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## Land categories and conservation zoning



*The Draft Cumberland Plain Conservation Plan identifies land categories and conservation zoning that will protect biodiversity values while allowing growth to occur in Western Sydney.*

### How is land identified under the *Draft Cumberland Plain Conservation Plan*?

The [Draft Cumberland Plain Conservation Plan](#) (the Plan) will facilitate the biodiversity approvals required to deliver four nominated areas for development in Western Sydney. These nominated areas are the Greater Macarthur Growth Area, Greater Penrith to Eastern Creek Investigation Area, Western Sydney Aerotropolis and Wilton Growth Area. Within these areas, the Plan identifies the following categories of land:

- certified–urban capable
- excluded
- non-certified–avoided for biodiversity purposes or for other purposes
- non-certified–Western Sydney Aerotropolis.

In addition, the Plan identifies areas with strategic biodiversity value for the Cumberland subregion. These areas have been identified as the strategic conservation area under the Plan and includes land with high-value biodiversity, as well as areas with important connectivity or potential for ecological restoration.

### Where can I find out how my land is identified?

The [Draft Cumberland Plain Conservation Plan Viewer](#) (the Plan Viewer), which supports public exhibition of the Plan, identifies the land categories for each nominated area. Some land parcels may be designated in one or more land categories. The Plan Viewer also presents information about the important vegetation present on the land.

### My land is identified as certified–urban capable. What does this mean?

Certified–urban capable land identifies where development can occur, subject to development approval, as identified in the relevant [structure plan](#) and consistent with any precinct plans or master plans approved for the area. Once biodiversity certification has been granted, development in urban capable land does not need any further biodiversity approvals under the *Biodiversity Conservation Act 2016* (NSW). The Plan is concurrently seeking approval for development in these areas through a strategic assessment under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act).

### My land is identified as excluded. What does this mean?

Excluded land is land excluded from NSW strategic biodiversity certification and EPBC Act strategic assessment. This may be because the land is already developed for urban use, is already under a form of environmental protection, or has specific urban zoning such as business, industrial, residential or special purpose. Land with development already underway under a separate biodiversity approval process is also identified as excluded land under the Plan.

Permitted land uses for excluded land are identified in the relevant environmental planning instrument, or the [structure plan](#) for a nominated area. These areas will not receive any biodiversity approvals under the Plan and any development will need to undertake a separate biodiversity assessment. The proposed State Environmental Planning Policy (proposed SEPP) described in the [Explanation of Intended Effect](#) will not apply to any land identified as excluded land.

### My land is identified as non-certified–avoided for biodiversity and/or avoided for other purposes. What does this mean?

Land to be protected for its important environmental value is identified by the Plan as non-certified–avoided for biodiversity purposes, while land that has riparian corridors or steep slopes is identified as non-certified–avoided for other purposes.

Development will be avoided on land not included in the urban capable footprint due to environmental values, such as biodiversity values, or where the land is needed as a riparian corridor. Development may also be avoided on this land due to other constraints, such as steep slopes or flood risk.

Together, these two land categories are identified as ‘avoided land’. Avoided land will not be considered for biodiversity certification and will not be zoned for development under the relevant [structure plan](#), precinct plan or master plan. The Plan proposes zoning avoided land for environmental conservation (E2) to protect biodiversity.

### My land is identified as non-certified–Western Sydney Aerotropolis. What does this mean?

The department has prepared the *Draft Western Sydney Aerotropolis Plan* to set the planning framework for the Western Sydney Aerotropolis and the Western Sydney International (Nancy-Bird Walton) Airport. The *Draft Western Sydney Aerotropolis Plan* identifies areas for conservation and biodiversity as ‘environment and recreation’ areas, that includes:

- avoided land identified under the Plan
- 1 in 100 year flood-affected land
- other vegetated land.

Avoided land is identified by the Plan as non-certified–avoided for biodiversity purposes or avoided for other purposes, while 1 in 100 year flood affected land and other vegetated land is identified by the Plan as non-certified–Western Sydney Aerotropolis land.

'Environment and recreation' areas identified by the *Draft Western Sydney Aerotropolis Plan*, and the *Draft Aerotropolis State Environmental Planning Policy*, will not be considered for biodiversity certification for development under the Plan.

