

Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au



Cumberland Plain Conservation Plan – Summary of proposed changes to Mitigation Measures Guideline

March 2025





Acknowledgement of Country

Department of Planning, Housing, and Infrastructure would like to acknowledge the Dharawal, Dharug and Gundungurra peoples, who care for the Cumberland Plain. Others, such as Darkinjung, Wiradjuri, Guringgai and Yuin maintain trade or other obligatory care relationships with the area. We extend that respect to the Deerubbin, Gandangara and Tharawal Local Aboriginal Land Councils who maintain responsibilities towards Country, community, and culture.

We acknowledge the many thousands of First Nations peoples in Western Sydney who call the Cumberland Plain home. While their lineage may also connect them to other Countries, we acknowledge their deep connection to this Country. We extend that respect to all First Nations peoples who have a relationship with the Cumberland Plains.

The development of the Cumberland Plain Conservation Plan acknowledges the continuous First Nations connection to the land that makes up NSW. Published by NSW Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au

Cumberland Plain Conservation Plan – Planning Enhancements – Explanation of Intended Effects

First published: March 2025

Department reference number: SF24/87700

Copyright and disclaimer

© State of New South Wales through the Department of Planning, Housing and Infrastructure 2025. Information in this publication is based on knowledge and understanding at the time of writing, March 2025, and is subject to change. For more information, please visit nsw.gov.au/copyright

DPHI-MC-R-DC-V1.0

Introduction

In March 2024, the Minister for Planning and Public Spaces and the Minister for the Environment jointly announced a range of measures to enhance the biodiversity outcomes of the Cumberland Plain Conservation Plan (CPCP). We are also taking this opportunity to make some updates to the CPCP Mitigation Measures Guideline (MMG) in response to implementation issues and feedback on the planning controls. These updates include:

- improvements to the usability and scalability of the MMG
- the application of the MMG to all certified urban capable land
- improvements to clarify specific measures in the MMG.

Once the updated Guideline is finalised, minor changes to references in the *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP)* and Ministerial Direction 3.6 will be required to give effect to the updated MMG.

Proposed changes to Mitigation Measures Guideline

In March 2024 the Minister for Planning and Public Spaces and the Minister for the Environment jointly announced 8 enhancements to the CPCP. These enhancements included a recommendation to provide precinct level guidance about protecting native vegetation and the benefits of co-locating open space and parks with existing vegetation.

In response to this, “Part 1 Strategic Planning” of the draft updated MMG includes further guidance on the co-location of open space and parks with existing vegetation or other biodiversity values on certified urban capable land. The strategic planning guidance will assist in ensuring commitments, actions and mitigation requirements for development within the certified urban capable land are achieved.

The current MMG applies to the Greater Macarthur Growth Area and the Greater Penrith to Eastern Creek Investigation Area. For other nominated areas, the mitigation measures are in the relevant DCP.

It is proposed to apply the CPCP mitigation measures for certified urban capable land wholly through the MMG. This will remove those provisions from the state led DCPs below, providing a single point of reference for the CPCP mitigation measures:

- Wilton Growth Area Development Control Plan 2021
- Mamre Road Precinct Development Control Plan 2021
- Western Sydney Aerotropolis Development Control Plan 2022.

Additional changes to these DCPs are also proposed to reflect the date of the Commonwealth approval of the CPCP, and to refer to the application of the updated MMG on all certified urban capable land.

The department is proposing several changes to better support the MMG's implementation, including to scale the application of measures according to biodiversity impact and to enhance the useability of measures through additional guidance (see **Appendix A** for detail). The draft updated MMG also creates a new mitigation measure to comply with the Design Guidelines for Koala-exclusion Fencing (once finalised).

In updating the MMG, the department consulted with councils on issues related to applying the guidelines. The department has also received periodic feedback from a range of other stakeholders. Details of all the proposed changes to the MMG are provided in **Appendix A**.

Related changes to B&C SEPP and Ministerial Directions

Once the updates to the guideline are finalised, a minor amendment to Section 13.16(2) of the B&C SEPP will be required. A provision will also be introduced in Ministerial Direction 3.6 to give effect to the new guidance in “Part 1 Strategic Planning” of the updated MMG for rezoning proposals. This will deliver on the announced enhancement to provide further guidance on the co-location of open space and parks with existing vegetation on certified urban capable land.

Background

The Cumberland Plain Conservation Plan

The CPCP obtained NSW State approval in August 2022 which provides biodiversity certification under Part 8 of the *NSW Biodiversity Conservation Act 2016* (**the BC Act**) and Commonwealth approval in March 2024 which provides strategic assessment under Part 10 of the Commonwealth *Environmental Protection and Biodiversity Conservation Act* (**EPBC Act**).

The CPCP provides the biodiversity approvals required for new development in four nominated areas in Western Sydney and supports the delivery of major transport infrastructure across the region. These nominated areas are Greater Macarthur Growth Area, Wilton Growth Area, Western Sydney Aerotropolis and Greater Penrith-Eastern Creek Investigation Area. The CPCP is part of the NSW Government's commitment to deliver the Western Parkland City, consistent with the Greater Sydney Region Plan: A Metropolis of Three Cities and Western City District Plan.

The CPCP's vision is to enable growth in Western Sydney to 2056 and to deliver important development and biodiversity outcomes. This means it will support the planned and strategic delivery of infrastructure, housing and jobs for Western Sydney while protecting and maintaining important biodiversity areas. This includes protecting, among others, the Southern Sydney koala population, the Cumberland Plain Land Snail, foraging habitat for the Swift Parrot and significant plants like the Nodding Geebung and Spiked Rice-Flower.

