

It is also recognised that patches of native vegetation which are smaller than 4 ha can and have been managed for conservation by local governments within Western Sydney. However, managing smaller patches is highly resource intensive. In order to achieve a greater conservation outcome with limited resources, consolidating areas for protection and management is considered to be the most effective and efficient.

It should be noted that the 4 ha threshold related to the concept of viability and not identification of EPBC Act listed ecological communities which was based on a 0.5 ha patch size.

- Landscape context (connectivity). The following connectivity criteria were used:
  - For high long-term management viability areas remnants had to have 30% or greater vegetation cover within both a 0.55 km and 1.75 km radius of the patch based on an analysis of the proportion of vegetation cover at the regional and local scale using the Biometric methodology (Gibbons et al 2005). The 30% threshold was chosen given the fragmented nature of Cumberland Plain vegetation and given the available evidence that suggests significant declines in biodiversity values once 70% of the landscape has been cleared (Freudenberger et al 1997).
  - For moderate long-term management viability areas remnants had to have 15% or greater vegetation cover within both a 0.55 km and 1.75 km radius of the patch based on an analysis of the proportion of vegetation cover at the regional and local scale using the Biometric methodology (Gibbons et al 2005). The 15% threshold was chosen as a practical measure to distinguish areas that did not meet the 30% criteria.
  - All other areas were classified as low long-term management viability.
- Threats. The influence of future surrounding land use was considered to be an important influence on the potential long-term management viability of vegetation and was taken into consideration in two ways:
  - Identifying all remnants with high edge to area ratios (long thin strips of vegetation) as having low long-term management viability. This was determined if the perimeter:area ratio of a remnant was greater than the perimeter:area ratio of a 100 m wide polygon equivalent. The shape of patches can be very influential on the ability for vegetation to be managed successfully. Patches that are exposed to significant edge effects were therefore excluded from high or moderate long-term management viability.
  - Applying a 50 m disturbance buffer within the edge of remnant patches where they bordered future development areas identified by the Growth Centres SEPP. If the buffering reduced the overall size of the patch below the 4ha threshold it was then excluded from high or moderate long-term management viability. This criteria also relates to the influence of edge effects and the ability to successfully manage patches in the long-term.

Note that the criteria used in determining management viability did not take land tenure into account. While it is recognised that land tenure can influence a remnant's security and prospect for protection and management, the management viability concept attempted to determine viability based on the types of ecological constraints that can impact on management success. The management viability analysis was designed for informing strategic landscape scale decisions and cannot be used alone to make site scale decisions, for example to decide whether or not a particular property should receive

voluntary incentive management funds. Such decisions would require an on-site inspection by a qualified ecologist.

### 4.3.3 PRIORITY CONSERVATION LANDS

#### Summary of comments

Some submissions indicated that the methods used to identify priority conservation lands are unclear, while others were of the view that the methods used were inadequate. The latter submissions echoed issues raised previously, in that there is a risk that inadequate assessment and selection of these lands may result in a sub-optimal conservation outcome and the inappropriate use of conservation resources.

Comments suggested that all Western Sydney Priority Conservation lands should be ground truthed before a decision is made on the areas to direct conservation resources towards, rather than using a blanket conservation strategy that may fail.

It was suggested that scientific merit has not been used in the selection of priority areas due to the lack of larger, intact remnants of ecological communities that meet the priority land criteria. This approach was seen not to be acceptable based on a view that the more fragmented and endangered a community, the lower the level of proposed protection and recovery.

It was also suggested that the CAR principles (Comprehensive, Adequate and Representative protected area design) should have been used to identify areas for conservation. These criteria were seen to be more likely to result in a balanced approach that would achieve the conservation of both small and large remnants, and would also better capture the high variability of vegetation communities across the Cumberland Plain.

Finally, one submission raised a concern that the priority lands identified in the Draft Program did not align with the priority lands identified in the Draft Cumberland Plain Recovery Plan, specifically in relation to the Campbelltown Council LGA.

#### Response

As outlined in the Program Report, the priority conservation lands within the Cumberland Plain were identified by DECCW as lands that could most effectively be managed for threatened biodiversity. They represent the best remaining opportunities in the region to maximise long term biodiversity benefits for the lowest possible cost, including the least likelihood of restricting land supply. DECCW considers these lands, which cover approximately 26,000 ha, to be the highest priority for future recovery efforts for the threatened biodiversity of the Cumberland Plain.

To identify the priority conservation lands, DECCW undertook an assessment to identify the lands on the Cumberland Plain that could most effectively be managed for threatened biodiversity. These “priority conservation lands represent the best remaining opportunities to secure long-term biodiversity benefits in the region at the lowest possible cost, including the least likelihood of restricting land supply” (DECC 2008).

Given that the vegetation in the region mainly occurs on private land, the majority of areas have not been subject to on-ground biological survey. For practical reasons there was no prospect of achieving access for surveys due to the large number of landowners (more than 20,000 individual lots).

It is considered that the method of prioritisation used was appropriate since it could be applied consistently across the study area and did not rely on ground survey. It is acknowledged that maps based on the remotely sensed data without ground truthing should not be used to make final

decisions about vegetation at the property scale. However, they are appropriate for landscape scale decisions about overall outcomes. This issue is a common challenge in conservation planning and is not unique to the Cumberland Plain.

In identifying the priority conservation lands, there were generally two main considerations when assessing the potential of an area for formal reservation or other conservation mechanism: capability and suitability.

For the Cumberland Plain, capability was assessed in relation to biodiversity values and viability. The capability assessment focussed on identifying the lands with the greatest potential to deliver long-term conservation outcomes for the study's targeted threatened biodiversity. This involved prioritising the most viable habitats for each threatened entity for inclusion in the priority conservation lands, as well as ensuring that representation targets for each of these were met.

The consideration of viability included intrinsic factors and landscape considerations. Intrinsic factors included size and shape, current condition and the prognosis for recovery or further deterioration. At the landscape level, the key consideration was the extent of connectivity or vegetation linkages which facilitate the movement of flora and fauna and thereby contribute to available habitat.

The suitability assessment determined which areas identified in the capability assessment were the most cost-effective for conservation management. This involved consideration of socio-economic factors including potential management costs and proposed land use.

The priority conservation lands as identified in the *Draft Cumberland Plain Recovery Plan (2009)* are an updated version of the Western Sydney Priority Areas identified in the *Hawkesbury Nepean Catchment Action Plan 2007-2016 (2008)*. They differ slightly in that additional areas were included in the priority conservation lands to meet threatened flora targets for the Draft Cumberland Plain Recovery Plan. Modifications were also made to: ensure consistency with land-use planning decisions by removing areas identified for development, and exclude areas where recent remote imagery indicated that conservation values had been significantly diminished through disturbance.

The identified priority conservation lands comprise 25,566 ha and are located in seven broad "candidate areas" i.e. Castlereagh, Wilberforce, Mulgoa, Hoxton, Holsworthy, Razorback and Nepean.

The principles guiding this approach to priority conservation planning are well established. Specifically, the principle that the protection and management of larger, intact remnants is more effective and efficient than for smaller, fragmented remnants; and the principle that active management to best practice standards is needed to prevent the degradation of bushland in a fragmented landscape (DECCW, 2009). These principles are particularly relevant within the context of the following constraints to effective implementation of recovery efforts on the Cumberland Plain:

- resources and funding are significant, but not unlimited, while land values are high;
- the landscape is highly fragmented and many bushland remnants are degraded;
- active management is limited which means many remnants continue to be degraded through weed invasion, inappropriate use and other 'edge effects'; and
- much of the remaining bushland occurs on privately owned land.

It is recognised that there are alternative conservation planning objectives which direct recovery efforts to incorporate smaller remnants with broader biodiversity values and to create networks of connected protected areas. While these objectives are valid, the principles guiding the conservation

outcome relating to the Program are considered to be equally valid, particularly within the context of limited resources and funding.

Finally, the priority lands for the Program and allocation of offset funding are the same as those represented in the Draft Cumberland Plain Recovery Plan.

#### **4.3.4 COMPARISON WITH MELBOURNE STRATEGIC ASSESSMENT**

##### **Summary of comments**

Public comments included the view that some of the methods applied in the Melbourne Strategic Assessment should have been used in the assessment of the Growth Centres.

##### **Response**

The Melbourne strategic assessment was undertaken within a very different regulatory and environmental context, and based on information (e.g. vegetation mapping) that has been developed differently to the information available within western Sydney. These differences make useful comparisons between the two assessment processes difficult to make.

The key issues in relation to the appropriateness of an assessment methodology are the adequacy of the information base and the principles used in assessing the conservation outcomes for matters of national environmental significance. It is noted that the assessment methodology for the Melbourne strategic assessment is different. However, as outlined previously in this section, the assessment methodologies used in the Draft Strategic Assessment Report are considered to be appropriate for the Growth Centres Program. This relates to both the information that has been used and the rationale for examining conservation outcomes.

## 4.4 IMPACTS ON DEVELOPMENT POTENTIAL

### 4.4.1 MARSDEN PARK SCHEDULED LANDS

#### Summary of comments

A number of landholders from within the Marsden Park Scheduled Lands, in the North West Growth Centre, stated their view that these lands should be released for urban development, or that land swap arrangements should be implemented. Submissions referred to previous discussions with state government representatives where a land swap option was discussed.

The landholders believed that there should be no restrictions placed on land while it is in private ownership. Submissions further stated that any restrictions placed on these lands should not cause a loss of income or should involve compensation for any loss.

Within submissions there was also a perception that some vegetation within the environmental conservation zone is not of high quality, and that retention of this vegetation would pose a bushfire risk to surrounding properties.

#### Response

Properties within land known as the Marsden Park Scheduled Lands were identified during the development of the Growth Centres SEPP as having significant high quality vegetation, including some of the best remaining examples of Cumberland Plain vegetation. The areas zoned 'Environment Conservation' under the Growth Centres SEPP are those with the highest ecological values. In addition to the Marsden Park Scheduled Lands, areas within the Riverstone Scheduled Lands are also identified as having similar ecological values and have also been zoned for conservation.

During the Growth Centres SEPP exhibition in 2005, in response to landowner concerns, the concept of a land swap scheme was raised as an approach that could be considered for lands zoned 'Environment Conservation' and identified for public acquisition. A land swap scheme has not been implemented. These lands are identified for acquisition under the Growth Centres SEPP and will be acquired over time in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*. Under the Act, a landowner who suffers hardship may request the land be acquired. An object of the Act is to guarantee that when land is acquired 'just compensation' is to be paid. This compensation can be determined by court proceedings if the land owner is dissatisfied with the price offered.

The Growth Centres SEPP defines what uses can and can't occur within the Environment Conservation Zone. Existing approved uses of land can continue.

### 4.4.2 PRIORITY CONSERVATION LANDS

#### Summary of comments

Submissions sought clarity on how the priority conservation lands were identified, and raised concern that these lands had been identified without consulting relevant stakeholders and landowners. Clarity was also sought on how properties and landholders within priority areas will be impacted. There was also a view that without detailed investigation and site assessment, the rights of landowners to develop their land should not be affected.

Within some submissions there was a perception that securing conservation areas outside the Growth Centres will unduly restrict future urban development in those areas.

## Response

A discussion of the assessment methods used to identify priority conservation lands can be found in Section 4.3. The method of prioritisation used was appropriate since it could be applied consistently across the study area and did not rely on ground survey. It is also acknowledged that maps based on the remotely sensed data without ground truthing should not be used to make final decisions about vegetation at the property scale. However, they are appropriate for landscape scale decisions about overall outcomes.

As previously discussed, compulsory acquisition of areas for offsets is not proposed. The process for securing offsets will involve negotiation with willing landowners. However, the assessment requirements under the TSC Act and EPBC Act will continue to apply to such lands. The Growth Centres Offset Program priority investment areas will be further assessed prior to the expenditure of funds for acquisition or biobanking and the areas of interest will be reviewed annually. This approach ensures that sites secured through the Offset Program will contribute towards the protection and long term management of high conservation value native vegetation.

### 4.4.3 MAPPING

#### Summary of comments

Submissions raised concerns that the resolution of the mapping in the Draft Strategic Assessment Report and the Program Report was too low for the public to be able to understand how the Program relates to their land. Submissions stated that some owners of land within the Growth Centres and near the priority lands had difficulty identifying whether their properties fell within areas that may be subject to development controls. A submission was also received identifying that land which is no longer within the boundary of Western Sydney Parklands was shown on the maps in the draft reports as part of the Western Sydney Parklands.

## Response

It is considered that the quality and resolution of the mapping was appropriate for the purposes of the strategic assessment and understanding issues at a landscape scale. Requests for higher resolution priority conservation lands mapping was provided on request,

The boundary of the Western Sydney Parklands shown on the maps in the draft reports was taken from the Sydney Regional Environmental Plan 31. The boundary of the Western Sydney Parklands was revised with the gazettal of the Western Sydney Parklands SEPP. The correct boundary has been used in all maps in this report. It should be noted that the boundary change does not alter the level of protection of any of the vegetation within this area as it was not certified as part of the Growth Centres Biodiversity Certification and, accordingly the provisions of the TSC Act will apply. The future uses of this land are expected to be determined through the precinct planning for the adjoining Leppington North Precinct which is currently underway.

#### 4.4.4 OTHER LAND USES

##### Summary of comments

Within some submissions there was a view that any restrictions on development potential should be based on supporting detailed assessment (ground truthing). There was a perception that some degraded vegetation in land earmarked for conservation would not contribute towards a good conservation outcome, and would unnecessarily impede development potential. This issue of ground truthing is discussed in Section 4.3.

There was also a view that if land is appropriated for conservation purposes, landowners should be able to develop their remaining land without having to provide further offsets. Otherwise, there was the view that conservation would be of no benefit to landowners as it would create difficulty for them to provide supplementary offsets for any future development on their remaining land.