## How do I know if my land is proposed to be zoned for conservation under the proposed SEPP?

[The Plan Viewer](#) identifies land that the department proposes to zone for environmental conservation (E2) under the proposed SEPP.

## My land is proposed for environmental conservation (E2) zoning. What does this mean?

The proposed environmental conservation (E2) zoning will restrict new development except for environmental protection works and flood mitigation works.

Established land uses with appropriate approvals are protected by the *Environmental Planning and Assessment Act 1979* (NSW). These are known as 'existing use rights' and allow existing uses to continue on the land even if the land is rezoned. Landholders can continue to live on their land and use their properties as they lawfully did before the Plan commenced. However, development consent would be needed to enlarge, expand, extend, alter or intensify existing land uses. Landholders would need to seek their own advice about existing use rights that may apply to their land.

Where the proposed environmental conservation (E2) zone does not cover an entire lot, the lot will be split-zoned. In this case, the part identified as avoided land will be zoned for environmental conservation (E2), while the remainder of the land parcel will stay in the existing zone already identified in the relevant environmental planning instrument.

Additionally, the clearing of native vegetation on avoided land will require development consent.

## My land is proposed for environmental conservation (E2) zoning, but is already zoned E2 under a different environmental planning instrument. What does this mean?

In some cases, an environmental conservation (E2) zone will already exist under another environmental planning instrument, such as a local environmental plan or SEPP. The land uses that are permitted under that the existing E2 zone may be inconsistent with the environmental conservation (E2) zone in the proposed SEPP. In this circumstance, the proposed SEPP will amend the permitted land uses to align with the uses under the proposed SEPP. This may result in further restrictions in relation to development that may occur on this land in the future.

### When will zoning be finalised?

The environmental conservation (E2) zone will be applied to the avoided land identified by the Plan at the time the Plan is approved.

Zoning proposed for urban capable land will be consistent with the proposed future uses identified in the relevant [structure plan](#) for a nominated area. Refer to the relevant structure plan for more information on when rezoning for urban capable land would occur in your area.

### My land is identified as strategic conservation area. What does this mean?

The strategic conservation area is land within the Cumberland subregion that has been identified as having important biodiversity value. This includes areas with large remnants of native vegetation and important connectivity across the landscape, and that has ecological restoration potential.

The proposed SEPP includes controls to manage identified high-value biodiversity in the strategic conservation area and minimise the impacts from any development. Land in the strategic conservation area is not proposed for rezoning, and currently permissible land uses will not change. The proposed controls include biodiversity matters that a consent authority, such as a council, must consider when determining a development application within the strategic conservation area, including if the development:

- avoids, minimises or mitigates threatening processes and actions that would impact an area's strategic biodiversity value
- protects and maintains or otherwise improves ecological function.

In addition, the proposed SEPP will require development consent for the clearing of any native vegetation in the strategic conservation area.

## Are there other opportunities for my land if it is in the strategic conservation area?

Private land with high biodiversity values will play an important role in protecting Western Sydney's biodiversity into the future. One option for permanently protecting and managing an area of land to improve its biodiversity values is to establish a Biodiversity Stewardship Agreement. A stewardship agreement is a voluntary agreement between a landholder and the Biodiversity Conservation Trust. These agreements can provide landholders with an ongoing income-stream to permanently manage their land to improve its biodiversity values.

Further information for landholders can be found on the [Biodiversity Conservation Trust's website](#).

## Why does the proposed SEPP propose acquisition clauses and where can I find out about land that may be acquired?

To deliver the Plan, the NSW Government proposes to purchase some areas of private land in Western Sydney to create new public reserves or national parks. These areas will be identified as funding becomes available and based on priority areas for addressing the impacts of development that has been biodiversity certified by the Plan. The department will focus on opportunities for voluntary acquisition and will consult closely with landholders prior to implementing any process for purchasing land to establish reserves or national parks. The proposed SEPP includes legal mechanisms to allow the department to identify land for acquisition as funding becomes available, following further consultation.

Private landholders that have high biodiversity values present on their land may enter into a biodiversity stewardship agreement to realise the economic value of these biodiversity attributes and potentially generate monetary income to protect and manage the environment on their land.

**If English is not your first language, please call 131 450. Ask for an interpreter in your language and then ask to be connected to our Information Centre on 1300 305 695.**

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