

Consistency statement

Essential infrastructure on avoided land

Cumberland Plain Conservation Plan





Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Cumberland Plain Conservation Plan Mitigation Measures Guidelines

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1. What is a consistency statement?

A completed consistency statement (see below) must accompany the notification required by the EP&A Regulation 2000 for essential infrastructure accessing the CPCP Part 10 approval under the EPBC Act.

This report template will assist with providing the necessary information when notifying the Department of Planning and Environment (the department).

Essential infrastructure that is not consistent with Section 2.2 and/or Section 2.3 of the Cumberland Plain Conservation Plan Guidelines for Infrastructure Development may need to seek a separate approval under Part 9 of the EPBC Act for impacts on MNES.

Instructions for completing the consistency statement

1. Please complete this statement free of errors using correct and accurate information
2. Sign the declaration at section 5
3. Send the completed statement to the CPCP team via email at: CPCP@planning.nsw.gov.au with the subject "Consistency Statement"

2. Context

2.1 Summary of development activity

Fill out table below.

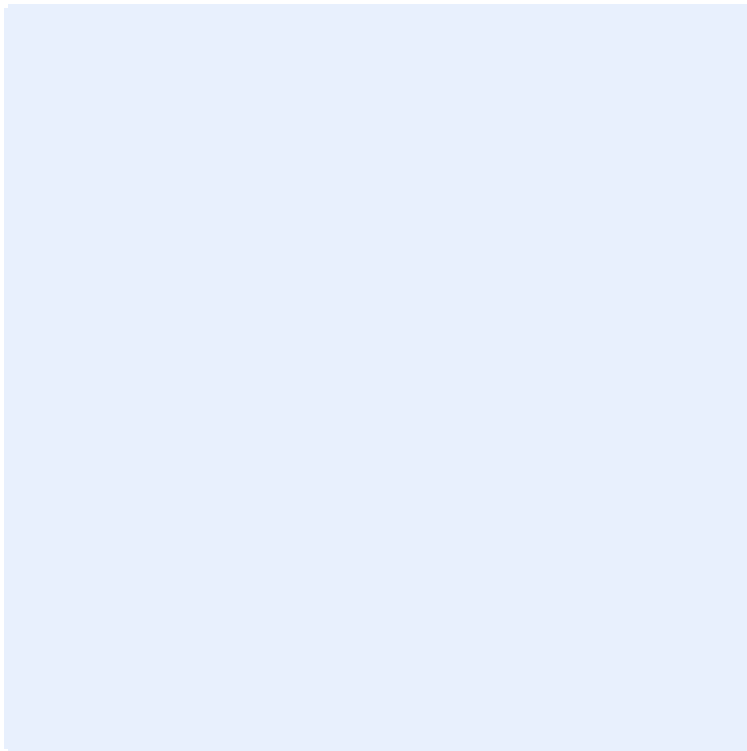
Item	Description
Public authority undertaking essential infrastructure	Click or tap here to enter text.
Division the Infrastructure is identified as in the State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2 Part 2.3	Choose an item.
Essential infrastructure related to CPCP conservation activities	Choose an item.
Is the infrastructure consistent with the definition of Essential Infrastructure?	Choose an item.
Proposed development description	<Describe the development aspects, what is being proposed and the purpose of the development >
Site address	<Address> <Suburb> <State> <Postcode>
Lot/DP	<Lot/DP>
Site area (in square meters)	<Insert area of subject land, e.g. 300m2>
Proponent	<WaterNSW/Health NSW/School Infrastructure NSW/Department of Education, etc>
Applicant details	<Insert details of applicant, e.g. John Smith C/- Department of Planning Environment>
Applicant Reference	<Insert reference>
If a modification, previous application department reference number	<Insert reference>

2.2 Why could this essential infrastructure not be undertaken in certified urban capable land

<Explain how the development proposal responds to this issue>

2.3 Plan of proposed works

<Please attach a plan of proposed works here>



3. Biodiversity matters

Background

Essential infrastructure is required to avoid or minimise direct impacts and mitigate indirect impacts on EPBC Act-listed threatened ecological communities, known populations of threatened flora species and koala habitat protected under the CPCP. Biodiversity matters to be addressed are set out in the Cumberland Plain Conservation Plan Guidelines for Essential Infrastructure, and below. These were identified as a priority for avoidance in the Cumberland Plain Conservation Plan Assessment Report.

3.1 Design and siting

Demonstrate how the design and siting of the essential infrastructure has avoided or minimised impacts on the avoided land.

Click or tap here to enter text.

