

Department of Planning and Environment


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# Explanation of Intended Effect

Amendment to Chapter 13 of State Environmental Planning Policy (Biodiversity and Conservation) 2021

August 2023



# Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past and present through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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# Proposed SEPP amendment

This Explanation of Intended Effect (EIE) outlines changes that the Department of Planning and Environment (the department) proposes to make to the strategic conservation area (SCA) maps under *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (B&C SEPP).

The SCA is land within the Cumberland subregion that has been identified as having important biodiversity value. It includes areas with large remnants of native vegetation that are connected across the Cumberland Plain Conservation Plan (CPCP) area, as well as land that has ecological restoration potential. The department is reviewing the current mapping of the SCA to support the ongoing implementation of the Cumberland Plain Conservation Plan (CPCP). This review will ensure that the SCA continues to represent areas with the greatest strategic biodiversity values to deliver long-term conservation outcomes in the Cumberland subregion.

In implementing the CPCP the department has identified a small number of lots that were included in the SCA where those lands have already been zoned for urban development, including land currently in R2 Low Density Residential, R5 Large Lot Residential and E5 Heavy Industrial<sup>1</sup>. These existing zones do not align with the SCA's objectives and as such it is proposed to remove these lots from the SCA. These changes are minor and relate to around 175 hectares of land across the CPCP area. The total area of SCA is currently approximately 27,200 hectares. The following section of this EIE provides an overview of the CPCP and the SCA.

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## Aims and outcomes of the strategic conservation area review

The following sections describe the SCA review that the department is undertaking and identifies the lots that are proposed to be removed from the SCA.

The SCA review focuses on areas with existing land zoning that does not support the long-term protection of biodiversity and are inconsistent with long term conservation outcomes of the SCA. The proposed changes to the SCA affect lots that were zoned R2 Low Density Residential, R5 Large Lot Residential or E5 Heavy Industrial prior to the CPCP's approval.

The review focuses on areas where at least 0.1 hectares of SCA overlaps with one of these zones within a lot boundary. The review aims to ensure the SCA remains consistent with the CPCP conservation priorities method and the aims of Chapter 13 of the B&C SEPP, including to protect areas with high biodiversity value or regionally significant biodiversity that can support ecological functions. The proposed changes are minor, and relate to 22 lots and one small area that is a part of a transport easement, covering about 175 hectares of SCA.

A Ministerial Direction (3.6 Strategic Conservation Planning) that came into effect when the CPCP was approved, prevents the SCA (and avoided land) from being rezoned for residential uses or for other uses that support urban development in the future.

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<sup>1</sup> Prior to the introduction of employment zones in Local Environmental Plans in 2023, Zone E5 Heavy Industrial was referenced as Zone IN3 Heavy Industrial.

## Proposed map amendments to the B&C SEPP

Table 1 outlines the proposed amendments to the B&C SEPP maps for the SCA. The [CPCP spatial viewer](#) can be used to identify the areas for proposed change and the current planning controls that apply to this land.

Table 1: List of proposed changes to the SCA

Lot/Plan	Suburb and local government area	Change	Reason
Lot 1 / DP 538914	St Helens Park Campbelltown	Remove the SCA from the part of the land in Zone R2	The permitted uses of the R2 zone do not support the long-term protection of biodiversity.
Lot 2 / DP 538914	St Helens Park Campbelltown	Remove the SCA from the part of the land in Zone R2	The permitted uses of the R2 zone do not support the long-term protection of biodiversity.
Lot 8178 / DP 881519	St Helens Park Campbelltown	Remove the SCA from the part of the land in Zone R2	The permitted uses of the R2 zone do not support the long-term protection of biodiversity.
Lot 7304 / DP 1018242	St Helens Park Campbelltown	Remove the SCA from the part of the land in Zone R2	The permitted uses of the R2 zone do not support the long-term protection of biodiversity.
Lot 11 / DP 700045	Airds Campbelltown	Remove all SCA from the lot	The lot is zoned R2. An Order pursuant to section 34A(3) of the <i>Biodiversity Conservation (Savings and Transitional) Regulation 2017</i> is in place to offset the residual impact from development on biodiversity values.
Lot 71 / DP 706546	Denham Court Campbelltown	Remove the SCA from the part of the land in Zone R2	The permitted uses of the R2 zone do not support the long-term protection of biodiversity.

Lot/Plan	Suburb and local government area	Change	Reason
Lot 2 / DP 846974	Macquarie Fields Campbelltown	Remove all SCA from the lot	The lot is zoned R2. The permitted uses of this zone do not support the long-term protection of biodiversity.
Lot 112 / DP 632633	Macquarie Fields Campbelltown	Remove the SCA from the part of the land in Zone R2	The permitted uses of the R2 zone do not support the long-term protection of biodiversity.
Lot 7 / DP 821396	South Windsor Hawkesbury	Remove all SCA from the lot	The lot is zoned R2. The permitted uses of this zone do not support the long-term protection of biodiversity.
Lot 8 / DP 821396	Windsor Downs Hawkesbury	Remove all SCA from the lot	The lot is zoned R2. The permitted uses of this zone do not support the long-term protection of biodiversity.
N/A – see Figure 1	South Windsor Hawkesbury	Remove SCA as illustrated in Figure 1	There is no lot/plan information for this area. The area is located between Lot 7/DP821396 and Lot 8/DP821396. The area is zoned R2, and the permitted uses of this zone do not support the long-term protection of biodiversity.
Lot 928 / DP 830425	Windsor Downs Hawkesbury	Remove all SCA from the lot	The lot is zoned R5. The R5 zone supports urban residential development which is inconsistent with the conservation outcomes for the SCA.