The CPCP will achieve this through a conservation program that includes 26 commitments and 131 actions designed to improve ecological resilience and protect biodiversity. The conservation program will seek to address impacts at a landscape scale. Understanding and protecting the environment at this scale will help safeguard Western Sydney's natural environment over the long term and in response to climate change.

What is the Mitigation Measures Guideline?

The MMG sets out mitigation requirements that identified development must address to ensure consistency with the CPCP's biodiversity approvals. These guidelines apply to development under Part 4 of the EP&A Act carried out on land identified as certified urban capable land under Chapter 13 of the B&C SEPP. These guidelines also apply to development on land identified as certified major transport corridors under the CPCP.

The MMG includes specific mitigation measures relating to koalas and threatened ecological communities and species.

Appendix A – Proposed Changes to Mitigation Measures Guideline

Table 1. Key structural changes in the proposed MMG

Change	Justification
Format & Layout	Improved usability based on feedback from councils and consent authorities.
Strategic Planning Chapter	Providing guidance for strategic planning in the CPCP to address CPCP enhancements.
Scalability	Changes improve application of measures across different development types based on the level of biodiversity impact scales. The tables have also been split into all development and development with roads to make it clearer where controls are required.
Acknowledgement of Country	Updated to reflect the CPCP Caring for Country Strategy.
Numbering Change	Numbering and layout changed to better reflect document structure.

Specific changes to mitigation measures in the proposed MMG

Table 2. Koala mitigation measures – all development

Old #	New #	Proposed change
4	1	<ul style="list-style-type: none"> Clarifying that qualified ecologist is required to undertake pre-clearance survey Added that translocation should align with approved translocation plan (see measure 2) and tree felling protocols (see measure 3)
6	2	<ul style="list-style-type: none"> Clarifying that approved translocation plan may be required where koalas are identified through pre-clearance survey
7	3	<ul style="list-style-type: none"> Clarifying that tree felling protocol is required to prevent impacts on koalas and other habitat
9	6	<ul style="list-style-type: none"> Added requirement for best practice, appropriate fencing Added requirements for temporary fencing including additional bars along the base to reduce maximum gap to 10cm

Old #	New #	Proposed change
10	7	<ul style="list-style-type: none"> Added that public dog recreation areas should be located away from koala habitat Added signage requirements to highlight the presence of koalas and ensure dogs are on leash when outside designated recreation areas
5	-	<ul style="list-style-type: none"> No longer a standalone clause, now incorporated in relevant measures
-	5	<ul style="list-style-type: none"> Added new link to the Design Guidelines for Koala-exclusion Fencing, requiring justification of any inconsistency.
-	12	<ul style="list-style-type: none"> Added design consideration for consistency with the advice of the NSW Office of the Chief Scientist and Engineer.

Table 3. Koala mitigation measures – all development with roads

These measures apply to roads within 150m of koala habitat.

Old #	New #	Proposed change
13	11B	<ul style="list-style-type: none"> Removed ‘adjacent to koala habitat’ no longer required with new subheading. 150m is now included for greater guidance on all measures for road safety.
15	11C	<ul style="list-style-type: none"> Removed location of measure as it is specified in subheading
-	11D	<ul style="list-style-type: none"> Added road markings and signage for koalas in the area
14	11E	<ul style="list-style-type: none"> Removed location of measure as it is specified in subheading
16	11F	<ul style="list-style-type: none"> Added ‘furniture’ Added that it applies to roads restricting koala movement between habitat
-	11G	<ul style="list-style-type: none"> Added that primary access roads into unfenced koala habitat should not be located adjacent to unfenced koala habitat.

Table 4. Mitigation measures for Threatened Ecological Communities – all development

Old #	New #	Proposed change
17	12	<ul style="list-style-type: none"> Added consideration for sediment and erosion measures
19	13	<ul style="list-style-type: none"> Changed ‘before the clearing’ to ‘prior to work commencing’ Added animals restricted from accessing vegetation marked for clearing
20	14	<ul style="list-style-type: none"> Replaced ‘CPCP Weed Control Implementation Strategy’ with ‘best practice guidance’

Table 5. Mitigation measures for Threatened Ecological Communities – all development with roads

Old #	New #	• Proposed change
18	16	<ul style="list-style-type: none"> Removed reference to ‘open structure design’ Specified road structures and environmental features to be maintained to ensure habitat connectivity Broadened application from ‘Cumberland Plain Land Snail’ to all threatened species

Table 6. Mitigation measures for habitat – all development

Old #	New #	• Proposed change
1	17	<ul style="list-style-type: none"> Added enclosed front fencing and signage considerations to keep pets on leash and excluded from conservation areas
3	18	<ul style="list-style-type: none"> Included retained trees which are part of threatened ecological communities Specified the types of trees providing habitat for threatened species Included trees providing significance to landscape and amenity
-	18A	<ul style="list-style-type: none"> Added consideration for retaining supporting ecosystem surrounding retained trees
4	19	<ul style="list-style-type: none"> Dripline changed to Tree Protection Zone as per Australian Standard AS 4970-2009 Protection of Trees on Development Sites Added ‘prior to any works commencing’
5	20	<ul style="list-style-type: none"> Clarified that flying fox roosting habitat relates to standing trees. Changed ‘closer to existing development’ to ‘adjacent to development’ Added consideration of staged development options to reduce impacts of construction and specifying that construction should not impact on nesting or breeding seasons where possible.
6	21	<ul style="list-style-type: none"> Clarified that pre-clearance surveys should be undertaken by an ecologist
8	23	<ul style="list-style-type: none"> Added that fire management practices should align with the Cumberland Plain Assessment Report 2021

Table 7. Mitigation measures for riparian areas – all development

Old #	New #	• Proposed change
1	24	<ul style="list-style-type: none"> Added ‘consider Australian standards for water quality’