3.2 Threatened ecological communities

Demonstrate how the essential infrastructure avoids or minimises impacts on the following EPBC Act-listed threatened ecological communities (TECs). Quantify the residual area of clearing for each TEC, if any.

Distributions of these EPBC-listed communities are mapped in the Cumberland Plain Assessment Report and will require confirmation of extent through survey or assessment.

Responses need to be supported by appropriate documentation. An ecology report can be included at Attachment A.

Threatened ecological community	Avoidance measures	Was there residual clearing?	Quantify area of clearing (ha)
Shale Sandstone Transition Forest	<Explain how impacts will be avoided or minimised>	Choose an item.	Click or tap here to enter text.
Cumberland Plain Woodlands and Shale Gravel Transition Forest	<Explain how impacts will be avoided or minimised>	Choose an item.	Click or tap here to enter text.
River-flat Eucalypt Forest	<Explain how impacts will be avoided or minimised>	Choose an item.	Click or tap here to enter text.

Threatened ecological community	Avoidance measures	Was there residual clearing?	Quantify area of clearing (ha)
Coastal Swamp Oak (<i>Casuarina glauca</i> forest)	<Explain how impacts will be avoided or minimised>	Choose an item.	Click or tap here to enter text.
Cooks River Castlereagh Ironbark Forest	<Explain how impacts will be avoided or minimised>	Choose an item.	Click or tap here to enter text.

3.3 Threatened flora species

Demonstrate how the essential infrastructure avoids or minimises impacts on the following threatened flora populations. Quantify the residual area of clearing, if any.

Known populations of these species are mapped in the Cumberland Plain Assessment Report and will require confirmation of extent through survey or assessment.

Responses need to be supported by appropriate documentation. An ecology report can be included at Attachment A.

Flora species	Avoidance measures	Was there residual clearing?	Quantify area of clearing (ha)
Grevillea parviflora subsp. parviflora (Small-flower Grevillea)	<Explain how impacts will be avoided or minimised>	Choose an item.	Click or tap here to enter text.
Persoonia bargoensis (Bargo Geebung)	<Explain how impacts will be avoided or minimised>	Choose an item.	Click or tap here to enter text.
Persoonia nutans (Nodding Geebung)	<Explain how impacts will be avoided or minimised>	Choose an item.	Click or tap here to enter text.
Genoplesium baueri (Yellow Gnat-orchid)	<Explain how impacts will be avoided or minimised>	Choose an item.	Click or tap here to enter text.
Pimelea spicata (Spiked Rice-flower)	<Explain how impacts will be avoided or minimised>	Choose an item.	Click or tap here to enter text.
Pultanea parviflora	<Explain how impacts will be avoided or minimised>	Choose an item.	Click or tap here to enter text.

3.4 Koala corridors and habitat

If located in the Wilton or Greater Macarthur nominated areas, please demonstrate how the essential infrastructure avoids, minimises and mitigates direct impacts to koalas and koala habitat protected by the CPCP.

Protected koala habitat is mapped in the Cumberland Plain Assessment Report and the department's spatial viewer.

Responses need to be supported by appropriate documentation. An ecology report can be included at Attachment A.

Koala corridors and habitat	Avoidance measures
How does the essential infrastructure avoid or minimise impacts on koala habitat protected by the CPCP?	Click or tap here to enter text.
How does the essential infrastructure maintain the function of koala movement corridors?	Click or tap here to enter text.

Are the following specific mitigation measures required to address indirect impacts on the southern Sydney koala population:

Mitigation measure	Yes/No	If yes, provide detail
Koala-exclusion fencing during construction	Choose an item.	Click or tap here to enter text.
Maintain, repair or augment existing koala-exclusion fencing	Choose an item.	Click or tap here to enter text.

3.5 Mitigation measures

Appendix E of the CPCP lists mitigation measures to address indirect impacts to specified threatened ecological communities (TECs) and threatened species identified by the Cumberland Plain Assessment Report.

Use Attachment B to describe all mitigation measures that apply during construction and operation of this essential infrastructure to address indirect impacts and how these will be implemented.

4. Offsets required under the Biodiversity Conservation Act

Background

While essential infrastructure may access the CPCP strategic assessment approval under Part 10 of the EPBC Act, approvals under other legislation, such as the BC Act, may still need to be sought.

Where essential infrastructure activity in the avoided land triggers the NSW Biodiversity Offsets Scheme, any required biodiversity offsets under the BC Act should be reported here, to fulfil the requirements for CPCP strategic assessment approval.

Summary

<Where offsets are required under the BC Act, provide information on the amount and type of offsets required. Include additional information on when and how these offsets will be secured at Appendix C. If this is not relevant, State 'not applicable'>

Biodiversity matter	Biodiversity credit value	Biodiversity credit type
Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.
Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.