Within submissions there was a view that the strategic assessment should be broadened to acknowledge that other suburbs will be created outside of the Growth Centres, and that issues such as biodiversity, offsets, infrastructure, existing land uses and agriculture should be considered within a regional context, rather than just within the Growth Centres. There was a perception that if the approach was not broadened, land that could otherwise provide new suburbs could be inappropriately 'sterilised', and that longer term urban development would be negatively impacted.

One submission raised the view that viable agricultural land within the Sydney Basin and Hawkesbury/Nepean Valley should be identified and not developed in order to maintain the agricultural potential of the region.

##### Response

The Growth Centres Program including both urban development and conservation outcomes has been developed in the context of population growth as outlined in the 2005 Sydney Metropolitan Strategy. This includes the identification of the Growth Centres as the focus for new greenfield land release development.

Mapping at different scales is a common practice in conservation planning globally. For strategic, landscape level planning, mapping based primarily on aerial photography or satellite imagery is considered to be an acceptable practice.

The vegetation mapping by Tozer (2000) was used to define good condition Cumberland Plain Woodland. The vegetation in this region mainly occurs on private land and hence the majority had not been subject to on-ground biological survey. There was no prospect of achieving access for surveys due to the large number of landowners (more than 20,000 individual lots). The method of prioritisation used was appropriate since it could be applied consistently throughout the Cumberland Plain.

Because the vast majority of properties have not been surveyed by a qualified ecologist, it is likely that vegetation in some areas may have been mapped incorrectly. For this reason, the strategic level mapping alone cannot be used to make final decisions about a particular property, such as incentive funding or development application decisions; for such decisions surveys of the property will be necessary. This is a common issue in conservation planning and is not unique to the Cumberland Plain.

The Growth Centres will continue to be the NSW Government's focus in terms of planning and infrastructure delivery, however it is noted that in the longer term as housing supply in the Growth Centres is taken up other areas may need to be investigated for potential urban development.

Again, compulsory acquisition of areas for offsets is not proposed. The process for securing offsets will involve negotiation with willing landowners. The Growth Centres Offset Program priority investment areas will be further assessed prior to the expenditure of funds for acquisition or biobanking and the areas of interest will be reviewed annually. This approach ensures that sites secured through the Offset Program will contribute towards the protection and long term management of high conservation value native vegetation.

The Growth Centres Strategic Assessment does not alter the legislative framework applying to land outside the Growth Centres that contain threatened species or endangered ecological communities. The assessment requirements of the TSC Act and EPBC Act already apply and will continue to apply to land as identified by the legislation regardless of the land being in public or private ownership.

The Sydney Metropolitan Strategy includes actions relating to the protection of valuable rural activities and resource lands in the Sydney Metropolitan area. The decision regarding the urban development of the Growth Centres was made in part to enable the protection of agricultural lands and natural resources in other locations. By concentrating urban growth in the North West and South West Growth Centres potential for land use conflict to arise, through poorly planned development of residential and rural residential land uses within rural areas, is reduced.



## 5. Protecting Cumberland Plain Woodland

A key issue arising out of the strategic assessment of the Growth Centres Program is the importance of protecting the EPBC Act listed ecological community of *Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest* (CPW). CPW is a critically endangered ecological community that represents occurrences of the coastal plain grassy eucalypt woodlands that are endemic to the shale hills and plains of the Sydney Basin Bioregion. The distribution of CPW is restricted to the Cumberland Plain.

Gaining a good understanding of the current state of this ecological community across its range was an important element of the strategic assessment. This process highlighted a number of social, economic and environmental challenges affecting its conservation across the Cumberland Plain and the importance of securing long term conservation outcomes for CPW.

### 5.1 BACKGROUND

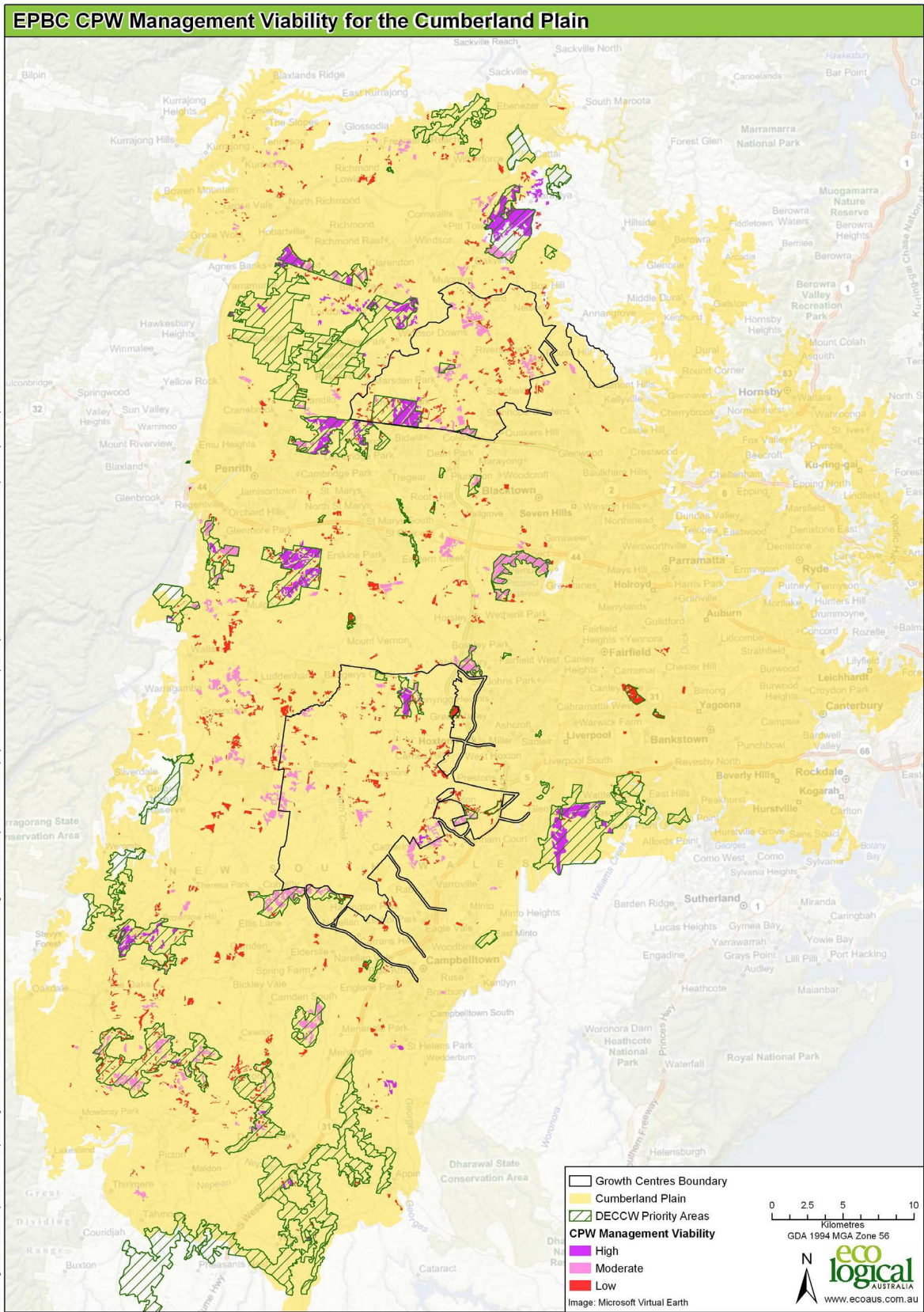
There are currently around 10,703 ha of CPW across the Cumberland Plain, estimated to represent around 9% of the original extent of the community. This remaining bushland is highly fragmented, consisting of around 1,727 patches with an average patch size of approximately 6 ha. The largest patch is 478 ha.

Clearing is recognised as the main threat to CPW. For example, dispersed, small-scale loss associated with urban, industrial and rural development was found to have contributed to a 5.2% decline in the NSW-listed version of CPW within part of the area over nine years (NSW Scientific Community and Simpson 2008).

Development pressure will continue into the future with the population of Sydney projected to grow by 1.7 million to 6 million by 2036 (DoP 2010). Land values in Western Sydney are high and represent significant investment for the individual landholders which can create additional pressures on the remaining vegetation. These factors, coupled with the continued incremental loss of CPW, present critical challenges to its long term conservation.

In terms of ecological quality and viability, the remaining CPW occurs in highly variable and fragmented states. To better understand this variability and identify where the most important areas remain, CPW was mapped according to its “long term management viability”. As outlined in the Draft Strategic Assessment Report and in Section 4 of this report, management viability is a key concept of the assessment and aims to identify those patches of vegetation that have the best chance of long term survival. Management viability was mapped in three categories based on condition, patch size, connectivity, edge to area ratio, and threat from future surrounding land use. The categories are: ‘High Long-term Management Viability’ (HMV); ‘Moderate Long-term Management Viability’ (MMV); and ‘Low Long-term Management Viability’ (LMV).

This analysis found that, of the 10,703 ha of the remaining CPW, approximately 2,875 ha (or 27%) comprises areas of HMV; 3,592 ha (or 33%) comprises areas of MMV; and 4,235 ha (or 40%) comprises areas of LMV. See Figure 11 for an indicative map of CPW management viability across the Cumberland Plain.



**Figure 11:** Biodiversity value and ecological viability of CPW across the Cumberland Plain.

This map was developed for strategic planning purposes based on aerial photographs. This map cannot be used to make decisions about any particular site without on-ground assessment by an expert ecologist. Commonwealth and NSW legislation applies to all CPW regardless of whether or not it appears on this map.

### HMV CPW

HMV CPW is the highest priority for conservation due to its integrity, landscape context and biodiversity values. This category of CPW represents the larger remaining patches of the ecological community that are in good condition, and that retain some level of connectivity in the landscape.

Approximately 88% (2,530 ha) of HMV CPW falls within the priority conservation lands as identified in the Draft Cumberland Plain Recovery Plan (DECC 2008). DECCW considers these lands, which cover approximately 26,000 ha, to be the highest priority for future recovery efforts for the threatened biodiversity of the Cumberland Plain. They represent the best remaining opportunities in the region to maximise long term biodiversity benefits for the lowest possible cost, including the least likelihood of restricting land supply.

Conservation efforts within the priority lands (including for CPW), are a key focus of the offset component of the Program and represent the first preference for expenditure of the Conservation Fund. The strong correlation between the priority lands and HMV CPW will help to ensure that the important areas of CPW will be targeted for offsetting under the Program.

### MMV CPW

MMV CPW also represents the larger remaining patches of the ecological community that are in good condition. However, MMV CPW retains substantially less connectivity with other remnant vegetation. This reduced connectivity means that these areas are less likely to remain viable in the long term due to increased exposure to edge effects.

### LMV CPW

LMV CPW represents the smaller more fragmented patches of CPW that are typically in poorer condition. These areas are considered to have the lowest long term probability of persisting in the landscape.

## 5.2 CUMBERLAND PLAIN WOODLAND OUTCOMES DELIVERED THROUGH THE PROGRAM

The Program aims to, amongst other things, address the conservation issues for CPW by focusing new release areas in the two Growth Centres and providing a range of conservation outcomes both within and outside the Growth Centres. This approach, compared to numerous minor release areas, provides for coordinated planning, infrastructure delivery and environmental outcomes that can be achieved at a landscape scale. For CPW, this:

- reduces the dispersed, and often indiscriminate nature of impacts that result from small-scale development;
- has allowed the most important areas of CPW to be identified across the landscape and impacts to be targeted to the less viable areas; and
- provides for a long-term conservation outcome by funding the protection of areas of the ecological community within the priority conservation lands of the Cumberland Plain.

Within the Growth Centres, there are a total of 2,185 ha of CPW of varying management viability. Development under the Program will result in loss of up to 1,187 ha of CPW with 998 ha of CPW to be retained and protected. However, impacts are focused on LMV CPW (smaller patches, fragmented, more expensive to manage, more likely to degrade over time) and over 90% of HMV CPW within the Growth Centres will be retained. See Table 1 for a summary of these outcomes.

Table 1: Distribution, retention and clearance of HMV, MMV and LMV CPW within the Growth Centres

Management Viability	Total within the Growth Centres (ha)	Retention within the Growth Centres (ha)	Loss within the Growth Centres (ha)
High (HMV)	390	363 (93%)	27 (7%)
Moderate (MMV)	797	347 (44%)	450 (56%)
Low (LMV)	998	288 (29%)	710 (71%)
<b>Total</b>	<b>2185</b>	<b>998 (46%)</b>	<b>1187 (54%)</b>

The existing pattern of highly fragmented land tenure further supports the concept of focussing impacts on LMV CPW. Where one patch of vegetation is owned by multiple landowners, its effective level of security and prospect for protection and management is reduced for two key reasons:

- It is potentially more at risk of degradation through land uses and management inconsistent with conservation objectives.
- Its level of regulatory protection may be reduced. This will occur where individual landowners decide to clear the listed community on their land, which in itself may not require referral to the Commonwealth; however, this individual action still compromises the value of the patch.

This issue is particularly relevant within the Growth Centres where there is a complex pattern of land tenure as a consequence of historic development processes. There are more than 20,000 existing lots within the Growth Centres.

Within the South West Growth Centre there are a total of 798 properties that contain some amount of CPW. The majority of these properties (around 72%) are between one and three hectares in size. The issue of subdivision pattern is increasingly more complicated within the North Growth Centre where there are a total of 5,398 properties that contain some amount of CPW. This includes 4,836 (around 90%) which are less than 0.5 ha in size.

Within the Growth Centres, the NSW Government will spend \$132.5 million (25% of the Growth Centres Conservation Fund) over the 30+ year life of the Program to purchase land zoned for conservation purposes. Overall 998 ha of CPW will be retained and protected within the Growth Centres. This includes the retention of over 90% of the HMV CPW.

Outside of the Growth Centres, the NSW Government will spend \$278.25m over the 30+ year life of the Program on matters of national environmental significance (MNES). These funds are part of the overall \$530m Growth Centres conservation fund.

