

Planning controls to protect land with important biodiversity

This document answers frequently asked questions about the Cumberland Plain Conservation Plan (CPCP) planning controls

Land category definitions

The Cumberland Plain Conservation Plan (CPCP) identifies several categories of land, with different planning arrangements for each.

Certified-urban capable land is where future development is likely to occur. The CPCP provides biodiversity approvals for around 11,000 hectares of this land. This means that these landholders will not need to seek any further biodiversity approvals before developing their land. Separate planning and environmental approvals may still be required under other legislation.

Avoided land has important biodiversity values. While planning controls are now in place for avoided land that protect biodiversity, zoning has not been changed by the CPCP and development may still occur via an appropriate pathway.

Excluded land is generally land that has an existing development approval or is using a different pathway for biodiversity approvals and as such, is outside the scope of the CPCP.

Strategic conservation area covers over 27,000 hectares of land and includes large patches of native vegetation with good connections to other native vegetation, or areas that provide habitat for threatened animals. These lands are outside the certified urban capable lands and contain the native plants and animals that form part of the CPCP's biodiversity offset program. While these lands can continue to be used by the people who live there, their biodiversity value means there may be opportunities for landholders to set up a biodiversity stewardship agreement or even sell their lands to help form part of a new future reserve (dependent on funding availability).

Planning controls

What planning controls apply under the CPCP?

Planning controls apply to land identified as avoided land, certified-urban capable land or land in the strategic conservation area.

How will I know if planning controls affect my property?

If your land is identified as having avoided land, certified-urban capable land or strategic conservation area, you will need to take into account the Biodiversity and Conservation SEPP when preparing a development application. You can view the CPCP mapping using the [CPCP spatial viewer](#) (or via the [ePlanning viewer](#)) to identify if CPCP planning controls to your property.

A video on how to use the CPCP spatial viewer is available on the [department's website](#).

What planning controls apply to the certified – urban capable land?

One planning control under Strategic Conservation Planning 2022 relates to certified-urban capable land - this relates to bushfire asset protection zones adjacent to avoided land. This control ensures any asset protection zones must be located wholly on certified urban capable land.

Further controls are required to be considered through either your Development Control Plan for Aerotropolis, Wilton and Mamre Road Precinct or the Mitigation Measures Guidelines within the Greater Macarthur Growth Area or Greater Penrith to Eastern Creek investigation zone.

What planning controls apply to avoided land?

Planning controls now apply to avoided land to protect the land's high biodiversity values. These planning controls include:

- requirement for a DA to remove native vegetation;
- considerations for council when assessing DAs to remove native vegetation;
- considerations for council when assessing DAs for development including impacts on:
 - threatened ecological communities, threatened species and their habitats,
 - habitat connectivity and fauna movement (including koalas)
 - the integrity and resilience of the environment;
 - matters of national environmental significance; and
 - how the design of the development seeks to minimise these impacts;
- considerations for council when assessing DAs for subdivision.

What can I do with my land if it's classified as 'avoided land'?

There is no change to land zoning or uses permitted by the CPCP for land identified as avoided land and landowners can still undertake development on their property.

Two simple planning pathways to do this are via exempt development and complying development.

Where the development is consistent with the underlying land zoning, and where native vegetation will not be cleared, these pathways provide a faster and cheaper way for landholders to develop their land that requires minimal or no approval.

Exempt and complying development might apply for a range of activities (subject to the underlying land zoning), like the construction of a new dwelling house, alterations and additions to a house, new ancillary buildings, demolition of a building, and new business uses such as home-based businesses.

A development application can also be lodged to support new development on avoided land. Any such development application must be consistent with the avoided land planning controls. Your council will assess how your development or vegetation removal meets these controls when determining your application. Will I be compensated for having avoided land on my property?

