



Department of Planning, Industry and Environment
12 Darcy St
Parramatta NSW 2150

9 October 2020

Dear Sir/Madam,

BHL Group – Response to Draft Cumberland Plain Conservation Plan

We write in response to the draft Cumberland Plain Conservation Plan (CPCP) currently on exhibition and provide the following summary of comments within the specific context of land within the Northern Gateway initial precinct in the Aerotropolis.

The proposed CPCP outlines a framework for achieving a holistic approach to biodiversity conservation and careful environmental planning for growth in Western Sydney. We welcome the intent of the CPCP in simplifying the bioprotection process and ensuring that critical environments are protected for future generations. The draft plan however raises some areas for concerns which we draw your attention to below.

- **Governance and Implementation**

Further detail is required as to how the CPCP is intended to be implemented within the context of the existing planning system. The draft plan does not provide clarity regarding the procedural requirements that developers must take. Additionally, what expectations for biocertification process are there for development applications lodged prior to the finalization of the CPCP?

- **Cost to Developers**

Whilst we are generally supportive of the strategic biodiversity certification and EPBC Strategic Assessment process, without knowing the SIC cost per developable hectare, we cannot assess whether the new process is the most efficient avenue of addressing biodiversity protection and offsetting. This fundamental piece of information is the missing piece for industry to be able to give meaningful feedback on the draft documents.

- **Lack of evidence based certification**

We question the basis of establishing certified versus non-certified land given no evidence based field work has been undertaken. It appears from the mapping provided, that biodiversity value has been based upon flood modelling which is not appropriate and does not accurately capture the physical characteristics required. Additionally, the maps show some small pockets of certified land located entirely within non-certified lands, which ultimately equates to additional loss of developable area due to impracticality.

In one specific instance, our consultants have undertaken fieldwork to determine a watercourse is not present due to lack of established bed and bank landform and this has been confirmed by NRAR in early discussions. What opportunities exist for industry to question and/or amend the mapped areas?

The CPCP should contemplate alternative strategies for instances such as this, where non-certified land mapping could be removed, with an alternative proposition offering greater environmental value in other site areas such as along established riparian corridors.

- **Aviation safety considerations**

The maps exhibited appear to assume that large farm dams across the Northern Gateway are both safe and should be retained for environmental value. Again, our technical consultants have identified that the old farm dams are both unsafe from the Dams Safety Act perspective, but also likely to contain contamination and are inappropriate in the context of aviation safety for sites within close proximity to the airport.

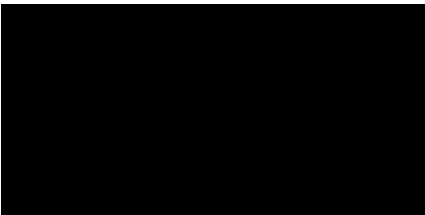
It is recommended that in finalizing the CPCP, careful consideration be made for potential impacts to airport operations such as attracting wildlife which may increase the likelihood of birdstrike within the flight path.

Conclusion

It is recommended that further evidence based fieldwork be undertaken before finalizing the CPCP mapping and that pathways for alternate strategy/solutions be incorporated into the plan. To enable industry to fully contemplate the impacts to development, more information must be exhibited regarding the SIC levy proposed. Further engagement with substantial landowners would be welcomed to troubleshoot potential procedural hurdles ahead of the finalization of the plan.

Should you wish to discuss any of the above commentary further, please do not hesitate to contact the undersigned.

Your faithfully,



Felicity Dowler

Senior Development Manager, BHL Group