

## Sarah Ng

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**From:** Anthony Tavella on behalf of DPE PS ePlanning Exhibitions Mailbox  
**Sent:** Thursday, 8 October 2020 1:08 PM  
**To:** DPE PS Biodiversity Mailbox  
**Subject:** FW: Webform submission from: Draft Cumberland Plain Conservation Plan  
**Attachments:** camden-council-cumberland-plain-conservation-plan-draft-for-submission.pdf

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**From:** noreply@feedback.planningportal.nsw.gov.au <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 8 October 2020 12:39 PM  
**To:** DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>  
**Subject:** Webform submission from: Draft Cumberland Plain Conservation Plan

Submitted on Thu, 08/10/2020 - 12:34  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am submitting on behalf of my organisation  
First Name: Carmel  
Last Name: Hamilton  
Name Withheld: No  
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Suburb/Town & Postcode: Camden 2570  
Submission file:  
[camden-council-cumberland-plain-conservation-plan-draft-for-submission.pdf](#)

Submission: Please find attached the submission from Camden Council. Please note that in line with email advice from the DPE PS Biodiversity Mailbox of 8 September 2020 this submission has not yet been endorsed by Council and is still in draft form. The submission will be presented at the Ordinary Meeting of 13 October and a final submission will be provided following the meeting. Please be in touch if you have any questions. Regards, Carmel Hamilton

URL: <https://pp.planningportal.nsw.gov.au/draftplans/exhibition/draft-cumberland-plain-conservation-plan>



# **Camden Council Submission to the Draft Cumberland Plain Conservation Plan**



OCTOBER 2020



# Executive Summary

The Draft Cumberland Plain Conservation Plan (Plan) has been prepared by the NSW Government to support the creation of infrastructure, housing and jobs in Western Sydney in a planned and strategic way that protects and maintains important biodiversity.

The Plan area covers about 200,000 hectares across parts of Western Sydney in the Blacktown, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly LGAs. Camden Council and the Camden LGA community are located at the forefront in meeting these challenges and opportunities; undergoing a rapid urban transformation characterised by increasing population.

Council has identified a number of key issues and recommendations for the Camden LGA regarding the Plan.

## Key Messages

To assist the Department of Planning, Industry and Environment (DPIE) in assessing the following submission, Council's key messages are grouped as follows:

1. Application of the Plan to Camden LGA
2. New Section 9.1 Ministerial Direction and planning controls proposed for the Strategic Conservation Area
3. Major Transport Infrastructure
4. Potential Restoration Areas
5. Community Engagement and Education

Council commends the NSW Government's initiative in preparing the Plan and would welcome the opportunity to engage further with DPIE. Collaboration with Camden Council and the Camden LGA community will assist in ensuring protection of important biodiversity values within Western Sydney.





# 1. Application of the Plan to Camden LGA

The Plan applies to the Camden LGA but does not propose any environmental conservation zones within the LGA. The Plan does however impose some 'strategic conservation areas' over certain locations in the LGA. It is noted that the South West Growth Area (SGWA) has been excluded from the Plan as this area is already biodiversity certified and subject to the Growth Centres SEPP. Land owned or under claim by Local Aboriginal Land Councils is also excluded from the Plan.

The strategic conservation area represents areas of important biodiversity value to the Cumberland subregion. These areas are considered to include large remnants of native vegetation, areas with important connectivity across the landscape, and some areas with ecological restoration potential.

The Strategic Conservation Areas within the Camden LGA are located on land within the Bringelly and Cobbitty (zoned RU1 Primary Production) and South Camden (zoned RU2 Rural Landscape) areas and comprises an area of approximately 1,250ha. There are some additional areas in the Camden LGA affected by major transport infrastructure and related planning requirements, although these are not clear at this time. Council encourages DPIE to have an ongoing commitment to work with Council and the community, to ensure that biodiversity impacts are avoided and minimised.

The proposed strategic conservation areas within the Camden LGA align with the Metropolitan Rural Area (MRA) shown in the Camden Local Strategic Planning Statement (LSPS) and Camden's Rural Lands Strategy (RLS). The objectives of the Plan also generally align with Local Priority S3 Protecting Camden's rural land and S4 Protecting and restoring environmentally sensitive land and enhancing biodiversity of the LSPS and the RLS with respect to preserving Camden's rural scenic landscapes and characteristics.