The CPCP does not change the underlying zoning of avoided land, and landholders with avoided land can continue to use their property as they do now. As such, the CPCP does not include compensation to landholders with avoided land. The CPCP has a targeted land purchase program and landholders may lodge an expression of interest in selling all or part of their property at cpcp@planning.nsw.gov.au, noting this will be subject to specific criteria and funding availability.

Strategic conservation area

What planning controls apply to the strategic conservation area?

Planning controls for the strategic conservation area will minimise impacts from development on areas of significant biodiversity and maintain or improve ecological functions.

These planning controls include:

- requirement for a DA to remove native vegetation;
- considerations for council when assessing DAs to remove native vegetation;
- considerations for council when assessing DAs for development including impacts on:
 - biodiversity values of the land;
 - threatened ecological communities, threatened species and their habitats,
 - habitat connectivity and fauna movement (including koalas);
 - the integrity and resilience of the environment;
 - matters of national environmental significance; and
 - how the design of the development seeks to minimise these impacts.
- considerations for council when assessing DAs for subdivision.

What can I do with my land if it's classified as 'strategic conservation area'?

Development applications in the strategic conservation area must be consistent with the planning controls. Your council will assess how your development meets these controls when determining your application.

Landholders in the strategic conservation area who want to develop their land are still able to submit development applications through the relevant development assessment pathway.

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Exempt and complying development might apply for a range of activities (subject to the underlying land zoning), like the construction of a new dwelling house, alterations and additions to a house, new ancillary buildings, demolition of a building, and new business uses such as home-based businesses. A development application can also be lodged to support new development on avoided land. Any such development application must be consistent with the strategic conservation area

planning controls. Your council will assess how your development or vegetation removal meets these controls when determining your application.

The strategic conservation area planning controls do not affect the current land use zone or the land uses permitted under this zoning.

What conservation opportunities are there?

Private land with high biodiversity values will play an important role in protecting Western Sydney's biodiversity into the future. One option some landholders may wish to explore is establishing a Biodiversity Stewardship Agreement.

A stewardship agreement is a voluntary agreement between a landholder and the Biodiversity Conservation Trust that allows a landholder to manage the land for biodiversity according to an agreed management plan. It provides a secure, ongoing funding source for in-perpetuity protection of the site's biodiversity values while also generating income.

Further information for landholders can be found on the [Biodiversity Conservation Trust's website](#) or you can speak with the BCT regarding CPCP opportunities by calling 1300 992 688.

Will the NSW Government purchase land in the strategic conservation area?

To achieve the CPCP conservation outcomes, the NSW Government is proposing to purchase some areas of private land in Western Sydney to create new public reserves or national parks. These purchases will target priority areas within the strategic conservation area. The department will focus on opportunities for voluntary purchase and will consult closely with landholders prior to implementing any processes for purchasing land to establish reserves. The CPCP has a targeted land purchase program and landholders may lodge an expression of interest in selling all or part of their property at cpcp@planning.nsw.gov.au, noting this will be subject to specific criteria and funding availability.

How was the mapping for the CPCP prepared?

The CPCP vegetation mapping process identified plant communities across property boundaries, at a much larger scale than individual trees. This approach reflects the landscape-scale approach of the CPCP

The vegetation mapping process for the CPCP used a mix of on-site assessments and data sources. Independent ecologists undertook surveys across 2,630 hectares of land on over 250 sites across Western Sydney, as well using the best available information, research, satellite imagery and species expertise to generate a development footprint.

The native vegetation in Western Sydney, even in pristine condition, can often look scrubby and disconnected when compared to classic Australian bush found on the coast. Although the Department did not do on-site assessments for every property, the large number of on-site visits provided a scientifically robust sampling process that delivered high quality data on native vegetation and threatened ecological communities.

How can I find out more?

For other factsheets and frequently asked questions, please see the [department's website](#).

For further information about the CPCP, you can contact a member of the team by emailing cpcp@planning.nsw.gov.au or calling 02 9585 6060 between 9:30am and 4:30pm weekdays.