The \$278.25m will be used in part to protect at least 2,400 ha of CPW or other native vegetation with MNES values which is similar to CPW in floristic composition, based on a 2:1 offset ratio (i.e. to offset clearing of 1,187 ha CPW). This will preferentially source HMV CPW within the identified priority lands on the Cumberland Plain. If this cannot be achieved, due to the high cost of land or unwillingness of owners to sell or protect CPW, the second preference will go towards the acquisition of 'similar grassy woodlands', including the EPBC Act listed critically endangered *White Box*, *Yellow Box*, *Blakely's Red Gum Grassy Woodland* and *Derived Grassland* within the wider Sydney Bioregion. In addition, the \$278.25m will be used to secure offsets for various EPBC Act listed

threatened flora and fauna species. Each year a public report will be produced quantifying the outcomes for all MNES.

The rationale for providing offsets both within and outside the Cumberland Plain relates to the constraints to acquiring large scale CPW offsets and the much better opportunities to protect biodiversity that exist in the wider Sydney Bioregion. These include:

- Purchasing offsets for CPW is based on the sale of private land in western Sydney and requires owners of the land to be willing to sell their land or biobank credits. This is outside the control of government.
- Compulsory acquisition is not a realistic option for economic reasons as market value is required to be paid for any acquisition.
- Land tenure in parts of Western Sydney is very complex and fragmented. 70% of CPW on the Cumberland Plain is in private ownership across many thousands of landholders. The key exceptions to this are the large areas of CPW on Commonwealth land. This is different to Melbourne, where there are large rural landholdings that contain MNES values.
- Land within western Sydney is expensive. The cost of 1 ha can vary and be close to \$1m. Often larger areas of land require purchase to secure smaller areas of CPW (i.e. a 2 ha block may only contain 1 ha of CPW). This provides context about the maximum potential area of land that could be purchased using the offset fund within the Cumberland Plain. Substantially larger areas could be purchased and secured for biodiversity outcomes outside of the Cumberland Plain.

### 5.2.1 ADDITIONAL HMV CPW PROTECTION

In recognition of the importance of guaranteeing a minimum offset outcome for CPW, the NSW Government (as part of the 2,400 ha commitment) will ensure that a minimum of 205 ha of additional HMV CPW will be protected outside the Growth Centres within the priority conservation lands. This equates to 7% of the total remaining HMV CPW and will be provided in addition to the 994 ha HMV CPW already protected or committed to protection outside of the Growth Centres (through various mechanisms) and the 363 ha of HMV CPW to be protected within the Growth Centres. This figure has been calculated based upon the performance of the Growth Centres Offset Program to date and the public and private lands whose managers or owners have indicated that they are willing to progress with protection in the near future.

Although it is expected that more can be achieved, NSW cannot speculate to make a higher commitment, since the outcome will depend upon the voluntary personal choices of many private landholders. NSW will continue to operate the Growth Centres Offset Program for more than 30 years, with the Cumberland Plain priority conservation lands as the first preference each year. During that time the Offset Program will continue to build relationships with private landholders in the Cumberland Plain and encourage them to participate. Each year a public report will be produced quantifying the outcomes of these efforts, including the amount of CPW protected.

It is important to note that the acquisition of larger areas of HMV CPW is beyond the scope of the Program for a range of reasons, including:

- The most significant proportion of HMV CPW on public land not already protected is contained on land owned by the Commonwealth (around 36%). This land is outside of the jurisdiction of the NSW Government, which means the Program cannot make any commitments in relation to its protection.
- A proportion of landowners with properties supporting HMV CPW may not wish to support a conservation investment on their land.

- The resourcing required to protect all areas of HMV CPW is far in excess of the funding available due to the high land values in Western Sydney.

### 5.3 JOINT GOVERNMENT DELIVERY APPROACH TO PROTECTING CUMBERLAND PLAIN WOODLAND

In recognition of the challenges facing the long term conservation of CPW and the constraints the Program has in delivering the long term security of CPW, the NSW and Commonwealth Governments have agreed to develop a joint delivery initiative that will see a cooperative, coordinated approach to CPW retention across the Cumberland Plain. The two governments will identify the joint government measures that will be implemented to provide for retention of HMV CPW within the priority lands that are beyond the scope of the Program.

#### Retaining HMV CPW

In working towards the agreement to establish a joint delivery initiative for protection of CPW, the NSW and Commonwealth Governments worked together to examine a number of different scenarios for the protection of CPW. These scenarios ranged from the implications of not assessing and approving the Growth Centres Program, to implementing a range of mechanisms to protect various amounts and types of CPW.

In undertaking this analysis, the following definitions were established:

- **“Secure”** tenure includes existing DECCW Estate, new reserves, lands under bio-banking and other conservation agreements, Council reserves, and Defence lands (i.e. where the Commonwealth or NSW Governments are in a position to control future developments).
- **“Unsecure”** tenure includes lands under private ownership potentially subject to future development and Crown land not reserved for conservation purposes.
- **“Protected”** tenure means land is held under a conservation tenure (e.g. DECCW Estates, lands for conservation, Biobank agreements). This is a subset of “secure” tenure.
- **“Retention”** means the CPW patch in question is retained and not under threat of immediate development. It includes:
  - CPW under secure tenure;
  - CPW under protected tenure; and
  - CPW on private lands not zoned for urban development.

The analysis of the various scenarios reinforced:

- the importance of focusing conservation efforts on HMV CPW as it is considered to provide the best opportunity for the long term security of CPW;
- the importance of the Growth Centres Program in its ability to contribute to that goal; as well as
- the need for joint government action to protect CPW.



The current status of HMV CPW across the Cumberland Plan is provided below.

Table 2: Current status of HMV CPW across the Cumberland Plain.

Total HMV CPW within the Cumberland Plain (ha)	HMV CPW within the Priority Lands	HMV CPW within Secure Tenure	HMV CPW within Unsecure Tenure	HMV CPW within Protected Tenure
2,875	2,537	2,072	811	1,032
(100%)	(88%)	(72%)	(28%)	(36%)

As outlined previously, the Program will contribute to the protection of HMV CPW target through:

- the protection of 363 ha of HMV CPW within the Growth Centres; and
- the protection of a minimum of 205 ha of HMV CPW outside of the Growth Centres.

The other key measures that may contribute to retention of HMV CPW on the Cumberland Plain through the joint delivery initiative include:

- Ongoing management and retention of HMV CPW on relevant lands owned or leased by New South Wales.
- Ongoing management and retention of HMV CPW lands owned by the Commonwealth.
- Joint regulatory approach between the Commonwealth and State to ensure consistent implementation of legislation relevant to protection of CPW.
- Continue to support and promote the adoption of best practice standards for bushland management and restoration on public and private lands.
- Implementation of the actions in the draft Cumberland Plain Recovery Plan.

## 6. Outcomes for the Program

This section provides:

- a summary of the overall outcomes of the Program; and
- an updated summary of the conservation outcome for each matter of national environmental significance.

### 6.1 OVERALL OUTCOME

The EPBC Act strategic assessment provides the opportunity to address biodiversity conservation in a strategic way focusing on landscape scale outcomes within the Cumberland Plain and broader Sydney region. An important feature of the strategic nature of the Program is the pooling of resources (through developer contributions) to enable appropriate outcomes for matters of national environmental significance and in particular to obtain offsets that are viable and cost-effective.

Under the Program, the NSW Government commits to deliver conservation outcomes for matters of national environmental significance. In particular, the NSW Government will ensure that:

- A minimum of 998 ha of *Cumberland Plain Shale Woodlands and Shale Gravel Transition Forest* (CPW) will be retained and protected within the Growth Centres, including a minimum of 363 ha of high management viability (HMV) CPW.
- The protection of at least 2,400 ha of either CPW or other grassy woodland communities which are similar to CPW in floristic structure outside of the Growth Centres (preference will be given to CPW followed by *White Box*, *Yellow Box*, *Blakely's Red Gum Grassy Woodland and Derived Native Grassland*). As part of this commitment at least 205 ha of additional HMV CPW will be protected outside of the Growth Centres (see section 5.2.1).
- A minimum of 58 ha of Shale Sandstone Transition Forest will be retained and protected within the Growth Centre, and at least 132 ha will be protected outside of the Growth Centres.
- At least 132 ha of Shale Sandstone Transition Forest are protected.
- At least 4.4 ha of Turpentine Ironbark Forest are protected.
- Offsets for other matters of national environmental significance are obtained through the expenditure of the Growth Centres Conservation Fund.

The NSW Government will allocate \$278.25 million (as part of the \$397.5 million (2005/06 dollars) to be spent outside the Growth Centres) towards securing conservation outcomes for matters protected under the EPBC Act.

### 6.2 OUTCOME FOR EACH MATTER OF NES

Matters of national environmental significance that are likely to, or have the potential to be impacted through implementation of the Sydney Growth Centres Program are nationally listed:

- threatened species and ecological communities; and
- migratory species.



The nature and significance of potential impacts to these matters was assessed in the Draft Strategic Assessment Report. The assessment also discussed the suitability of mitigation, management and offset measures to provide for long-term outcomes for key matters.

The outcomes for these matters of national environmental significance have been updated and are summarised here.

### Threatened ecological communities

Three ecological communities listed under the EPBC Act are present within the Growth Centres. These are:

- Cumberland Plain Shale Woodlands and Shale Gravel Transition Forest;
- Shale Sandstone Transition Forest; and
- Turpentine Ironbark Forest in the Sydney Basin Bioregion.

For each of these ecological communities, the relative condition and long-term management potential of remaining vegetation was described using a concept known as 'Management Viability'. Three categories of management viability were defined (High, Moderate and Low) to provide an indication of the relative importance of vegetation across the Growth Centres. HMV areas are considered to be the most important to protect to achieve successful long term conservation outcomes.

#### ***Cumberland Plain Shale Woodlands and Shale Gravel Transition Forest***

CPW is listed as a critically endangered ecological community under the EPBC Act. The original vegetation was mostly cleared or significantly impacted across the Cumberland Plain due to agricultural and urban uses following European settlement, and the current extent of the ecological community is primarily natural regeneration.

Currently, there is a total of around 10,703 ha of CPW across the Cumberland Plain. Approximately 2,185 ha of the listed community occurs within the Growth Centres. This area is highly fragmented and generally contains a greater proportion of areas of Low Management Viability vegetation compared with the Cumberland Plain as a whole.

Development within the Growth Centres has generally been focused on areas with Low and Moderate Management viability vegetation. Within the Growth Centres the Program will lead to:

- Retention of up to: 363 ha of High Management Viability, 347 ha of Moderate Management Viability, and 288 ha of Low Management Viability CPW; and
- Loss of up to: 27 ha of High Management Viability, 450 ha of Moderate Management Viability, and 710 ha of Low Management Viability CPW.

While important areas of the ecological community will be retained, the level of loss of the ecological community within the Growth Centres warrants the application of additional biodiversity offsets outside of the Growth Centres to compensate for the impacts within the development areas. The NSW Government has developed an offsets package for CPW that is consistent with the Cumberland Plain Draft Recovery Plan and which is focused on:

- Securing areas of the ecological community within the priority conservation lands of the Cumberland Plain. These priority lands have been identified by DECCW and represent the best opportunity for securing viable, long term conservation outcomes for vegetation within the region.

- Securing areas of other grassy woodlands within the broader region (Sydney Basin and Hawkesbury Nepean Catchment area) that have a similar floristic composition.

The NSW Government has committed to ensure that at least 2,400 ha of either CPW, or other 'grassy woodland' communities are protected outside of the Growth Centres (with preference given to CPW followed by *White Box*, *Yellow Box*, *Blakely's Red Gum Grassy Woodland* and *Derived Native Grassland*). As part of this commitment at least 205 ha of additional HMV CPW will be protected outside of the Growth Centres.

NSW has demonstrated its intention to focus offsets on the Cumberland Plain as a first preference, with the first two offset areas both within the Cumberland Plain. If this target cannot be achieved due to unavailability of HMV, other areas of CPW within the priority lands may contribute toward the 205 ha provided it has the capacity to regenerate to benchmark condition with management. An area of CPW is deemed to be capable of regenerating to benchmark condition if 70% of the condition variables for the vegetation, measured using the biobanking methodology, are within 50% of the lower benchmark value for CPW.

There are a number of constraints to purchasing land within the Cumberland Plain, and an offset package that provides a balanced approach to securing CPW and other (much more cost-effective) grassy woodlands in the region is considered appropriate.

#### ***Shale Sandstone Transition Forest***

Shale Sandstone Transition Forest is listed as an endangered ecological community under the EPBC Act. Currently, there are approximately 9,950 ha of the ecological community which occurs in an area bounded by Sackville in the north, Mulgoa to the west, Wilton in the south and Revesby to the east, with the bulk of the community occurring in the Hawkesbury, The Hills, Liverpool, Parramatta, Penrith, Campbelltown and Wollondilly local government areas.

28% of the ecological community is considered to be HMV, with none of this higher quality vegetation occurring within the Growth Centres. There are a total of approximately 310 ha of Shale Sandstone Transition Forest within the Growth Centres. The ecological community only occurs in the North West Growth Centre.

Development within the Growth Centres will lead to the loss of approximately 66 ha of good quality vegetation of this type. It is considered that there are good prospects for securing offsets for Shale Sandstone Transition Forest within the Cumberland Plain to compensate for these impacts. The NSW Government will ensure the protection of a minimum of 58 ha Shale Sandstone Transition Forest within the Growth Centres and at least 132 ha of Shale Sandstone Transition Forest outside the Growth Centres.

#### ***Turpentine Ironbark Forest***

Turpentine Ironbark Forest in the Sydney Basin Bioregion is listed as a critically endangered ecological community under the EPBC Act. A total of 2.2 ha of Turpentine Ironbark Forest occurs within the North West Growth Centre and is likely to be cleared over time. The NSW Government will ensure the protection of at least 4.4 ha of Turpentine Ironbark Forest.

### **Threatened flora**

#### ***Acacia pubescens***

While the Growth Centres occur outside the core population for *A. pubescens*, both known and potential habitat for the species occurs within the area. The Program provides for the protection of the two known records within the South West Growth Centre. However, some level of impact (which

cannot be quantified) to potential habitat within the Growth Centres is considered likely to occur. Offsets that increase the number of known sites of *A. pubescens* in conservation are considered to therefore be appropriate.

