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Planning instruments



The NSW Government is proposing a range of planning controls to protect identified high-value biodiversity in Western Sydney and support the delivery of the Draft Cumberland Plain Conservation Plan.

Protecting biodiversity in Western Sydney

The [Draft Cumberland Plain Conservation Plan](#) (the Plan) identifies how the Department of Planning, Industry and Environment (the department) will protect biodiversity in the long-term from the impacts of development while also providing for growth in Western Sydney.

The department has nominated four areas for development and supporting major transport infrastructure in Western Sydney. They are:

- Greater Macarthur Growth Area
- Greater Penrith to Eastern Creek Investigation Area
- Western Sydney Aerotropolis
- Wilton Growth Area.

The Plan commits to protecting at least 5,475 hectares of native vegetation. Avoided land in the nominated areas will not be biodiversity certified for development. It includes areas with high-value biodiversity, riparian corridors and steep slopes that are not suitable for

development. Planning controls will protect this land into the future.

The Plan proposes planning controls for the strategic conservation area. This area has been identified as providing the greatest strategic value for delivering long-term conservation outcomes in Western Sydney. It includes threatened ecological communities and species, and areas with important connectivity across the landscape, or ecological restoration potential.

The [Draft Cumberland Plain Conservation Plan Viewer](#) identifies the strategic conservation area, and land categories for each nominated area.

The role of the NSW planning system

The NSW planning system has an important role in delivering the Plan. It will help protect avoided land in the nominated areas, manage impacts on areas with strategic biodiversity value across Western Sydney and help secure future conservation land to implement the Plan.

Proposed State Environmental Planning Policy

A State Environmental Planning Policy (SEPP) is an environmental planning instrument that addresses planning issues of state or regional significance in NSW. The department is proposing a new SEPP to support delivery of the Plan. It will include proposed planning controls to achieve the outcomes of strategic conservation planning. This will provide certainty that the Plan's commitments and actions to protect, enhance, maintain and restore biodiversity in Western Sydney will be met.

The proposed SEPP's objectives include:

- ensuring that development in the nominated areas is consistent with NSW and Commonwealth government biodiversity approvals
- facilitating appropriate development on biodiversity certified areas in the nominated areas
- identifying and protecting areas of high-value biodiversity in the nominated areas
- minimising impacts from future development in areas with high-value biodiversity.

Proposed planning controls

The Plan proposes a number of planning controls, which will be implemented via the proposed SEPP.

To protect avoided land, controls include:

- requiring consistency between the urban capable land in precinct plans and areas of certified land identified by the Plan
- applying environmental conservation (E2) zoning to identified avoided land under the Plan
- requiring public authorities to avoid, minimise, mitigate and offset impacts to biodiversity when developing essential infrastructure on certain land in the nominated areas.

To manage impacts on the strategic conservation area, controls include:

- requiring the consent authority to consider biodiversity values when determining development applications for land in the strategic conservation area.

To help secure future conservation land to implement the Plan, the Plan proposes that:

- landholders may establish Biodiversity Stewardship Agreements on their land
- the NSW Government may purchase land to help secure suitable conservation lands for new public reserves or national parks.

The proposed planning controls will not affect current uses of the land, and landowners can continue to live on their land and use their properties as they lawfully do now.

Proposed Ministerial Direction

A Ministerial Direction under section 9.1 of the *Environment Planning and Assessment Act 1979* (NSW) is also proposed to help protect land that has been identified as a strategic conservation area or land where development must be avoided.

The Ministerial Direction will apply to planning proposals for avoided land. It will require the relevant planning authority to ensure the objectives of environmental conservation (E2) zoning are met. If the planning proposal is in the strategic conservation area, the relevant planning authority will need to consider impacts on strategic biodiversity values.

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