

The Executive Director
Biodiversity and Sustainability Branch
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2000

By email: steve.hartley@planning.nsw.gov.au

Re: Draft Terms of Reference for the Strategic Impact Assessment Report for the Cumberland Plain Conservation Plan

Dear Mr Hartley,

Liverpool City Council thanks the Department of Planning and Environment, and Office of Environment and Heritage for the opportunity to comment on the draft Terms of Reference for the Cumberland Plain Conservation Plan.

Comments on the Terms of Reference

It is understood that the output of the Strategic Impact Assessment Report will be to prepare the Cumberland Plain Conservation Plan, which identifies biodiversity certified lands within the Western Sydney basin, whilst also setting aside other lands for conservation purposes. Council acknowledges the need to preserve and enhance flora and fauna within the Cumberland plain, given that the extent of the plain has been heavily urbanised since European settlement.

Council does not object to any of the matters discussed within the terms of reference. It is considered that, in general, the terms of reference provides an appropriate framework to ensure that the State and Commonwealth governments can work together to set a suitable framework for ecological considerations.

Whilst Council does not object to the Terms of Reference, it is suggested that the wording of the Terms of Reference allows the matters below to be considered in preparing the Cumberland Plain Conservation Plan.

3.1.1. The description of the historic and current land use should also detail how some of the existing land-uses could be of benefit to the conservation objectives and be used to leverage better outcomes. For example, opportunities to identify and preserve flood prone market gardens and promote native vegetation regeneration and sustainable land management techniques.

4.5. As described in 3.1.1 above, the plan should identify areas in which existing land uses do, or could be better managed to, align with conservation outcomes, rather than only identifying instances where planning controls need to change.

6.1.4. This should include the capabilities of any authority to take appropriate action on any illegal land-clearing or habitat destruction.

Matters which should not be precluded by the Terms of Reference

Whilst acknowledging that methods of carrying out the assessment, and technical details are not presented in the Terms of Reference, Council considers that the Terms of Reference should not preclude the following items from being addressed.

4.2 & 8.1. It is noted that the extent of certified and non-certified lands within the Austral and Leppington North precincts contains several inaccuracies. It is Council's opinion that the Strategic Assessment needs to include parameters around data quality control. This should include detailing the accuracy of GIS and mapping, and identifying instances where ground-truthing is required, to avoid areas which do not provide any ecological benefits being considered as an ecological off-set.

Other Matters for Consideration

Council provides the following as further information for consideration. Whilst these matters will relate more to the drafting of the Cumberland Plain Conservation Plan, Council suggests that the Department ensures that any amendments to the Terms of Reference does not reduce the scope to address these matters.

Ground-truthing of existing native vegetation

As described as a response to item 4.2 and 8.1 above, the ToR should not preclude the inclusion of data quality guidelines to be included within the strategic assessment. Data quality guidelines are needed to ensure that mapping truly reflects the current environment utilising the best technology available at the time. The mapping exercise should also identify any utility lines, transmission easements, existing roads, and other managed lands which should not be identified as non-certified lands.

Information regarding penalties and repercussions of unauthorised clearing

Item 6.1 requires that the report "*must identify key uncertainties and risks associated with implementing the Plan, responses to these and proposed adaptations to changing circumstances*" including "*Effectiveness or capacity to ensure the Plan is implemented*". It is noted that the illegal clearing of land that is non-certified has generally been left to local Councils to enforce. Relying on the resources of local government to prosecute offenders in breach of State and Commonwealth commitments to the environment needs to be further considered.

Clearer guidelines for clearing or disturbing non-certified lands

When new precinct plans are prepared, there is often a broad range of infrastructure for which Councils, government agencies, and government corporations are required to deliver to service a precinct. The most notable of these is a stormwater and drainage network. Often the stormwater and drainage network will utilise existing creeks and attempt to keep creeks in their naturalised state. However, it is often necessary to perform some works in, or near creeks to allow for infrastructure such as bio-retention basins, detention basins or bank stabilisation. Such creeks are often non-certified lands, making the process of delivering stormwater infrastructure difficult.

Whilst there is vast information available in the public domain as to how lands were identified as bio-certified or non-certified, there is very little information/guidance

provided as to the course of action where land within a non-certified area must be disturbed. Such information is vital to organisations such as Councils who are obligated to provide essential infrastructure in areas that are identified as non-certified. A clear process or framework should be established to address such issues, which does not rely on each Council/organisation needing to develop their own mitigation or off-set strategies.

I trust this information is of assistance. For further enquiries regarding this matter, please contact Ian Stendara, Executive Planner on 8711 7511.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Smith', written in a cursive style.

David Smith
Manager Planning and Transport Strategy