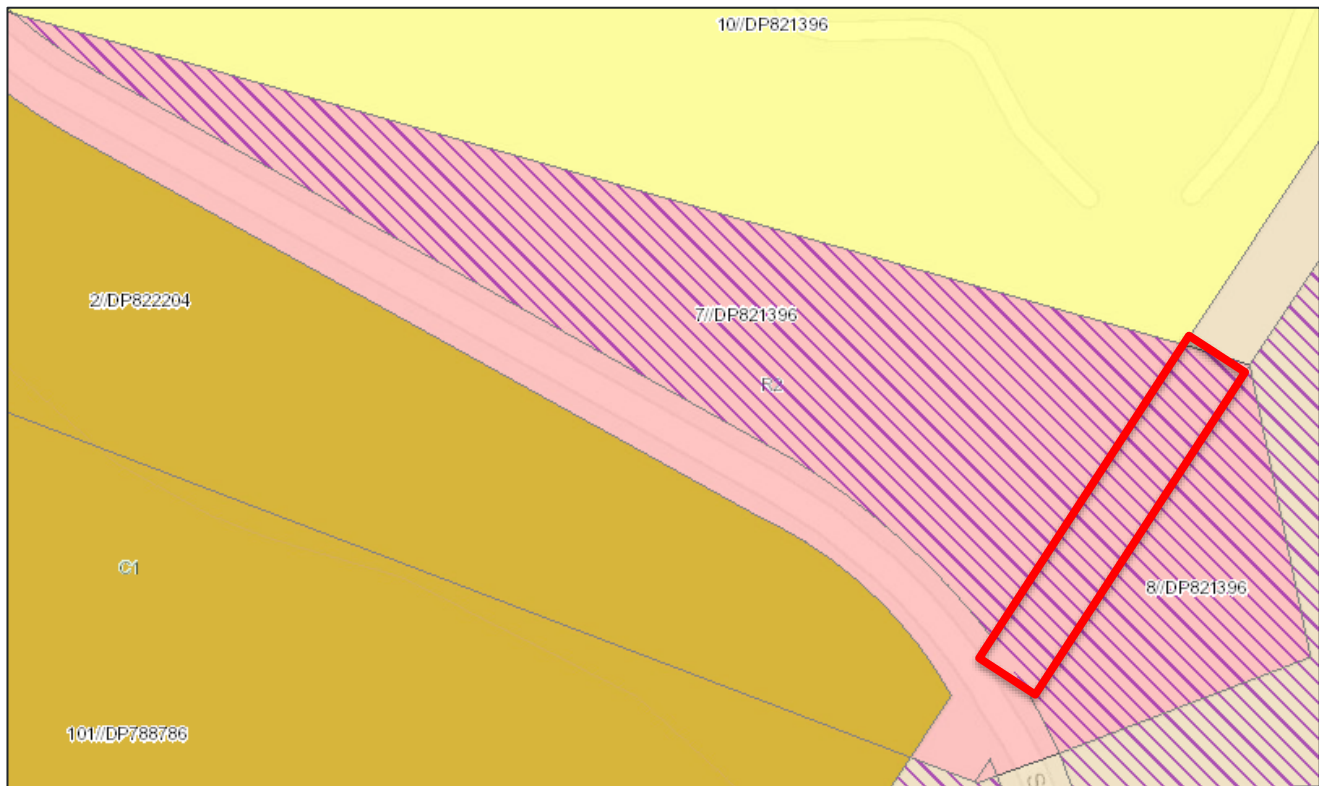
Lot/Plan	Suburb and local government area	Change	Reason
Lot 1110 / DP 834695	Windsor Downs Hawkesbury	Remove all SCA from the lot	The lot is zoned R5. The R5 zone supports urban residential development which is inconsistent with the conservation outcomes for the SCA.
Lot 1111 / DP 834695	Windsor Downs Hawkesbury	Remove all SCA from the lot	The lot is zoned R5. The R5 zone supports urban residential development which is inconsistent with the conservation outcomes for the SCA.
Lot 1131 / DP 834695	Windsor Downs Hawkesbury	Remove all SCA from the lot	The lot is zoned R5. The R5 zone supports urban residential development which is inconsistent with the conservation outcomes for the SCA.
Lot 1132 / DP 834695	Windsor Downs Hawkesbury	Remove all SCA from the lot	The lot is zoned R5. The R5 zone supports urban residential development which is inconsistent with the conservation outcomes for the SCA.
Lot 1101 / DP 1261104	Buxton Wollondilly	Remove all SCA from the lot	The lot is zoned R5. The R5 zone supports urban residential development which is inconsistent with the conservation outcomes for the SCA. In addition, the lot size is 0.56 hectares which is less than the minimum lot size for land to be included in the SCA (see <a href="#">Conservation Priorities Method in Sub-Plan A of the CPCP</a> ).