It should be noted that the Camden LSPS and RLS have further objectives for the MRA that go beyond environmental conservation. Enhancing Camden's rural economy by promoting viable and

sustainable agriculture and eco-tourism in the MRA is also a significant local objective identified in the Camden LSPS. As the proposed State Environmental Planning Policy (SEPP) seeks to minimise the impact of land use intensification in strategic conservation areas, it may have an impact on how these broader local objectives are realised in the affected locations (which are currently undeveloped). The overall impact of this is quite limited however, as the majority of the MRA in Camden has not been captured by the proposed SEPP.

It is noted that the mapping used in the Plan is the same mapping that Council relied on in the recently publicly exhibited Stage 1 LEP review in which Council received a large number of submissions concerned about the accuracy of the mapping. Council understands that less than 1% of the Cumberland Plain sub-region has been ground-truthed as part of Plan development. Council requires **environmental validation** to verify high biodiversity value land within the Plan area. However, Council acknowledges that this Plan is strategic in nature and further assessment of the biodiversity values of these lands are required at the time of development. It is also highlighted that without **environmental validation** the areas that will be impacted or conserved, it is very difficult to know what the true impact of development will be (and therefore what the required offsets will be) or if there is enough land/credits available to offset impacts.

## Recommendations:

Council encourages DPIE to have an ongoing commitment to work with Council and the community, to ensure that biodiversity impacts are avoided and minimised.

**Council requires environmental validation of the biodiversity value of the strategic conservation areas within the Plan area.**





## **2. New Section 9.1 Ministerial Direction and planning controls proposed for the Strategic Conservation Area**

The primary method of protecting threatened flora and fauna is establishing conservation lands. This includes three targeted reserves which are outside the Camden LGA. A new Section 9.1 Ministerial Direction will apply to planning proposals that would result in an intensification of land use in the strategic conservation area. A proposed State Environmental Planning Policy (SEPP) is the key statutory mechanism to protect threatened plants and animals under the Plan.

The proposed SEPP imposes a number of matters for consideration that a consent authority must consider before granting development consent in the strategic conservation area. These are shown in the proposed SEPP as Planning Controls for affected land. The objectives of the controls are to minimise impacts from development, improve the management of biodiversity in strategic conservation areas and protect threatened ecological communities.

The Plan also identifies that DPIE has prepared model clauses for Development Control Plans (DCPs) to address threats and protect biodiversity and other key environmental features in nominated areas and will work with local councils to implement these development controls. Council will be required to consider biodiversity values when determining Development Applications in the strategic conservation areas.





The proposed Section 9.1 Ministerial Direction will restrict the rezoning of land in the strategic conservation areas. However as noted above, these locations are already within the MRA and Council's current strategic approach is to protect the remainder of Camden's rural zoned land outside the SWGA.

The proposed SEPP includes an acquisition clause to secure conservation lands. It appears future acquisition and funding will be the State Government's responsibility.

It is noted there is broad reference to establishing public reserves such as national parks and council reserves and there is also a reference to council-managed reserves as potentially forming part of securing conservation lands within the Plan.

Clarification as to whether the proposed SEPP is implying there may be an acquisition role for Council (or not) is needed.

As noted earlier, less than 1% of the Cumberland Plain sub-region has been ground-truthed as part of Plan development. The area depicted by the Strategic Conservation Area in Cobbitty may not fully align to the area where Cumberland Plain Woodland and River-Flat Eucalypt Forest occurs on the ground in Cobbitty.

**Recommendation:**

Clarification is needed as to whether the proposed SEPP is implying there may be an acquisition role for Council (or not).