Based on the protection of known records and areas of potential habitat within the Growth Centres, and offsets for Cumberland Plain Woodland that protect additional areas of potential habitat for *A. pubescens*, the conservation outcome for the species is considered to be appropriate.

#### ***Allocasuarina glareicola***

There are no known records for this species within the Growth Centres and it is considered unlikely to occur. Impacts from the Program are not expected.

#### ***Darwinia biflora***

The species occurs within the North West Growth Centre in North Kellyville. Within this area there are 12 reliably recorded sites. Of these, six sites will be lost and six retained including an estimated population of 5,000-10,000 individuals. The habitat to be retained is considered to be important to the species conservation given that it supports a large population and occurs at the western limit of its range. Retention of this site is consistent with one of the key objectives of the recovery plan for the species.

#### ***Dillwynia tenuifolia***

The key measure to prevent, mitigate and manage potential impacts to this species is the retention and protection of habitat supporting the four important populations known to occur within the Growth Centres. These include the populations within the Marsden Park North Precinct, the Air Services Australia site at Shanes Park, the area adjacent to the Colebee Precinct and the large population within the Kemps Creek Precinct. Direct impacts to these important populations have been minimised or avoided.

#### ***Grevillea parviflora subsp. parviflora***

The South West Growth Centre supports one known population of *G. parviflora subsp. parviflora*. This population occurs at Kemps Creek, and is considered important due to its occurrence in the northern limit of the species distribution and its reasonably large size. As this important population will be retained and managed in its entirety, the Program is expected to deliver a net positive outcome for *G. parviflora subsp. parviflora*.

#### ***Micromyrtus minutiflora***

The North West Growth Centre supports two important populations of the species. These are a population within the Marsden Park North Precinct and one within the Air Services Australia site at Shanes Park. Both populations are considered to be important to the preservation of the species as they are of a significantly large size and occur around the eastern limit of the species distribution. The Program is expected to deliver a positive net outcome for *M. minutiflora* as both populations are afforded protection and on-going management through the Program.

However, there may be some level of impact to *M. minutiflora* as a result of development within the Growth Centres. This impact includes the loss of a component of the known population within the Marsden Park North Precinct and the loss of areas of potential habitat around the Marsden Park area and further north in the Riverstone/Vineyard area. It is considered that these known and potential impacts have been more than adequately offset through the purchase of the Cranebrook site (outside of the Growth Centres), which supports a very large and significant population of the species.

***Persoonia hirsuta***

Targeted surveys in 2007 for the one potential location for the species failed to record its presence, supporting the conclusion that this population was killed by fire. While impacts from the Program are not expected, an area of potential habitat will be retained in North Kellyville through zoning as Environmental Management.

***Persoonia nutans***

The key measure to prevent, mitigate and manage potential impacts to *P. nutans* is the retention and protection of habitat supporting the two important populations known to occur within the Growth Centres. These populations both occur within the Kemps Creek Precinct. Direct impacts to these important populations have been minimised or avoided.

***Pimelea spicata***

The Program provides for the protection of the known important population within the South West Growth Centre. However, some level of impact to potential habitat within the Growth Centres is considered likely to occur. The scale of these potential impacts is considered to be moderated by the fact that:

- the species has a relatively scattered distribution within the Cumberland Plain and the majority of known populations support small numbers of individuals; and
- the proportion of known *P. spicata* records within the Growth Centres is low.

Given that some level of residual impact is expected, offsets that protect additional areas of potential habitat for *P. spicata* are considered to be appropriate. The Program's focus on offsets for Cumberland Plain Woodland is expected to provide a complementary benefit for *P. spicata* given that the species' preferred habitat type is linked to the same vegetation types.

***Pterostylis saxicola***

There are no known records for this species within the Growth Centres. However, potential habitat occurs within Shale Sandstone Transition Forest within the North Kellyville Precinct as well as around creek lines and drainage areas where there is emergent rock and shallow soils in both the North West and South West Growth Centres.

The key measure to prevent, mitigate and manage potential impacts to *P. saxicola* is the retention and protection of Shale Sandstone Transition Forest and riparian zones. The environmental management area of North Kellyville Precinct includes a large patch of Shale Sandstone Transition Forest, which is linked to a native vegetation retention area centred around creek lines which border the precinct.

Marginal potential habitat that occurs around creek lines and drainage areas where there is emergent rock and shallow soils in both the North West and South West Growth Centres will also be afforded a level of protection from development through designation as Flood Prone and Major Creeks land.

It is therefore considered that potential habitat for *P. saxicola* will be conserved throughout both Growth Centres.

***Pultenaea parviflora***

The key measure to prevent, mitigate and manage potential impacts to *P. parviflora* is the retention and protection of habitat supporting four populations known to occur within the Growth Centres. These include the populations within the Marsden Park North Precinct, the Air Services Australia site at Shanes Park, the area adjacent to the Colebee Precinct and the population within the Kemps Creek Precinct. Direct impacts to the majority of these populations have been minimised or avoided. They

have each been afforded a level of protection through the Program, ensuring a positive net outcome compared with the 'do-nothing case'. Furthermore, a very large population will be protected as the former Air Services Site at Cranebrook has been purchased.

## **Threatened and migratory fauna**

### ***Swift Parrot***

The Swift Parrot breeds in Tasmania and over-winters on mainland Australia. The principal over-wintering habitat on the mainland are the box-ironbark forests and woodlands inland of the Great Dividing Range in Victoria and NSW and along the coastal plains. The species has been recorded twice within the South West Growth Centre in the Edmondson Park Precinct, and once within the North West Growth Centre in the Shanes Park Precinct.

The Program will result in the removal of a range of potential woodland foraging habitat across both the North West and South West Growth Centres. However, the Growth Centres are not known to be important for the species and the loss of potential habitat will be small relative to the species' broader range. Potential foraging habitat for the species in the local area is conserved in Scheyville National Park, Windsor Downs Nature Reserve and Castlereagh Nature Reserve.

Within the Growth Centres, 2,000 ha of native vegetation will be retained within conservation zones, including significant areas of Cumberland Plain Woodland (which is recognised as habitat for the species). Furthermore, offsets outside of the Growth Centres will also contain Cumberland Plain Woodland and other potential foraging habitat for the Swift Parrot.

The Swift Parrot is a highly mobile species that is able to utilise a variety of woodland habitats, and as such it is considered likely that the species will use remaining vegetation remnants within and outside of the Growth Centres with little disturbance to their current activity.

### ***Green and Golden Bell Frog***

The Green and Golden Bell Frog has been recorded in the North West Growth Centre at Riverstone, and there are numerous records outside of the Growth Centres within the broader Western Sydney region. There are no records for the species within the South West Growth Centre.

The habitat supporting the two records of Green and Golden Bell Frog in the Riverstone Precinct occurs within a non-certified area under the Growth Centres Biodiversity Certification. The final Precinct Plan requires protection of Green and Golden Bell Frog habitat to be considered during the assessment of development applications. Controls require that consent must not be granted for the subject land unless the consent authority is satisfied that the development is consistent with any Recovery Plan for the species and that the development will not adversely affect the quality and condition of any habitat

Additional provisions are also included in the Blacktown Growth Centre Precincts Development Control Plan (Schedule Two – Riverstone Precinct) to ensure the design, construction and maintenance of trunk drainage works creates and protects suitable habitat for the Green and Golden Bell Frog and that surrounding development does not impact on the long term viability of the habitat. However, given the existence of areas of similar habitat elsewhere within the Riverstone Precinct (along much of the flood prone areas) and the wider North West Growth Centre there is some potential for impacts to the species outside of the non-certified area. Major drainage lines and associated vegetation throughout the Growth Centres will be retained through the development controls placed on flood prone areas. It is considered that these measures will provide adequate protection for potential Green and Golden Bell Frog habitat.

***Large-eared Pied Bat***

While there are no known important populations or important areas of habitat for the Large-eared Pied Bat within the Growth Centres, there is one record of the species in the North West Growth Centre at Schofields. Potential, although unconfirmed, roosting habitat also occurs in sandstone outcrops along Cattai Creek within the North Kellyville Precinct.

The vegetation surrounding the recorded sighting, and vegetation near the potential roosting habitat at Cattai Creek, will be retained through development controls and zoning.

***Grey-headed Flying-fox***

The NSW Wildlife Atlas records a number of sightings of the Grey-headed Flying-fox across the eastern portion of the North West and South West Growth Centres; however these records are relatively low in number compared to areas outside of the Growth Centres. The Growth Centres are not known to support any camps, important populations or important areas of habitat for the species.

While some potential foraging habitat within the Growth Centres will be removed, this habitat is not considered to be important habitat, and the species' high mobility in nightly foraging movements suggests that it may travel between areas of vegetation retained within the Growth Centres as well as between vegetation remnants in the broader Western Sydney region.

The 2,000 ha of native vegetation that will be retained within the Growth Centres is likely to provide continued access to foraging habitat for this broad ranging species. The Grey-headed Flying-fox forages on a considerable range of species and through many different ecological communities. Lands retained as offsets are likely to provide security to more foraging sites for the species, providing a beneficial outcome for the species.

# 7. Terms of Reference & Endorsement Criteria

This section outlines how the Draft Strategic Assessment Report and Supplementary Assessment Report (this report) address the strategic assessment ToR and Endorsement Criteria.

## 7.1 TERMS OF REFERENCE

The ToR establish the scope for the strategic assessment (refer to Appendix A). They form part of the Strategic Assessment Agreement between the NSW and Commonwealth Governments. Table 3 lists the ToR and relates them to the relevant sections within the two assessment reports.

**Table 3:** Strategic assessment ToR

ToR	SECTION NO.
<ul style="list-style-type: none"> <li><b>PURPOSE AND DESCRIPTION OF THE PROGRAM BEING ASSESSED</b></li> </ul> <p>The Report, referred to in clause 6 of the Agreement, must describe the Program, including:</p> <ol style="list-style-type: none"> <li>how the Program has been developed and its legal standing;</li> <li>the regional context (natural and human);</li> <li>the land use planning (zoning) arrangements and outcomes;</li> <li>the actions that will take place under the Program over the short, medium and long term. This may include relevant construction and operational aspects associated with urban development;</li> <li>a description of the areas proposed for development and those to be protected within the Growth Centres, as well as other conservation measures associated with the Program; and</li> <li>the State management, planning and approval arrangements and the person(s) or authority responsible for the adoption or implementation of the Program.</li> </ol>	<p>Addressed in Section 2 of both the Draft Strategic Assessment Report and this report.</p> <p>These issues are also addressed in more detail in the <i>Sydney Growth Centres Program Report</i> (the Program Report).</p>
<ul style="list-style-type: none"> <li><b>PROMOTING ECOLOGICALLY SUSTAINABLE DEVELOPMENT AND BIODIVERSITY CONSERVATION</b></li> </ul> <p><b>2.1 Environment affected by the Program</b></p> <p>The Report must provide a detailed description of the environment likely to be affected by the Program. This description must identify the environmental assets and characteristics, including biophysical processes, associated with the area set to be affected by the Program as well as the surrounding terrestrial, riparian and aquatic environments likely to be directly or indirectly impacted, including:</p> <ol style="list-style-type: none"> <li>components of biodiversity and maintenance of important ecological processes recognising the potential importance of large</li> </ol>	<p>Addressed in Section 3 of Draft Strategic Assessment Report.</p>

intact areas and landscape connectivity in protecting and maintaining ecological processes;

- b) listed threatened and migratory species under the Act;
- c) listed ecological communities under the Act;
- d) other matters of national environmental significance and Commonwealth land under the Act that may be affected by the Program; and
- e) other areas of biodiversity values – e.g. species or ecological communities listed as threatened under the *Threatened Species Conservation Act 1995*.

In addition the report will make specific reference to areas of environmental values that will provide a long term and viable contribution to the conservation of biodiversity and ecological processes.

**2.2 Planning for and promoting ecologically sustainable development**

The Report must describe the social and economic factors and considerations associated with development under the Program. The Report must include an analysis of how socio-economic issues and implications might relate to, or integrate with, environmental values of the Program area and the choice of alternative options to maintain or enhance these values.

In particular the Report must describe how the following principles of ecologically sustainable development have been considered in the Program development process and that the Program promotes these principles as described in the Act:

- a) Decision making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.
- b) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- c) The principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
- d) The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.
- e) Improved valuation, pricing and incentive mechanisms should be promoted.

The Report must identify the mechanisms in the Program that seek to achieve ecologically sustainable development including actions to maintain or enhance biodiversity, having regard for species diversity and abundance, and the extent, condition, connectivity and protection of native vegetation.

Addressed in Section 7 of the Draft Strategic Assessment Report.



- **PREVENTING IMPACTS ON MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE, AND PROMOTING THE PROTECTION AND CONSERVATION OF BIODIVERSITY AND HERITAGE VALUES**

**3.1 Nature and magnitude of impacts**

The Report must include a comprehensive analysis of the potential impacts of the Program on matters protected by the EPBC Act. The analysis must include:

- A description of the nature of any potential impacts, including any indirect impacts, that may occur under the Program;
- An assessment of whether any impacts will be: short, long term or permanent; local or regional in extent; discrete or cumulative, or exacerbated by the likely impacts of climate change; and
- An assessment of the scientific confidence associated with the likelihood and consequence(s) of potential impacts, including reference to technical data and other information relied upon in identifying and assessing those impacts.

Addressed in:

- Sections 3.4, 4, 5, and 6 of the Draft Strategic Assessment Report; and
- Section 4.1 of this report.

**3.2 Management, mitigation or offset of likely impacts**

The Report must describe the management measures and undertakings (e.g. on-ground actions regulatory interventions, management plans, market based instruments) that will be implemented to prevent, minimise, rehabilitate or offset the potential environmental impacts on matters protected by the Act.