Lot/Plan	Suburb and local government area	Change	Reason
Lot 1 / DP 231892	Maldon Wollondilly	Remove all SCA from the lot	The lot is zoned E5. The permitted uses of this zone do not support the long-term protection of biodiversity.
Lot 2 / DP 231892	Maldon Wollondilly	Remove all SCA from the lot	The lot is zoned E5. The permitted uses of this zone do not support the long-term protection of biodiversity.
Lot 3 / DP 748675	Maldon Wollondilly	Remove all SCA from the lot	The lot is zoned E5. The permitted uses of this zone do not support the long-term protection of biodiversity.
Lot 101 / DP 613474	Thirlmere Wollondilly	Remove all SCA from the lot	The lot is zoned R5. The lot is part of the Picton, Tahmoor and Thirlmere urban release area under Part 6 of the <i>Wollondilly Local Environmental Plan 2011</i> .
Lot 104 / DP 613474	Thirlmere Wollondilly	Remove all SCA from the lot	The lot is zoned R5. The lot is part of the Picton, Tahmoor and Thirlmere urban release area under Part 6 of the <i>Wollondilly Local Environmental Plan 2011</i> .
Lot 2 / DP 920876	Thirlmere Wollondilly	Remove all SCA from the lot	The lot is zoned R5. The lot is part of the Picton, Tahmoor and Thirlmere urban release area under Part 6 of the <i>Wollondilly Local Environmental Plan 2011</i> .



Figure 1: Proposed change to area zoned R2 between Lot 7/DP 821396 and Lot 8/DP 821396

Note: Hatching depicts the SCA; area bound by red depicts the proposed area zoned R2 to be removed from the SCA



## Background

### The Cumberland Plain Conservation Plan

The CPCP was approved in August 2022 by the NSW Minister for Environment under the *Biodiversity Conservation Act 2016* (BC Act).

The CPCP has been developed to meet requirements for strategic biodiversity certification under Part 8 of the BC Act and strategic assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act). An application has been made for the CPCP to be approved under the EPBC Act. The CPCP provides the biodiversity approvals required for new development in four nominated areas in Western Sydney and also 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 Commission's strategic vision described in its Greater Sydney Region Plan: A Metropolis of Three Cities and Western City District Plan.

The vision of the CPCP 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.

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## What is the strategic conservation area?

The SCA is land within the Cumberland subregion that has been identified as having regionally significant biodiversity value that could contribute to the CPCPs implementation by meeting biodiversity offset obligations. It includes areas with large remnants of native vegetation that are connected across the CPCP area, and areas of cleared land that have ecological restoration potential. The SCA will be used to identify and prioritise suitable conservation land as offsets for biodiversity impacts over the life of the CPCP. Not all the mapped SCA will be established as conservation land. The department will focus on opportunities for voluntary purchase and will consult closely with landholders prior to implementing any processes for purchasing land to establish reserves.

The department developed a 'conservation priorities method' to map areas of important biodiversity value and potential conservation land that:

- best supports an ecologically functioning, connected landscape across the CPCP area
- can simultaneously offer opportunities for offsets for direct, indirect, prescribed and cumulative impacts on biodiversity in line with the statutory requirements of the EPBC Act and the BC Act.

The SCA represents the outcome of this process. The conservation priorities method is outlined in [Appendix D of Sub-Plan A of the CPCP](#).

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## Planning controls for the strategic conservation area

Areas included in the SCA are subject to planning controls which are set out in [Chapter 13 \(Strategic Conservation Planning\) of the B&C SEPP](#), as well as a [Ministerial direction \(3.6 Strategic Conservation Planning\)](#) and the [CPCP Guidelines for Infrastructure Development](#). The proposed removal of land from the SCA map would remove these controls from this land.

Planning controls for the SCA are set out under Part 13.4 of the B&C SEPP and aim to:

- protect and enhance native vegetation on land in a SCA

- promote the conservation of, and minimise the impact of development on, native vegetation
- minimise the impacts of development on areas with regionally significant biodiversity, including threatened ecological communities, threatened species and their habitats,
- maintain and enhance ecological function,
- protect and enhance koala habitat and corridors.

Note - Any clearing of vegetation on land that is removed from the SCA mapping would continue to be subject to the existing controls under the BC Act and the EPBC Act.

More information about the planning controls and measures to support the CPCP's implementation can be found on the [department's website](#).

## Feedback on the EIE

You can read more about the CPCP and the SCA on the [department website](#).

The department welcomes your feedback while the draft amendments are on exhibition until 13 September 2023 by [making a submission on the planning portal](#). All comments received during the exhibition of this EIE will be considered in the finalisation of the proposed amendments.