government area to individual property scale.

Mapping will be integrated into the ePlanning Spatial Viewer in the NSW Planning Portal once the Plan and the proposed SEPP are approved.

Do councils need to update their planning certificates or consider the Plan in development assessments?

The current statutory exhibition will support finalisation of the Plan and the supporting documents, including the proposed planning instrument. When the proposed SEPP is prepared, councils will be provided with the relevant details and mapping to allow them to update their planning certificates. In their role as consent authority, councils may consider the Plan and supporting documents during their assessment process.

What does the Plan mean for infrastructure development by public authorities?

The department proposes to introduce guidelines to manage the impacts of infrastructure development by public authorities on biodiversity matters protected under the *Biodiversity Conservation Act 2016* (NSW) and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). The guidelines will include:

- requirements for public authorities to avoid, minimise, mitigate and offset impacts to biodiversity when undertaking essential infrastructure development on non-certified land in the nominated areas identified under the Plan
- planning controls for the strategic conservation area that the determining authority must consider when assessing activities under Part 5 of the EP&A Act
- mitigation measures to address indirect and prescribed impacts on threatened ecological communities and species from infrastructure development in the nominated areas.

What does the section 9.1 Ministerial Direction require?

Councils are required to address and follow Ministerial Directions made under section 9.1 of the EP&A Act when considering any planning proposal. The proposed Ministerial Direction requires the protection of areas identified as having strategic biodiversity value or land that development must avoid.

The Ministerial Direction will apply when a relevant planning authority prepares a planning proposal for avoided land within the nominated areas or for land within the strategic conservation area.

If the planning proposal is for avoided land, the section 9.1 Ministerial Direction will require a relevant planning authority to ensure the objectives of the environmental conservation (E2) zone are met. If the planning proposal is for the strategic conservation area, the relevant planning authority must consider the impacts on strategic biodiversity values.

How will the Plan address development controls?

The Plan proposes a set of development controls to mitigate indirect and prescribed impacts on specific threatened species, ecological communities or other environmentally sensitive areas arising from development in the nominated areas. These biodiversity controls will be integrated into development control plans for these nominated areas to ensure the Plan's commitments and actions are met.

The department will provide ongoing support to councils to help apply development controls identified under the Plan to the nominated areas, including sharing maps and data prepared for the Plan.

Will councils be able to establish reserves to offset development under the Plan?

Councils are an important partner for determining sites for proposed reserves and properties for acquisition. Councils may play a role in establishing council reserves in the strategic conservation area. Establishing biodiversity stewardship sites on council reserves will also allow councils to access in perpetuity funding for managing the biodiversity values of these sites.

New reserves and additions to existing reserves will be included in the conservation lands established through the conservation program. The term 'reserves' in the Plan can refer to national parks, nature reserves, state conservation areas, regional parks (all managed by the National Parks and Wildlife Service), council reserves and community-based reserves, as long as they have secure (on-title) agreements in place and will be managed for conservation in perpetuity.

What role will councils play in overseeing compliance for the Plan?

To ensure that development is consistent with the Plan, there will be annual updates on the Plan's progress, a five-yearly review of the Plan's implementation, and regular auditing and reporting.

A compliance working group will be established, comprising the department, local councils and other relevant stakeholders, to prepare a compliance strategy to set out responsibilities.

Local councils will play a key compliance role, ensuring that conservation measures are implemented in accordance with the Plan. The Plan commits to providing funding for at least three council-based officers across Western Sydney to ensure compliance with the conservation program. These officers will work closely with council rangers to monitor activities such as illegal dumping and vegetation clearing.

How will the Plan's data inform councils' biodiversity planning and conservation management?

The department has worked closely with councils through the local strategic planning statement (LSPS) process, to provide them with integrated datasets for the strategic conservation area. Councils can use these datasets in local and regional planning.

Data from the Plan could provide:

- input for councils biodiversity conservation planning priorities
- input to guide councils as they establish biodiversity stewardship sites on council lands
- data to support developing biodiversity strategies and plans, including for habitat corridors
- input for LSPS and local environmental plan reviews to help guide land-use planning for biodiversity conservation.

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