### 3. Major Transport Infrastructure

It is noted corridors for the major transport infrastructure within the plan are not yet confirmed. The Plan document states that:

*"The major transport infrastructure included in this Plan has not yet finalised implementing its avoidance of biodiversity values, as the construction alignment for the corridors are not yet certain. It is therefore expected that further areas will be avoided as designs for the infrastructure corridors are determined over the life of the Plan. Where areas have been avoided for biodiversity purposes, the department would look to apply planning controls, such as environmental conservation zoning."*

To do this, the plan identifies that Transport for NSW will consider how to avoid these areas during the strategic planning phase of each major transport project to understand potential impacts on biodiversity. Additionally they need to avoid and minimise impacts to threatened ecological communities, species and their habitat in the sections of the four major infrastructure corridors outside the nominated areas but within the Plan Area in accordance with the major infrastructure corridors class of action description and the Biodiversity Assessment Method (Biodiversity Conservation Act 2016).

Within Camden LGA, threatened communities and species include:

- Threatened Ecological Communities – Cumberland Plain Woodland, River-flat Eucalypt Forest and Elderslie Banksia Scrub Forest.
- Flora Species could potentially include Juniper-leaved Grevillea (*Grevillea juniperina* subs. *juniperina*), White-flowered Wax Plant (*Cynanchum elegans*), Camden White Gum (*Eucalyptus benthamii*), Brown Pomaderris (*Pomaderris brunnea*), Spiked Rice Flower (*Pimelea spicata*).
- Endangered Population – *Marsdenia viridiflora* subsp. *Viridiflora*
- Fauna Species could potentially include Cumberland Land Snail (*Meridolum corneovirens*) and a number of threatened Micro-bats

There is an expectation that changes will be required as designs are determined and that high-quality biodiversity land within the Camden LGA will be avoided in line with legislation. There is a statement in the Plan that Transport for NSW will seek to avoid and minimise impacts to areas of high biodiversity value, including threatened ecological communities, species and their habitats within corridors described in the Plan.

#### Recommendation:

Ensure impacts to threatened ecological communities, species and their habitat in the sections of the four major infrastructure corridors outside the nominated areas but within the Plan Area are avoided and minimised in accordance with the major infrastructure corridors class of action description and the Biodiversity Assessment Method (Biodiversity Conservation Act 2016).







## 4. Implementation of the Plan

As part of the Plan, the NSW Government has committed \$84 million in the first five years to plant 100,000 trees to restore koala habitat in the Georges River Koala Reserve (Koala Reserve), install 120 kilometres of koala exclusion fencing in priority locations and establish biodiversity stewardship agreements. Within the first five years, the NSW Government will also prioritise the establishment of three new public reserves (outside of the Camden LGA) to help deliver the Plan's commitment of more than 5,475 hectares for new conservation lands.

Whilst Council is supportive of the restoration of Koala habitat in the Koala Reserve, it is noted that there will be very little Cumberland Plan Woodland conserved as this area is dominated by sandstone vegetation communities, or shale-sandstone transition forest. Therefore, consideration for additional funding within the Camden Local Government area should be considered.

Other conservation measures include biodiversity offsetting, biodiversity stewardship sites, conservation programs, fire management strategies, research, partnering with Aboriginal communities, community education and engagement. Some of these are proposed with no details at present and no certainty on delivery. Offsets and credits required for the planned development should primarily come from within the Plan Area, with the purchase of offsets or credits from outside the Plan Area only used as an option of absolute last resort.

In relation to biodiversity stewardship sites, Council is aware that sites of less than 20 hectares are not generally considered as offset sites, irrespective of vegetation quality – effectively shutting small landowners out of the Plan. In some instances, these sites have also been identified as "Non-certified – avoided for biodiversity" in the Plan mapping which means the land cannot be further developed or used for offsets. Without



the ability to have small landholdings included in the Plan, there will be no additional means to encourage conservation on these sites and continued degradation will continue through neglect, illegal clearing and other activities.

There are concerns around how the biodiversity stewardship assessment process will work when the NSW Government is encouraging landowners to enter into agreements and then is also the one buying the credits. This creates a potential issue around credit pricing and whether the price of credits will be altered by this process and affect the price of credits held by other landowners e.g. Council through the Gundungurra Reserve Biobanking Agreement.

