

**In reply please quote:** 19/21940

**Contact:** Patrick Warren [REDACTED]

06 October 2020

Green and Resilient Places Team,  
Department of Planning Industry and Environment  
Locked Bag 5022, Parramatta NSW 21124

Dear Sir/Madam

**FAIRFIELD COUNCIL SUBMISSION ON CUMBERLAND PLAIN WOODLAND CONSERVATION PLAN AND SEPP CONSERVATION PLANNING**

I refer to public exhibition of the Cumberland Plain Woodland Conservation Plan and explanation of intended effect (EIE) for State Environmental Planning Policy Strategic Conservation Planning (SEPP Conservation Planning). Fairfield City Council's comments in relation to these documents are as follows:

**A. CUMBERLAND PLAIN CONSERVATION PLAN**

Development Controls Applying Outside of Strategic Conservation Areas - Council notes that Fairfield Council has been identified in the broad plan area for the Cumberland Plain Conservation Plan. Despite this at this stage, there are no strategic conservation areas identified in the Fairfield LGA. The plan commits to introducing planning controls across the plan area to minimise impacts on areas that have high biodiversity value and that provide the best opportunities to deliver biodiversity outcomes that support the Cumberland subregions ecological functions.

In this respect, Council request's further clarification regarding the development controls applied in SEPP conservation planning regarding the broader plan area encompassing Fairfield and whether these would be in addition to current controls/standards applicable under the Biodiversity Conservation Act 2018 (NSW) (BCA Act) and the Environmental Protection Biodiversity Conservation Act (1999) (EPBC Act).

Community Engagement – There is an emphasis in the plan on effective education and engagement programs that will contribute to the plans success by increasing residents understating of the environment.

Council currently runs a number of environmental education programs for the community including frog-spotlighting programs with great interest from the community. Council would appreciate further clarification on whether the expansion of Council's environmental education programs resulting from the plans implementation would be expected to be funded by Council or funds would be made available to access under the plans administration.

Planning Proposals – Where relevant, Planning Proposals intensifying land use are required to address the provisions of the Cumberland Plain Conservation Plan and SEPP Strategic Conservation Planning. The Fairfield LGA does not contain conservation areas nor avoided land in nominated areas. Clarification is required regarding the extent that Planning Proposals not in identified or nominated areas, but are in the plan area and are intensifying land uses are required to address the Cumberland plain conservation plan and provisions of the SEPP.

## **B. EXPLANATION OF INTENDED EFFECTS FOR SEPP STRATEGIC CONSERVATION PLANNING**

Acquisition Clause – The EIE states that acquisition clauses that allow the relevant acquisition authority to secure lands suitable for public reserves, such as national parks and local council reserves will be included in the SEPP. Funding would be provided to achieve this. Council seeks clarification on whether this acquisition clause applies to land currently in the plan area but not identified as public conservation land.

Application to Fairfield LGA – Council requests clarification on the plans application generally to the Fairfield LGA as it would apply in its current form noting that the plan has not identified any of the following categories in the Fairfield LGA:

- Strategic conservation area;
- Important Koala habitat and restoration;
- Nominated areas;
- Precincts;
- Certified urban capable land;
- Excluded land;
- Non certified land – Western Sydney Aerotropolis;
- Non certified – Avoided for other reasons;
- Non certified Avoided for Biodiversity;
- Corridors included in biodiversity certification;
- Corridors included in strategic assessment, and;
- Proposed Environmental Conservation

## **C. CHANGES TO SECTION 10.7 (2) AND (5) PLANNING CERTIFICATES**

Should the SEPP Strategic Conservation Planning come into force and require changes to Council's planning certificates, a grace period should be given to implement appropriate amendments to Section 10.7 (2) and (5) Planning certificates. The SEPP and plan should also include the relevant questions to be included on Council's planning certificates.

## **D. PROPOSED SECTION 9.1 MINISTERIAL DIRECTION**

It is noted a Ministerial direction is proposed to help protect land that has been identified as a strategic conservation area or land where development must be avoided. It is Council's understanding that there are currently no strategic conservation areas or land to be avoided that applies in the Fairfield LGA.

Despite this Council requests clarification on the intent of the section 9.1 direction on E2 land in the broader plan area.

If have any questions in relation to Council's submission Please do not hesitate to contact Patrick Warren on 9725 0215.

Kind Regards



**Andrew Mooney**  
**Acting Manager Strategic Land Use Planning**