For management measures and undertakings, the Report must set out:

- the approach taken to addressing the impacts of the actions or classes of actions;
- the predicted effectiveness of proposed measures and undertakings and a description of the methodology used to formulate these predictions/confidence limits;
- ongoing maintenance or operational requirements associated with proposed measures;
- who is responsible for the proposed measures and undertakings;
- compliance arrangements for ensuring the measures are undertaken;
- the budgetary, regulatory and other arrangements in place or proposed to implement the measures and undertakings, including ongoing compliance, maintenance or operational requirements; and
- timelines and accountabilities for implementing proposed measures and undertakings, and associated compliance and maintenance requirements.

Addressed in Section 2.7 of the Draft Strategic Assessment Report and Section 4.2 of this report.

These issues are also addressed in more detail in the *Sydney Growth Centres Program Report* (the Program Report).

<p><b>4 ADAPTIVE MANAGEMENT: ADDRESSING UNCERTAINTY AND MANAGING RISK</b></p> <p>The Report must identify key uncertainties associated with the management measures and undertakings for protecting matters protected by the Act, and the responses for addressing these uncertainties and adapting to changed circumstances.</p> <p>The Report must set out:</p> <ul style="list-style-type: none"> <li>a) key uncertainties (for example uncertainty about timing, effectiveness, or capacity to enforce measures);</li> <li>b) the responses to addressing these uncertainties;</li> <li>c) the circumstances in which the Program will be reviewed and modified (for example new information or changing standards); and</li> <li>d) the procedures which would be undertaken to review, modify or abandon the Program, including regular reviews.</li> </ul>	<p>Addressed in Section 8 of the Draft Strategic Assessment Report and Section 4.3 of this report.</p>
<p><b>5 AUDITING AND REPORTING</b></p> <p>The Report must set out monitoring, public reporting processes and auditing to be undertaken in the Program's implementation.</p>	<p>Addressed in Section 2.9-2.12 of the Draft Strategic Assessment Report.</p> <p>These issues are also addressed in more detail in the <i>Sydney Growth Centres Program Report</i> (the Program Report).</p>
<p><b>6 ENDORSEMENT CRITERIA</b></p> <p>The Report must describe how the Program meets the criteria set out in Attachment C – Endorsement Criteria.</p>	<p>Addressed in Section 10 of the Draft Strategic Assessment Report and Section 7.2 of this report.</p>
<p><b>7 INFORMATION SOURCES</b></p> <p>For information used in the assessment, the Report must state:</p> <ul style="list-style-type: none"> <li>a) the source of the information;</li> <li>b) how recent the information is; and</li> <li>c) the reliability and limitations of the information.</li> </ul>	<p>Addressed in Section 9 of the Draft Strategic Assessment Report.</p>

## 7.2 ENDORSEMENT CRITERIA

The endorsement criteria are a set of criteria that must be met in order for the Commonwealth Government Minister for Sustainability, Environment, Water, Population and Communities to endorse the Program (refer to Appendix A). They form part of the Strategic Assessment Agreement between the NSW and Commonwealth Governments. Table 4 lists the endorsement criteria and relates them to the relevant sections within the two assessment reports.

**Table 4:** EPBC Act endorsement criteria

ENDORSEMENT CRITERIA	SECTION NO.
<p>The Strategic Assessment Report adequately addresses potential impacts on matters protected by the EPBC Act</p>	<p>Sections 3.4, 4, 5 and 6 of the Draft Strategic Assessment Report address the nature and significance of impacts to matters protected by the EPBC Act.</p> <p>Section 4 of this report provides further details in relation to some specific issues around the nature and significance of impacts.</p>
<p>Recommendations to modify the Plan have been responded to (note this will only occur after the Commonwealth Minister has reviewed the Draft Strategic Assessment Report and the Supplementary Assessment Report)</p>	<p><i>Not applicable at this stage of the process.</i></p>
<p>The Program meets the Objectives of the Act, in particular</p> <ul style="list-style-type: none"> <li>• Protects the environment, especially matters of national environmental significance</li> <li>• Promotes ESD</li> <li>• Promotes conservation of biodiversity</li> <li>• Provides for the protection and conservation of heritage</li> </ul>	<p>The following sections of the Draft Strategic Assessment Report provide a discussion of the planning process, values of the area, potential impacts, management measures and offsets that illustrate how the Program meets the objectives of the Act:</p> <ul style="list-style-type: none"> <li>• Section 3.4 – describes the matters of national environmental significance</li> <li>• Sections 4, 5 and 6 – analyses the potential impacts to matters of national environmental significance and outlines the management and offset measures</li> <li>• Section 7 – describes the planning process including the incorporation of ESD</li> </ul> <p>Section 4 of this report provides further details in relation to some specific issues around how the Program meets the Objectives of the EPBC Act.</p>
<p>The Program:</p> <ul style="list-style-type: none"> <li>• Avoids actions from being taken in any location that have an impact on matters of national environmental significance or of high biodiversity or heritage values where ever possible</li> </ul>	<p>Addressed through Sections 3.4, 4, 5 and 6 of the Draft Strategic Assessment Report which analyse the potential impacts to matters of national environmental significance, and outline management and offset measures.</p>

<ul style="list-style-type: none"> <li>• Where potential impacts cannot be avoided, then the impacts should be minimised</li> </ul>	<p>Section 4 of this report provides further details in relation to these issues.</p>
<ul style="list-style-type: none"> <li>• Provides for effective mitigation or offsetting where the likely impacts cannot be avoided</li> </ul>	
<ul style="list-style-type: none"> <li>• Contain effective arrangements for adaptive management for conservation measures</li> </ul>	
<ul style="list-style-type: none"> <li>• Contain a system for monitoring, auditing and publicly reporting on implementation</li> </ul>	<p>Outlined in Section 2.9-2.12 of the Draft Strategic Assessment Report.</p> <p>This issue is also addressed in more detail in the <i>Sydney Growth Centres Program Report</i> (the Program Report).</p>
<p>The Minister will also consider the extent to which the Program adequately:</p>	
<ul style="list-style-type: none"> <li>• Incorporates the precautionary principle</li> </ul>	<p>Addressed Section 7 of the Draft Strategic Assessment Report.</p>
<ul style="list-style-type: none"> <li>• Incorporates other principles of ecologically sustainable development, such as intergenerational equity</li> </ul>	
<ul style="list-style-type: none"> <li>• Identifies and includes management measures for matters the Minister considers to have a high likelihood of being potentially eligible for listing as matters of national environmental significance</li> </ul>	<p>Addressed in Section 3 the Draft Strategic Assessment Report.</p>

## 8. Conclusion

The Sydney Growth Centres Program has been developed to ensure that the high level of growth in the Sydney Metropolitan region is planned and managed in a structured and coordinated way which considers the principles of ecologically sustainable development. The Program provides for both:

- the required growth in greenfield housing, employment and infrastructure over the next 30 years; and
- a focus on the conservation of high biodiversity value areas inside and outside the Growth Centres through implementation of the \$530 million biodiversity offsets package.

The Sydney Growth Centres EPBC Act strategic assessment comprises three key documents:

1. The Draft Strategic Assessment Report which was publicly exhibited and which provides a detailed assessment of the implications of the Program for matters of national environmental significance.
2. The Supplementary Report (this report) which addresses the issues raised in the public exhibition process and analyses the outcomes of the Program.
3. The final Program Report which identifies the elements of the program and the commitments and undertakings of the NSW Government for the protection and management of matters of national environmental significance protected under the EPBC Act.

It is clear that, looking to the future, planning for the conservation of biodiversity in Western Sydney must be linked to planning for future population growth. This linkage is already well established through the Growth Centres Biodiversity Certification under the TSC Act, which ensures that a levy on development contributes to a fund for conservation offsets (the Growth Centres Conservation Fund).

The EPBC Act strategic assessment provides the opportunity to address matters of national environmental significance in a strategic way focusing on landscape scale outcomes within the Cumberland Plain and broader Sydney region. In the absence of such a planned approach in the Growth Centres, incremental planning decisions and individual actions would result in inferior conservation outcomes. Past experience suggests that site-by-site decision making results in 'paper offsets' – such as protection and management of very small areas which have little ecological function. Without active management, small areas of vegetation on private land are likely to be neglected, allowing weed infestations and other degradation to progress. Site-by-site processes offer no prospect of big picture offset thinking, are costly to both the private sector and Government and allow development to erode areas which are of greatest ecological value regionally, such as the high management viability areas to be retained in the Growth Centres. In addition, uncoordinated and ad hoc land release does not provide the opportunity for strategic landscape scale conservation outcomes.

The EPBC Act strategic assessment means early consideration of matters of national environmental significance in the planning process and the identification and delivery of significant and real conservation outcomes. Cumulative impacts are considered and addressed and environmental, social and economic issues are balanced at the strategic level. The strategic assessment builds upon the Growth Centres Biodiversity Certification, and will further streamline the development assessment process and reduce costs associated with land and housing supply. It will provide greater certainty to

communities and developers by removing the need for site based assessment of matters of national environmental significance.

The analysis in the Draft Strategic Assessment Report and this report has determined that the matters of national environmental significance protected by the EPBC Act that were likely to, or had the potential to be impacted through implementation of the Program were a number of nationally listed threatened species and ecological communities, and migratory species.

No other matters of national environmental significance were considered likely to be impacted.

The Program addresses potential impacts to the relevant matters of national environmental significance through a range of mechanisms including: avoidance, mitigation and management; and offsets. The key outcomes of this approach include:

- The retention of 2,000 ha of existing native vegetation within the Growth Centres. This includes the retention of the majority of High and Moderate Management viability vegetation listed as threatened ecological communities under the EPBC Act.
- A commitment to allocate \$278.25 million (as part of the \$397.5 million to be spent outside the Growth Centres) towards securing conservation outcomes for matters protected under the EPBC Act. In particular the NSW Government will ensure that:
  - At least 2,400 ha of either CPW or other grassy woodland communities which are similar to CPW in floristic structure outside of the Growth Centres (preference will be given to CPW followed by *White Box*, *Yellow Box*, *Blakely's Red Gum Grassy Woodland* and *Derived Native Grassland*) are protected. As part of this commitment at least 205 ha of additional HMV CPW will be protected outside of the Growth Centres (see section 5.2.1).
  - At least 132 ha of Shale Sandstone Transition Forest are protected.
  - At least 4.4 ha of Turpentine Ironbark Forest are protected.
  - Offsets for other matters of national environmental significance are obtained through the expenditure of the Growth Centres Conservation Fund.

The conservation outcome for CPW was a particular focus of the strategic assessment. The assessment process highlighted the importance of focusing conservation efforts on HMV CPW as these areas are considered to provide the best opportunity for the long-term security of the community. While the outcomes of the Program make an important contribution towards CPW conservation efforts, there are a number of key constraints which mean delivery of a conservation outcome which focuses on retention of HMV CPW across the Cumberland Plain is beyond the scope of the Program.

For this reason, the NSW and Commonwealth Governments have agreed to develop a joint delivery initiative that will see a cooperative, coordinated approach to CPW retention across the Cumberland Plain. The two governments will identify the joint government measures in a MoU or exchange of letters that will be implemented to provide for retention of HMV CPW within the priority lands that are beyond the scope of the Program.

The Program meets the principles of Ecologically Sustainable Development. It ensures that viable ecosystems are managed at the same time as providing people with access to homes, jobs, healthy lifestyle options, accessible public transport, and strong communities. A successful outcome for the strategic assessment will allow development to proceed without further assessment, streamlining approval processes, and significantly improving housing supply and affordability. The administration

costs of piecemeal assessment which can be costly and deliver less significant environmental outcomes will be avoided. The strategic assessment approach is new, requiring flexibility to enable real, on-ground biodiversity conservation outcomes to be secured. These benefits would be unable to be achieved through site by site assessment.

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# Appendix A – Strategic Assessment Agreement



***ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999***

***Part 10 Strategic Assessments  
Section 146 (1) Agreement***

Relating to the assessment of the impacts of the Program to develop the Growth Centres in  
Western Sydney, NSW

between

**THE COMMONWEALTH OF AUSTRALIA**

and

**THE STATE OF NEW SOUTH WALES**

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## 1. PARTIES

1.1. The Parties to this Agreement are:

The Commonwealth of Australia, represented by the Minister for the Environment, Heritage and the Arts

and

The State of New South Wales, represented by both the Minister for Climate Change and the Environment and the Minister for Planning.

## 2. DEFINITIONS

2.1. Unless stated otherwise in this Agreement, the definitions, meanings and terms in the *Environment Protection and Biodiversity Conservation Act 1999* apply to this Agreement and its attachments.

2.2. In this Agreement:

**DECC** means the NSW Department of Environment and Climate Change.

**DEWHA** means the Australian Government Department of the Environment, Water, Heritage and the Arts.

**DoP** means the NSW Department of Planning.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979* (NSW).

**Growth Centres** means the North West Growth Centre and the South West Growth Centre as defined by the NSW *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (and as depicted in the map at Attachment A).

**Minister** means the Minister for the Environment, Heritage and the Arts.

**Parties** means the parties to this Agreement.

**Program** means urban development in the Sydney Region Growth Centres as described in the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and the relevant biodiversity measures under Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995*.

**State** means the State of New South Wales.

**The Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth).

**TSC Act** means the *Threatened Species Conservation Act 1995* (NSW).

**Working days** means a business day as measured in Canberra, ACT.

### **3. PREAMBLE**

- 3.1 The Parties agree that the Growth Centres contain significant environmental values, as well as significant social and economic values in relation to the future growth of Sydney.

Recognising these significant values and the benefits that may be derived from implementing the Program, the Parties commit to:

- a) undertaking an assessment of the impacts of actions under the Program on all matters protected by Part 3 of the Act; and
- b) sharing information and working collaboratively to undertake the activities within this Agreement.