There are inadequate safeguards in the Plan to ensure that biodiversity offsets are obtained in a logical, staged way. Currently there are no stop points, which in effect means that all the development can occur without any credits being retired to offset the impacts associated with the development. Given the Plan is stated to run until 2056, it potentially could be a long time to wait for the biodiversity gains to be realised.

Council supports the establishment of an Executive Implementation Committee made up of executive-level representatives from key government agencies to oversee the implementation of the Plan. Local government representation on the Executive Implementation Committee is required to ensure adequate stakeholder representation given the importance of local government in the implementation of the Plan.

Council also supports comprehensive annual reports on the implementation of the Plan that are publicly available.

### Recommendations:

Consider additional funding to protect high biodiversity value land within the Camden Local Government Area.

Include measures to ensure that offsets and credits required for the planned development should primarily come from within the Plan Area, with the purchase of offsets or credits from outside the Plan Area only used as an option of absolute last resort.

Ensure sites less than 20 hectares will be considered as offset sites.

Provide clarity and transparency in the biodiversity stewardship assessment process and pricing of credits.

Include staging requirements to ensure offsets are delivered as impacts occur.

Ensure local government representation on the Executive Implementation Committee.

Ensure comprehensive annual reports are made publicly available.

Installation of the 120km of koala exclusion fencing to be reviewed.

Adopt all of the recommendations of Chief Scientist Koala report for the protection of the Campbelltown Koala population.

Explore options for the construction of overhead mammal or wildlife bridges to ensure connectivity between natural areas impacted by new and existing transport corridors.







## 5. Potential Restoration Areas

The Plan's conservation program will also prioritise and fund on-ground actions to actively restore the vegetation communities in the Plan Area. Activities will include restoration of threatened ecological communities for up to 25% of the Plan's target to secure 5,475 hectares of impacted native vegetation.

This includes some areas of the Strategic Conservation Area in Cobbitty. Restoration to meet this target is defined as being revegetation undertaken in vegetation zones or management zones in a biodiversity stewardship agreement that have a vegetation integrity (VI) score of less than 15. The Plan defines this as reconstruction. Reconstruction efforts will focus on target threatened ecological communities where there is a shortfall in established conservation lands by expanding the habitat area for at-risk species and enhancing connectivity with neighbouring reserves and neighbouring areas of high biodiversity value.

Officers support the focus on not only conserving high-quality native vegetation but also on undertaking restoration to extend native vegetation and improve connectivity with up to 25% of the conserved land within the Plan to come via restoration. It is recognised that while vegetation may be degraded and perceived to be of low or limited value that there is still significant potential to regenerate the land through a spectrum ranging from weed removal, fencing and natural regeneration right through to active restoration and replanting.

The potential restoration areas have not been made available on the map viewer and so it is difficult from the low-resolution map in the Plan to determine the boundaries of this land within the Camden LGA. This information is required as it is not only useful for landowners in the identified areas but also to Council in the review of its Biodiversity Strategy and other related documents.

This proposed conservation method also has relevance to Council for the recent LEP Review

mapping and updates to the ESL map through the Biodiversity Strategy review process.

### **Recommendation:**

Provide a layer for potential restoration areas in the map viewer.



## 6. Community Education and Engagement

The Conservation Program will fund two part-time Aboriginal education officers and three full-time biodiversity education officers in priority local councils to directly engage with schools, community groups and the broader community to implement environmental programs and organise community events.

The education and engagement program is critical to build awareness among the community of the value of Cumberland Plain Woodland and other ecological communities. Officers support the implementation of the education and engagement program and supports an approach that will engage schools, local landowners and the general community. There is a perception that this bushland is untidy highlighting a need to work with landowners to allow them to realise the value of native vegetation on their property as an income stream rather than an obstacle to development.

Due to the limited number of education officers, and limited conservation areas within the Camden LGA, it is not considered that one of the officers will be based with Council. In this regard, the development of generic Cumberland subregion templates, materials and resources would be of great benefit to Council to allow expansion of the existing biodiversity engagement program and ensure alignment and delivery of key messages across the subregion.

### **Recommendation:**

Ensure that the community education and engagement program develops generic Cumberland subregion templates, materials and resources to ensure alignment and delivery of key messages across the subregion.











For further information contact :

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