5. Consistency declaration

Background

To be consistent with Division 11 Special Provisions relating to avoided land activities of the Environmental Planning and Assessment Regulation, a determining authority for an activity carried out on avoided land under State Environmental Planning Policy (Transport and Infrastructure) 2007, Chapter 2, Part 2.3, Divisions 4, 5, 12A, 17, 18, 20, 21, 23 or 24 must give notice to the Planning Secretary of a decision to carry out or grant an approval to carry out, the activity. This notice is required to include a statement setting out whether the determining authority considers the activity is consistent with the Cumberland Plain Conservation Plan Guidelines for Infrastructure Development.

Declaration of consistency

I declare that the information provided in this form demonstrates consistency with the Cumberland Plain Conservation Plan Guidelines for Infrastructure Development.

[signature]

[date]

Appendix A – Documentation to support the statement's responses

Appendix B – Prescribed Mitigation Measures

Threatened fauna

Habitat features and connectivity

Mitigation measure 1:

- a) Are any large trees greater than or equal to 50cm diameter at breast height being removed? Y/N
 - If yes, provide justification for tree removal
- b) What tree protection measures are being implemented?

Mitigation measure 2:

- a) Is any Proteaceae proposed to be removed? Y/N
- b) If yes, provide justification for this removal demonstrating that the removal will not impact on foraging resources, habitat and movement corridors for the Eastern Pygmy-possum

Mitigation measure 3:

- a) Does the infrastructure site contain any potential habitat for microbats? (eg. bridges, culverts, mine shafts, storm water tunnels, old or derelict buildings)
- b) If yes, provide a fauna assessment by a suitable ecologist and demonstrate how this will be managed including:
 - exclusion mechanisms to reduce the risk of direct physical harm to the microbats; and/or
 - supplementary habitat to compensate for lost habitat: and/or
 - regular inspections of structures and briefing of relevant construction staff.

Pests

Mitigation measure 4:

- a) has a pest control strategy been prepared for construction and operation? Yes (attached)/no
- b) Does the strategy identify the pest control methods that reduce the risk of secondary poisoning (for example, from Pindone or second-generation rodenticides).

Human disturbance

Mitigation measure 5:

- a) Are koalas known to frequent the area? Yes/No
- b) If yes, attach pre-clearance survey by a suitably qualified ecologist.
- c) If koalas are found, attach tree-felling protocol and translocation plan

Mitigation measure 6:

- a) Is the essential infrastructure located within koala habitat protected by the CPCP? Y/N
- b) If Yes,
 - a. attach the koala management plan that will be implemented. The management plan must include:
 - temporary exclusion fencing to prevent koalas entering the site during construction
 - measures to ensure the safety of koalas during construction and operation of the infrastructure, including traffic calming measures

- hygiene procedures to prevent the spread of vegetation pathogens to koala habitat trees.
- b. Demonstrate how the functionality and connectivity of the koala corridor is being maintained.

Mitigation measure 7:

- a) Does the essential infrastructure include above-ground infrastructure? Y/N
- b) If yes, confirm aboveground essential infrastructure is setback:
 - grey-headed flying fox camps (minimum 100 m where possible)
 - raptor – bird of prey – nests (minimum 100 m where possible).
- c) Detail operational management measures to be implemented to minimise disturbance to flying fox populations and raptor nests

Mitigation measure 8:

- a) will the essential infrastructure impact on any existing koala-exclusion fencing?
- b) if so, what measures are being implemented to maintain the koala-exclusion fencing integrity?

Disease

Mitigation measure 9:

- a) Attach site management plan detail on hygiene protocols that manage the potential spread of pathogens, such as Phytophthora and myrtle rust adjacent to potential habitat for species and threatened Ecological communities targeted by the CPCP, including koala use trees from which koalas and the greater glider feed.

Threatened ecological communities

Habitat features and connectivity

Mitigation measure 10

- a) Are works are likely to have indirect impacts on Cooks River/Castlereagh Ironbark Forest? N/A
- b) If so, provide detail on how these impacts will be mitigated in accordance with best-practice guidelines.

Other protected matters

Habitat features and connectivity

Mitigation measure 11

- a) Is the essential infrastructure adjacent to the southern and western boundaries of Commonwealth land comprising the Orchid Hills Defence Establishment? Y/N
- b) If so, provide detail on how impacts on surface water flows and the water quality of Blaxland Creek are mitigated.

Environmental management plan

Attach an environmental managed plan for the proposed works, including construction, operation and maintenance.

Appendix C – Offsets required under BC Act