### **4. BACKGROUND**

- 4.1 Section 146(1) of the Act allows the Minister to agree in writing with a person responsible for the adoption or implementation of a policy, plan or program that an assessment be made of the impacts of actions under that policy, plan or program on a matter protected by a provision of Part 3 of the Act. The policy, plan or program for the purposes of this Agreement is the Program as defined in Clause 2 of this Agreement.
- 4.2 The Program has, among other things, identified conservation measures and development areas to manage and accommodate Sydney's population growth through the identification and development of the Growth Centres.
- 4.3 Assessment of the impacts of the Program will be undertaken through a report prepared in accordance with section 146(2) of the Act. This will include preparation of Terms of Reference for a report on the impacts of the Program, preparation of the report and consideration by the Minister of that report. The Minister may then endorse the Program under Section 146(2)(f).
- 4.4 After considering the report, the Minister may decide to endorse the Program if satisfied that the requirements stated in section 146(2)(f) of the Act have been met. Importantly, the Parties acknowledge that the endorsement of the Program, of itself, does not constitute any approval under the Act for the taking of actions for which approval is required under the Act.
- 4.5 If the Minister decides to endorse the program under section 146(2)(f) of the Act, the Minister may then, under section 146B of the Act, decide to approve the taking of an action, or a class of actions, in accordance with the Program. The effect of this decision is that actions or classes of actions (if any) approved under section 146B would not need further approval from the Minister under the Act. The Parties acknowledge that, where proponents propose to take an action in accordance with the Program that is not the subject of an approval under section 146B, they are still capable of seeking approval for that action via the ordinary channels for assessment and approval established under Parts 7, 8 and 9 of the Act.

## **5. TERMS OF REFERENCE FOR THE REPORT**

5.1 DoP shall as soon as practicable seek public comment on the Draft Terms of Reference (Attachment B) for the preparation of a report on the impacts of actions under the Program.

DoP shall provide the Draft Terms of Reference for public comment by notice:

- a) posted on the DoP website; and
- b) published in newspapers circulating in NSW.

5.2 The notice in 5.1 must advise that the Draft Terms of Reference are available and how copies may be obtained, provide contact details and invite public comments on the Draft Terms of Reference for not less than 28 days.

5.3 The Parties may each notify other organisations or individuals of the public comment notice and of the availability of the Draft Terms of Reference. Each Party will make copies of the notice and Draft Terms of Reference available electronically through its website.

5.4 Following the consideration of public comments on the Draft Terms of Reference the State will submit to the Minister:

- a) public responses relating to the Draft Terms of Reference;
- b) the Revised Draft Terms of Reference; and
- c) comments on how the public responses have been taken into account in the Revised Draft Terms of Reference.

5.5 Following receipt of the Revised Draft Terms of Reference, the Minister shall as soon as practicable notify the State that the Revised Draft Terms of Reference (for assessment of the impacts of the actions under the Program):

- a) are approved; or
- b) are not approved. In this instance the Minister will:
  - i) notify the State of his concerns and invite the State to provide a further Revised Draft Terms of Reference which take those concerns into account; and
  - ii) within 15 working days of receipt of the further Revised Draft Terms of Reference mentioned above, either:
    - (A) notify the NSW Government of his approval of the further Revised Draft Terms of Reference; or
    - (B) provide approved Terms of Reference that meet his requirements.

## **6. PREPARATION OF THE REPORT**

6.1 The State will cause a Draft Report to be prepared in accordance with this Agreement and the Terms of Reference once approved in accordance with Clause 5 of this Agreement.

DoP shall provide the Draft Report for public comment by notice:

- a) posted on the DoP website; and
- b) published in news papers circulating in NSW.

- 6.2 The notice in 6.1 must advise that the Draft Report is available and how copies may be obtained, provide contact details for obtaining further information, invite public comments on the Draft Report and set a period of not less than 28 days within which comments must be received.

The Parties:

- a) may each notify interested parties of the notice and of the availability of the Draft Report; and
  - b) will each make copies of the notice and Draft Report available electronically through their websites.
- 6.3 The State will prepare, following closure of the public comment period, a Revised Draft Report, or a Supplementary Report to the Draft Report, taking account of the comments received.

## **7. CONSIDERATION OF THE REPORT**

7.1 The State will submit to the Minister:

- a) public responses relating to the Draft Report;
- b) the Final Report, comprised of:
  - i) the Revised Draft Report; or
  - ii) the Draft Report and a Supplementary Report;
- c) comments on how the public responses have been taken into account in the Final Report; and
- d) the Program.

7.2 The Minister will consider the Final Report.

- a) The Minister may make recommendations to the State, as he considers appropriate, regarding the Final Report and/or the Program.
- b) The State may provide the Minister with advice, or seek clarification from the Minister on recommendations in subclause (a).
- c) The State will provide to the Minister a summary of the recommendations, advice or clarification in subclauses (a) and (b), and how those recommendations, advice or clarification are given effect through modifications to the Program.
- d) The Minister will consider the revised Program and supporting material and may accept the Final Report or request further information or clarification if not satisfied that it addresses adequately the impacts of the actions to which this Agreement relates.

## **8. ENDORSEMENT OF PROGRAM**

8.1 The Minister will endorse the Program if satisfied that:

- a) the Report adequately addresses the impacts to which this Agreement relates;
- b) any recommended modifications to the Program or modifications having the same effect have been made; and
- c) the requirements set out in the endorsement criteria in Attachment C are met.



## **9. APPROVAL OF ACTIONS**

- 9.1 If the requirements of Sections 146F-M of the Act and the endorsement criteria at Attachment C are met, the Minister may approve, or approve with conditions, the taking of an action or class of actions in accordance with the endorsed Program under Section 146B of the Act.

## **10. VARIATION**

- 10.1 This Agreement may only be varied by written agreement (including electronic communications) between the Parties or otherwise in accordance with the Act.

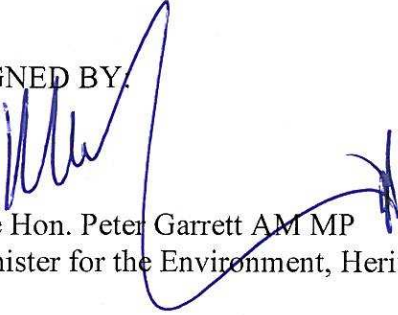
## **11. DISPUTE RESOLUTION**

- 11.1 Where there is a dispute between the Parties to this agreement on a particular matter, the Parties will consult in a spirit of mutual cooperation in relation to that matter and will use their best endeavours to negotiate a mutually acceptable resolution.

## **12. TERMINATION**

- 12.1 This Agreement may be terminated by written agreement (including by way of electronic communication) between the Parties.

SIGNED BY:



The Hon. Peter Garrett AM MP  
Minister for the Environment, Heritage and the Arts

Dated 22nd August 2009

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John Robertson MLC

The Hon. ~~Carmel Tebbutt~~ MP  
Minister for Climate Change and the Environment

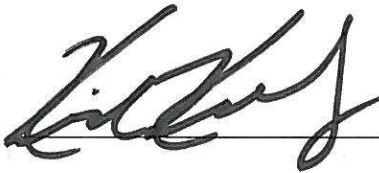


Dated

11 November 2009

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The Hon. Kristina Keneally MP  
Minister for Planning

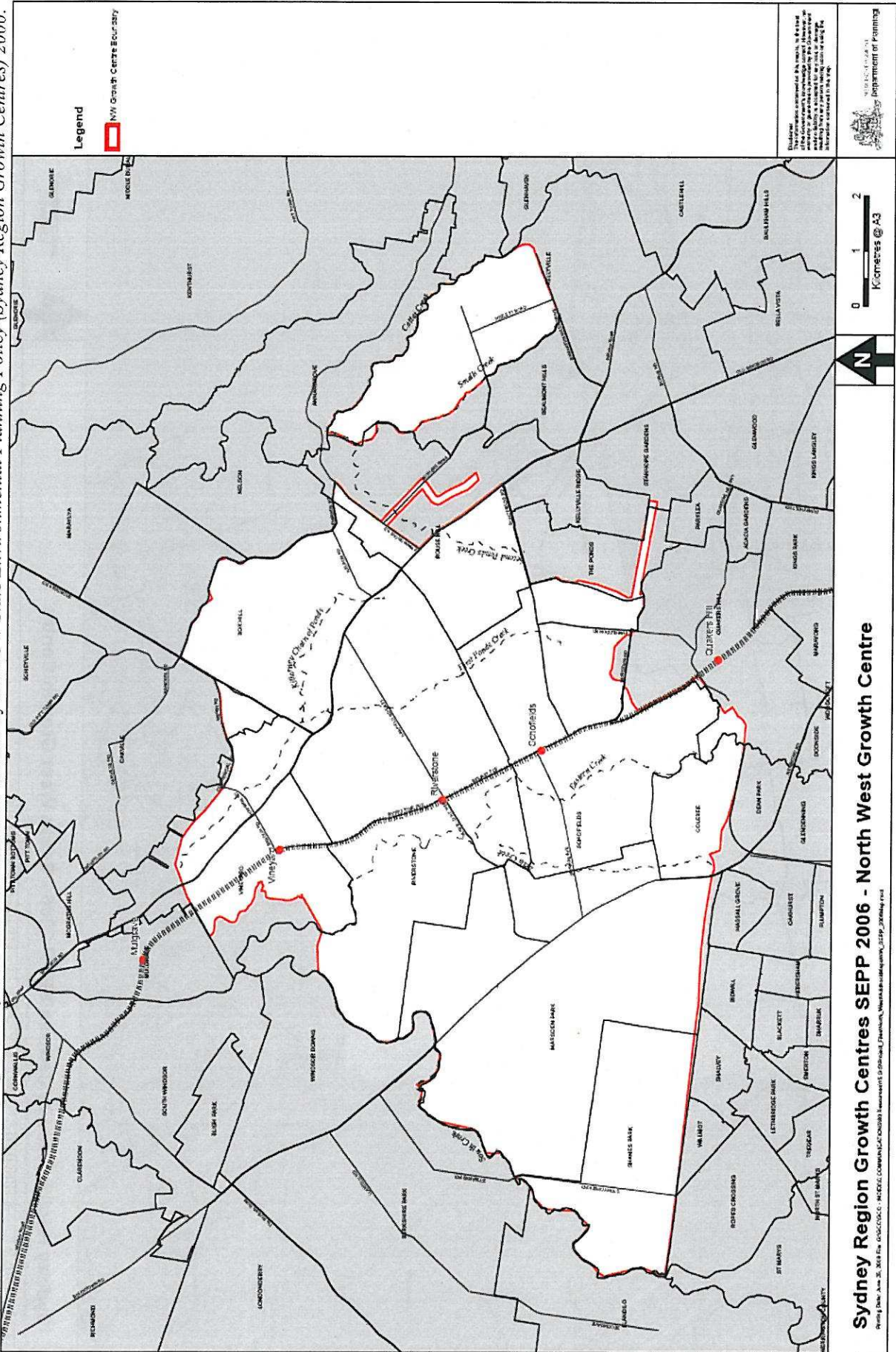


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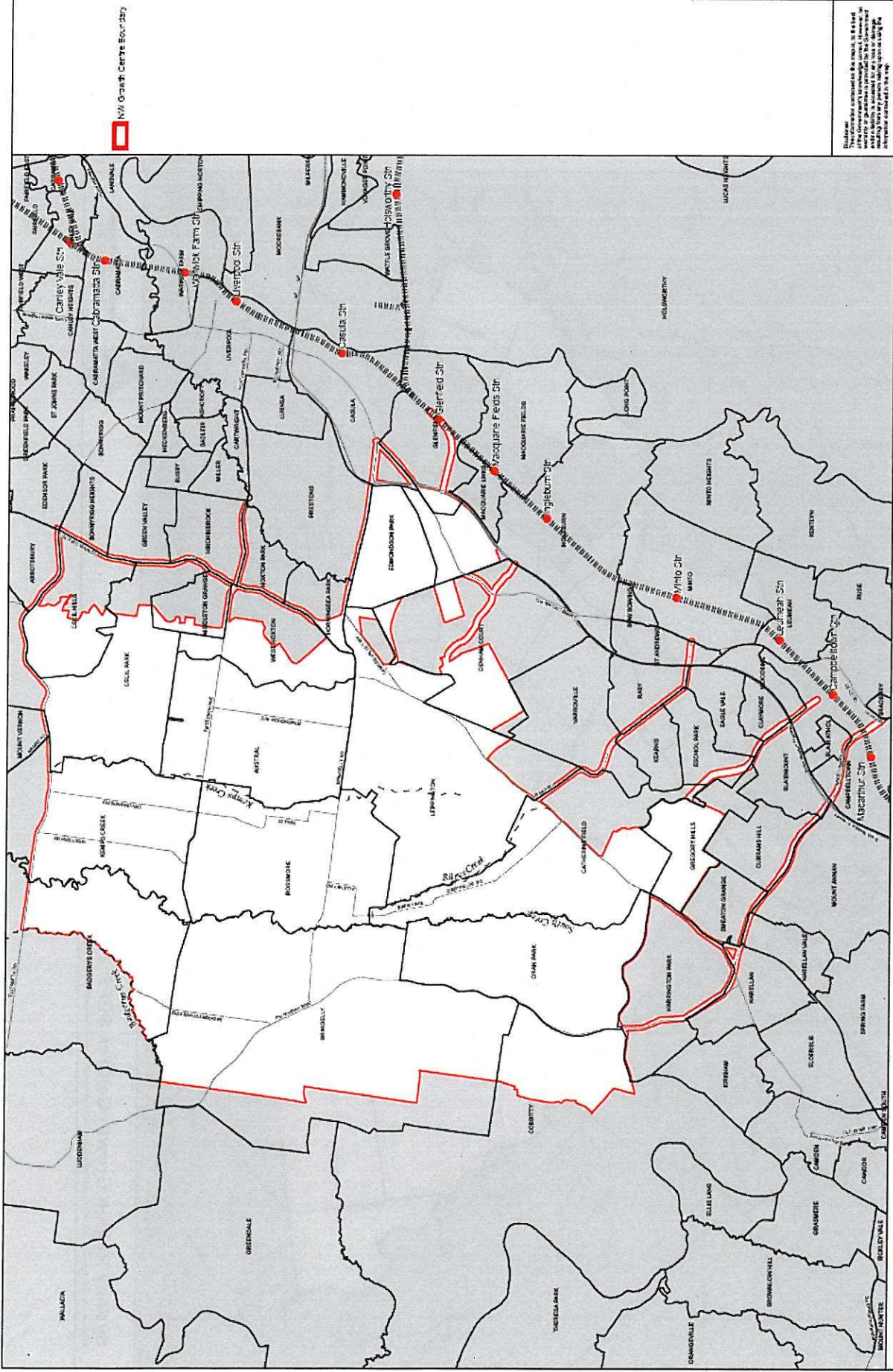
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**Attachment A: Locality of the Growth Centres**

**NB:** this map is for illustrative purposes only. The Growth Centres are defined by the NSW State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

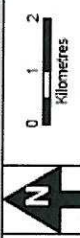






 NSW Growth Centre Boundary

Disclaimer: The map is provided for general information only. It is not intended to be used for any specific purpose. The Department of Planning is not responsible for any errors or omissions in the map. The map is subject to change without notice.



### Sydney Region Growth Centres SEPP 2006 - South West Growth Centre

Planning Strategy, June 2006 File: 0306-CRDC - REGIONAL COMMUNICATIONS Resources\GIS\MapServer\themes\sepp\sepp\_2006.html

## Attachment B: Terms of Reference

### **Terms of Reference for Strategic Assessment of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and relevant biodiversity measures under Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995***

#### **1. PURPOSE AND DESCRIPTION OF THE PROGRAM BEING ASSESSED**

The Report, referred to in clause 6 of the Agreement, must describe the Program, including:

- a) how the Program has been developed and its legal standing;
- b) the regional context (natural and human);
- c) the land use planning (zoning) arrangements and outcomes;
- d) the actions that will take place under the Program over the short, medium and long term. This may include relevant construction and operational aspects associated with urban development;
- e) a description of the areas proposed for development and those to be protected within the Growth Centres, as well as other conservation measures associated with the Program; and
- f) the State management, planning and approval arrangements and the person(s) or authority responsible for the adoption or implementation of the Program.

#### **2. PROMOTING ECOLOGICALLY SUSTAINABLE DEVELOPMENT AND BIODIVERSITY CONSERVATION**

##### **2.1 Environment affected by the Program**

The Report must provide a detailed description of the environment likely to be affected by the Program. This description must identify the environmental assets and characteristics, including biophysical processes, associated with the area set to be affected by the Program as well as the surrounding terrestrial, riparian and aquatic environments likely to be directly or indirectly impacted, including:

- a) components of biodiversity and maintenance of important ecological processes recognising the potential importance of large intact areas and landscape connectivity in protecting and maintaining ecological processes;
- b) listed threatened and migratory species under the Act;
- c) listed ecological communities under the Act;
- d) other matters of national environmental significance and Commonwealth land under the Act that may be affected by the Program; and
- e) other areas of biodiversity values – e.g. species or ecological communities listed as threatened under the *Threatened Species Conservation Act 1995*.

In addition the report will make specific reference to areas of environmental values that will provide a long term and viable contribution to the conservation of biodiversity and ecological processes.

## **2.2 Planning for and promoting ecologically sustainable development**

The Report must describe the social and economic factors and considerations associated with development under the Program. The Report must include an analysis of how socio-economic issues and implications might relate to, or integrate with, environmental values of the Program area and the choice of alternative options to maintain or enhance these values.

In particular the Report must describe how the following principles of ecologically sustainable development have been considered in the Program development process and that the Program promotes these principles as described in the Act:

- a) Decision making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.
- b) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- c) The principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
- d) The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.
- e) Improved valuation, pricing and incentive mechanisms should be promoted.

The Report must identify the mechanisms in the Program that seek to achieve ecologically sustainable development including actions to maintain or enhance biodiversity, having regard for species diversity and abundance, and the extent, condition, connectivity and protection of native vegetation.

## **3. PREVENTING IMPACTS ON MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE, AND PROMOTING THE PROTECTION AND CONSERVATION OF BIODIVERSITY AND HERITAGE VALUES**

### **3.1 Nature and magnitude of impacts**

The Report must include a comprehensive analysis of the potential impacts of the Program on matters protected by the EPBC Act. The analysis must include:

- a) A description of the nature of any potential impacts, including any indirect impacts, that may occur under the Program;
- b) An assessment of whether any impacts will be: short, long term or permanent; local or regional in extent; discrete or cumulative, or exacerbated by the likely impacts of climate change; and
- c) An assessment of the scientific confidence associated with the likelihood and consequence(s) of potential impacts, including reference to technical data and other information relied upon in identifying and assessing those impacts.

### **3.2 Management, mitigation or offset of likely impacts**

The Report must describe the management measures and undertakings (e.g. on-ground actions regulatory interventions, management plans, market based instruments) that will be implemented to prevent, minimise, rehabilitate or offset the potential environmental impacts on matters protected by the Act.

For management measures and undertakings, the Report must set out:

- a) the approach taken to addressing the impacts of the actions or classes of actions;
- b) the predicted effectiveness of proposed measures and undertakings and a description of the methodology used to formulate these predictions/confidence limits;
- c) ongoing maintenance or operational requirements associated with proposed measures;
- d) who is responsible for the proposed measures and undertakings;
- e) compliance arrangements for ensuring the measures are undertaken;
- f) the budgetary, regulatory and other arrangements in place or proposed to implement the measures and undertakings, including ongoing compliance, maintenance or operational requirements; and
- g) timelines and accountabilities for implementing proposed measures and undertakings, and associated compliance and maintenance requirements.

## **4 ADAPTIVE MANAGEMENT: ADDRESSING UNCERTAINTY AND MANAGING RISK**

The Report must identify key uncertainties associated with the management measures and undertakings for protecting matters protected by the Act, and the responses for addressing these uncertainties and adapting to changed circumstances.

The Report must set out:

- a) key uncertainties (for example uncertainty about timing, effectiveness, or capacity to enforce measures);
- b) the responses to addressing these uncertainties;
- c) the circumstances in which the Program will be reviewed and modified (for example new information or changing standards); and
- d) the procedures which would be undertaken to review, modify or abandon the Program, including regular reviews.

## **5 AUDITING AND REPORTING**

The Report must set out monitoring, public reporting processes and auditing to be undertaken in the Program's implementation.

## **6 ENDORSEMENT CRITERIA**

The Report must describe how the Program meets the criteria set out in Attachment C – Endorsement Criteria.

## **7 INFORMATION SOURCES**

For information used in the assessment, the Report must state:

- a) the source of the information;
- b) how recent the information is; and
- c) the reliability and limitations of the information.



### **Attachment C: Strategic Assessment - Endorsement Criteria**

When deciding whether to endorse a policy, plan, or program the Minister must be satisfied that the assessment report adequately addresses the impacts to which the agreement relates, and that any of his recommendations to modify the policy, plan or program have been responded to appropriately.

In determining whether or not to endorse the Program the Minister will also have regard to the extent to which the Program meets the Objects of the Act. In particular, that it:

- protects the environment, especially matters of national environmental significance;
- promotes ecologically sustainable development;
- promotes the conservation of biodiversity; and
- provides for the protection and conservation of heritage.

Accordingly, the Program should:

- avoid actions from being taken in any location that have an impact on matters of national environmental significance or of high biodiversity or heritage values where ever possible; or
- where potential impacts can not be avoided, then the impacts should be minimised; and
- provide for effective mitigation or offset where the likely impacts cannot be avoided; and
- contain effective arrangements for adaptive management for conservation measures; and
- contain a system for monitoring, auditing and publicly reporting on implementation.

The Minister will also consider the extent to which the Program adequately:

- incorporates the precautionary principle;
- incorporates other principles of ecologically sustainable development, such as intergenerational equity; and
- identifies and includes management measures for matters the Minister considers to have a high likelihood of being potentially eligible for listing as matters of national environmental significance.

## Appendix B – Public Exhibition

The Draft Strategic Assessment and Draft Program Reports were publicly exhibited from 24 May to 25 June 2010.

Notices regarding the public exhibition period were placed in newspapers circulating NSW including the:

- Australian Financial Review
- Daily Telegraph
- Indigenous Times
- Koori Mail
- Sydney Morning Herald

Notices were also published local newspapers including Camden Advertiser

- Campbelltown Advertiser
- Blacktown Sun
- Blacktown Advocate
- Campbelltown Advertiser
- Northern News
- Hills News
- Hills Shire Times
- Hawkesbury Gazette
- Liverpool Champion
- Liverpool Leader
- Macarthur Chronicle
- Rouse Hill Times
- SW Advertiser

The draft reports and explanatory material was also made available at the:

- NSW Department of Planning offices in Sydney and Parramatta
- NSW Department of Environment, Climate Change and Water in Sydney
- Blacktown City Council
- Camden Council
- Campbelltown Council
- Hawkesbury Council
- Hills Shire Council
- Liverpool Council

Electronic copies of the draft reports and explanatory material were also available from the DoP, DECCW and SEWPaC websites.

Letters advising people of the public exhibition were also sent to a range of stakeholders including: conservation groups, development and property industry groups, local councils, NSW Government agencies and people who made submissions on the draft Terms of Reference or the draft Conservation Plan in relation to the Biodiversity Certification.

## Appendix C – Summary of public submissions

The following table summarises the key issues raised in the submissions received in relation to the Draft Strategic Assessment Report and the Draft Program Report public exhibition. Full copies of each submission have been provided to SEWPaC and the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities as required by the Strategic Assessment Agreement

Detailed responses to the issues raised are included in Section 4 of this Report.

No.	Stakeholder Category	Summary of Issues
1	Local Council	<ul style="list-style-type: none"> <li>▪ Support strategic assessment</li> <li>▪ Commitment to biodiversity outcomes by all levels of Government is important</li> <li>▪ Offsets and timing of offsets should be linked with development areas</li> </ul>
2	Landowner	<ul style="list-style-type: none"> <li>▪ Request release of Marsden Park Scheduled Lands</li> <li>▪ Initiate land swap</li> <li>▪ No 'restrictions' until land is owned by Government</li> </ul>
3	Landowner	<ul style="list-style-type: none"> <li>▪ Request release of Marsden Park Scheduled Lands</li> <li>▪ Initiate land swap</li> <li>▪ No 'restrictions' until land is owned by Government</li> </ul>
4	Other	<ul style="list-style-type: none"> <li>▪ Agricultural land in the Sydney Basin should be protected</li> </ul>
5	Landowner	<ul style="list-style-type: none"> <li>▪ Request release of Marsden Park Scheduled Lands</li> <li>▪ Initiate land swap</li> <li>▪ No 'restrictions' until land is owned by Government</li> <li>▪ Remove Environmental Conservation zone</li> </ul>
6	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
7	Landowner	<ul style="list-style-type: none"> <li>▪ Request release of Marsden Park Scheduled Lands</li> <li>▪ Initiate land swap</li> <li>▪ 'Restrictions' on private lands should be immediately removed and loss appropriately compensated</li> </ul>
8	Landowner	<ul style="list-style-type: none"> <li>▪ Vegetation within Bringelly Transitional lands has limited conservation value and should be recognised as capable for development</li> <li>▪ Request for advice/detailed maps of Priority Conservation Lands</li> </ul>
9	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required</li> </ul>
10	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> </ul>

No.	Stakeholder Category	Summary of Issues
		<ul style="list-style-type: none"> <li>▪ Protect Deerubbin LALC land</li> </ul>
11	Government Agency	<ul style="list-style-type: none"> <li>▪ Support strategic assessment</li> <li>▪ Need other mechanisms to support biodiversity including the development of a regional approach to the management and conservation of biodiversity of the Cumberland Plain, education and awareness programs for residents, maintenance programs by landholders, improved mapping, and securing of Commonwealth Lands with high biodiversity value</li> </ul>
12	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside of the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
13	Conservation Group	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ Does not support any clearing of EPBC listed vegetation</li> <li>▪ Any clearing should be minimized and offsets should be maximised through same type in the same region.</li> <li>▪ Further justification of offsets required as to provide clarity to local communities</li> <li>▪ Conservation outcomes do not appear to be reasonable or address the most critical areas at risk.</li> <li>▪ Protect Deerubbin LALC land</li> <li>▪ Biobanking not supported</li> </ul>
14	Government Agency	<ul style="list-style-type: none"> <li>▪ Support strategic assessment</li> <li>▪ Request that potential for water related infrastructure to be located within the flood prone and major creeks land be included in the Program given potential for direct impacts on matters of national environmental significance</li> </ul>
15	Conservation Group	<ul style="list-style-type: none"> <li>▪ Inadequate survey which should be improved through ground-truthing</li> <li>▪ Aware of threatened species populations information not known to DECCW</li> <li>▪ Offsets should be located in Priority Conservation Lands in Western Sydney</li> </ul>
16	Other	<ul style="list-style-type: none"> <li>▪ Goals should be set to ensure survival of communities</li> <li>▪ Conservation outcomes for CPW in SWGC particularly poor</li> <li>▪ Insufficient scientific assessment of lands for conservation</li> <li>▪ Local area biodiversity plans and strategies have been made redundant</li> <li>▪ Small and large remnant are important</li> <li>▪ Assessment of condition and conservation values of individual communities in their current state has not been taken into consideration</li> <li>▪ Compulsory acquisition of other incentives should be used</li> <li>▪ Uncertainty of proposed outcome</li> <li>▪ Connectivity is important</li> </ul>
17	Landowner Group	<ul style="list-style-type: none"> <li>▪ Initiate land swap, no 'restrictions' until land is owned by Government</li> <li>▪ Remove Environmental Conservation zone</li> </ul>

No.	Stakeholder Category	Summary of Issues
		<ul style="list-style-type: none"> <li>▪ Zone for high density housing</li> </ul>
18	Other	<ul style="list-style-type: none"> <li>▪ Protect all substantial areas of remnant vegetation &amp; biologically diverse areas</li> <li>▪ Housing needs to “intelligently fit” into the landscape</li> </ul>
19	Other	<ul style="list-style-type: none"> <li>▪ Funding should not be removed from the protection of the Cumberland Plain</li> </ul>
20	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
21	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
22	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
23	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
24	Other	<ul style="list-style-type: none"> <li>▪ Continued policies promoting population growth, particularly at the expense of the environment, should not be supported</li> </ul>
25	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> <li>▪ Conservation of the environment is being set aside for the benefit of a select few</li> </ul>
26	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>

No.	Stakeholder Category	Summary of Issues
27	Other	<ul style="list-style-type: none"> <li>▪ Strategic assessment is not based on a solid scientific foundation</li> <li>▪ Report does not define viability of remnant vegetation or recognise the variability of viability over time and between species.</li> <li>▪ No assessment of population or community dynamics has been undertaken, with too much emphasis placed on tree cover, patch size and connectivity in determining conservation value.</li> <li>▪ 4ha patch size is not appropriate, as smaller patches may also be HMV</li> <li>▪ The report ignores non-woody vegetation</li> <li>▪ Map data appears to be out of date</li> <li>▪ High potential for threatened flora populations to be overlooked given research methods undertaken</li> <li>▪ The impact of removal of some populations on species persistence within the region has not been adequately addressed.</li> <li>▪ No explanation of how conservation fund was determined/will be indexed</li> <li>▪ No detail on how priorities for offsets will be evaluated or offset areas monitored</li> <li>▪ Grasslands should be considered</li> </ul>
28	Other	<ul style="list-style-type: none"> <li>▪ All high conservation value lands in Western Sydney should be acquired and the Strategic Assessment does not achieve this outcome</li> </ul>
29	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
30	Landowner	<ul style="list-style-type: none"> <li>▪ Support strategic assessment</li> <li>▪ Request endorsement by the end of 2010</li> </ul>
31	Local Council	<ul style="list-style-type: none"> <li>▪ Agrees that the Strategic Assessment approach has significant advantages</li> <li>▪ Unclear how greater certainty is provided for MNES</li> <li>▪ Concerned that there are no additional offsets for MNES</li> <li>▪ Concerned that there is no minimum offset for CPW and Shale Gravel Transition Forest within the Cumberland Plain</li> <li>▪ Concerned whether offset package can be delivered</li> <li>▪ Impact of property values on offset package</li> <li>▪ Request clarification on consistency of draft reports with draft Cumberland Plain Recovery Plan.</li> </ul>
32	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
33	Conservation Group	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> </ul>

No.	Stakeholder Category	Summary of Issues
		<ul style="list-style-type: none"> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
34	Other	<ul style="list-style-type: none"> <li>▪ EPBC Act is outdated as it does not contain a CO2 trigger</li> <li>▪ There is a declining oil production and planning strategies need to appropriately address this in their long term vision, including stopping all development in agricultural areas surrounding Sydney.</li> <li>▪ Population projection targets should be revised, as opposed to setting dwelling targets.</li> </ul>
35	Conservation Group	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
36	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
37	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
38	Conservation Group	<ul style="list-style-type: none"> <li>▪ Previous assessment of the Growth Centres (draft Conservation Plan) lacked ground truthing and was scientifically flawed</li> <li>▪ Acquisition of Priority Conservation sites are a means to establish the Cumberland Conservation Corridor</li> <li>▪ Strategic Assessment should be deferred until direction of the draft Cumberland Plain Recovery Plan is clearer</li> <li>▪ Compulsory acquisition should be mandated for Priority Conservation sites</li> <li>▪ Commitments to outcomes equivalent to the Melbourne Strategic Assessment should be required</li> <li>▪ Securing offsets outside the Priority Conservation sites discriminates against Western Sydney residential who will suffer a loss of natural heritage</li> <li>▪ Opposed to the direction of \$278.25 million towards outcomes for matters of national environmental significance (MNES).</li> <li>▪ Direction of the \$278.25 million to MNES will be at the expense of Cumberland Plain flora and fauna</li> <li>▪ Ecological communities not yet listed under the TSC or EPBC Acts should be considered</li> <li>▪ Does not meet the Terms of Reference for the Assessment</li> <li>▪ Ecological communities within the Growth Centres should be conserved</li> <li>▪ All offsets should be found in Western Sydney in the Priority</li> </ul>

No.	Stakeholder Category	Summary of Issues
		Conservation sites
39	Landowner	<ul style="list-style-type: none"> <li>▪ Apparent inequity of some land being identified for development while other land is identified for conservation</li> <li>▪ Concern around process for land to be rezoned and developed</li> <li>▪ Loss of development potential on conservation land</li> </ul>
40	Government Agency	<ul style="list-style-type: none"> <li>▪ Supportive of precinct planning and the concept of providing greater security of environmental outcomes in the Growth Centres</li> <li>▪ No quantitative targets or achievement measures</li> <li>▪ Riparian corridor linkages should be protected</li> <li>▪ Recreation areas are not appropriate for achieving conservation outcomes</li> <li>▪ Should be a more transparent process for funding of conservation areas and calculation of offsets</li> <li>▪ Methodology should be taken into consideration the possibility of new information becoming available in any certified areas.</li> </ul>
41	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
42	Other	<ul style="list-style-type: none"> <li>▪ TSC Act is more comprehensive than the EPBC Act</li> <li>▪ Identification of condition classes is flawed</li> <li>▪ Linking conservation funding to EPBC matters of national environmental significance will result in a negative conservation outcome</li> </ul>
43	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
44	Conservation Group	<ul style="list-style-type: none"> <li>▪ Support robust strategic assessments as a means of addressing cumulative impacts however cautious that benefit of such approach depends on criteria and process of assessment</li> <li>▪ Strategic assessments should be undertaken at the earliest possible stage in the development process</li> <li>▪ Support early identification of areas for conservation but have concerns about interim management to protect such areas</li> <li>▪ The Federal Government should be cautious of Biodiversity Certification as it is a new conservation tool</li> <li>▪ 'Like for Like' offsets</li> <li>▪ Unclear who determines when offsets in the second, third and fourth preference areas are appropriate</li> <li>▪ Definition of 'viability' should not be used as a way to remove obligations for protecting threatened species and communities</li> <li>▪ Concern about the 4ha viability threshold</li> </ul>



No.	Stakeholder Category	Summary of Issues
		<ul style="list-style-type: none"> <li>▪ Concern about the lack of ground truthing to address potential information gaps</li> <li>▪ Draft Reports do not adequately address: analysis of different options, calls for further data from experts and consultants, recommendations for measurement end points to audit conservation assumptions and how unexpected new information will be addressed</li> <li>▪ Biodiversity values may degrade without active management</li> <li>▪ Zoning is not 100% secure</li> <li>▪ Clear requirements for regular and detailed auditing over and above that identified in the draft reports should be required.</li> <li>▪ Support Hawke Report recommendations and summary to strengthen strategic assessment decision making processes</li> </ul>
45	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
46	Conservation Group	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
47	Landowner	<ul style="list-style-type: none"> <li>▪ Concern about the identification of lands for preservation/acquisition by DECCW in locations identified for urban development – in particular Macarthur South and remainder of the North West Sector</li> <li>▪ Concern that landholders will be tempted to conserve land that could be developed in the future</li> <li>▪ Questions the listing of some species as endangered or threatened.</li> <li>▪ Conservation in these areas will result in future urban development being fragmented</li> <li>▪ Need to plan for future infrastructure</li> <li>▪ General concern about offsetting that will result in offset land being sterilised</li> <li>▪ Approach in the Strategic Assessment will constrain the potential future urban development yields and create a living environment that is unworkable and unviable</li> <li>▪ Mapping of the location and the extent of the Cumberland Plain is incorrect and misrepresentative</li> <li>▪ Targeting of lands for acquisition in Macarthur South and the remainder of the North West Sector should be deleted from the reports.</li> </ul>
48	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>

No.	Stakeholder Category	Summary of Issues
49	Government Agency	<ul style="list-style-type: none"> <li>▪ No specific comment</li> </ul>
50	Landowner	<ul style="list-style-type: none"> <li>▪ E3 zone in Marsden park Scheduled Lands is not in “pristine” condition</li> <li>▪ Initiate land swaps or compulsorily acquire land</li> </ul>
51	Landowner	<ul style="list-style-type: none"> <li>▪ Site assessment for land within the East Leppington Precinct</li> </ul>
52	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> </ul>
53	Other	<ul style="list-style-type: none"> <li>▪ Communities beyond Cumberland Plain do not have similar ecological values</li> <li>▪ Independent ecological assessment of the value of remnant vegetation should be undertaken</li> <li>▪ Supports the concept of a strategic assessment as opposed to a site-by-site assessment. However, any clearing is negative.</li> <li>▪ Offsetting should be scientifically justifiable</li> <li>▪ The concept of sympathetic recreational use is too vague</li> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
54	Landowner	<ul style="list-style-type: none"> <li>▪ Request release of Marsden Park Scheduled Lands.</li> <li>▪ Initiate land swap between publicly owned land and private landholdings with development restrictions such as flooding.</li> <li>▪ Remove Environmental Conservation zone as existing vegetation is limited and not of high quality.</li> </ul>
55	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
56	Landowner	<ul style="list-style-type: none"> <li>▪ Urban development outside the Growth Centres is required</li> <li>▪ Strategic Assessment should broaden its scope to include the entire south west Sydney region</li> </ul>
57	Industry Group	<ul style="list-style-type: none"> <li>▪ Support strategic assessment approach generally</li> <li>▪ Major land use planning decisions should be made in a broader context, not limited to biodiversity conservation</li> <li>▪ Concern about process of identification of priority conservation lands</li> <li>▪ Quality of mapping is inadequate</li> <li>▪ Clarification about the amount of land to be acquired for conservation</li> <li>▪ Seeks clarification regarding the timing of the preparation of a Precinct Plan Consistency Report and whether approval is required by the Federal Government.</li> </ul>

No.	Stakeholder Category	Summary of Issues
58	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
59	Conservation Group	<ul style="list-style-type: none"> <li>▪ Inadequate proportion of funding for conservation lands within the Growth Centres</li> <li>▪ Object to the clearing of listed ecological communities under the TSC Act and EPBC Act</li> <li>▪ Object to clearing of ecological communities currently being considered for listing</li> <li>▪ Inconsistent application of EPBC Act, particularly comparatively between Victoria and NSW.</li> <li>▪ Strategic Assessments should establish a zoning process, creating three categories based on their conservation value.</li> </ul>
60	Landowner	<ul style="list-style-type: none"> <li>▪ Request release of Marsden Park Scheduled Lands,</li> <li>▪ Initiate land swap</li> <li>▪ No 'restrictions' until land is owned by Government</li> </ul>
61	Other	<ul style="list-style-type: none"> <li>▪ Ground truthing required of Growth Centres and Western Sydney Conservation Lands</li> <li>▪ \$530M to be spent on Priority Conservation Lands and not outside the Cumberland Plain</li> <li>▪ Compulsory acquisition should be used</li> <li>▪ Protect Deerubbin LALC land</li> </ul>
62	Landowner	<ul style="list-style-type: none"> <li>▪ Request release of Marsden Park Scheduled Lands,</li> <li>▪ Initiate land swap</li> <li>▪ No 'restrictions' until land is owned by Government</li> </ul>
63	Industry	<ul style="list-style-type: none"> <li>▪ Supports the concept of the Strategic Assessment</li> <li>▪ EPBC Act should recognise TSC Act Biodiversity Certification</li> <li>▪ Balance of urban and conservation outcomes is key</li> <li>▪ Non like for like approach to offsets is supported</li> </ul>
64	Conservation Group	<ul style="list-style-type: none"> <li>▪ Offset funding should be allocated to the Cumberland Conservation Corridor</li> <li>▪ Connectivity is important</li> <li>▪ Conservation areas within the Growth Centres should be managed for conservation not partially for recreation</li> <li>▪ Compulsory acquisition should be used</li> </ul>
65	Conservation Group	<ul style="list-style-type: none"> <li>▪ Opposes spending of conservation fund outside the Cumberland Plain</li> <li>▪ Commitment should be made to securing the Cumberland Conservation Corridor</li> </ul>
66	Industry Group	<ul style="list-style-type: none"> <li>▪ Supportive of the strategic assessment generally</li> <li>▪ Concerned about the use of mitigation hierarchy principles, protection of MNES through the planning system, uncertainty relating to funding of management costs, non like for like offsets and accuracy of mapping</li> </ul>
67	Conservation Group	<ul style="list-style-type: none"> <li>▪ Does not meet Terms of Reference</li> <li>▪ Program does not specify what amount of CPW will be conserved</li> <li>▪ Acquisition of regional open space cannot be equated to the protection</li> </ul>

No.	Stakeholder Category	Summary of Issues
		<p>of biodiversity</p> <ul style="list-style-type: none"> <li>▪ Concerned that there is no statutory obligation for conservation fund to be spent on conservation of high conservation value areas</li> <li>▪ Effectiveness of conservation measure is overstated and concerned that zoning will not achieve protection.</li> <li>▪ Amount of resources dedicated to conservation acquisitions and the amount of land dedicated to conservation are overstated and inaccurate.</li> <li>▪ Program and Strategic Assessment do not meet the criteria of ecologically sustainable development and the biodiversity conservation principle in the EPBC Act</li> <li>▪ Program and Strategic Assessment should be rejected until a value is placed on the destruction of biodiversity</li> <li>▪ No certainty regarding location, availability and quality of equivalent offsets or the amount of resources to purchase offsets.</li> </ul>
68	Government Agency	<ul style="list-style-type: none"> <li>▪ Supports strategic assessment generally</li> <li>▪ Concerned about impact of offset strategy on future transport corridors</li> </ul>
69	Government Agency	<ul style="list-style-type: none"> <li>▪ Identifies land shown as Western Sydney Parklands which is no longer within the Parklands boundary</li> </ul>
70	Government Agency	<ul style="list-style-type: none"> <li>▪ Supports the strategic assessment generally</li> <li>▪ Growth Centres provides for a environmentally and economically sustainable development</li> </ul>