

Department of Planning and Environment

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Cumberland Plain Conservation Plan Mitigation Measures Guidelines

August 2022



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.

Published by NSW Department of Planning and Environment

dpe.nsw.gov.au

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First published: August 2022

Department reference number: DOC22/422857

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Introduction

The Cumberland Plain Conservation Plan Mitigation Measures Guidelines support strategic conservation planning and the implementation of the Cumberland Plain Conservation Plan (the CPCP) outcomes.

The CPCP has been developed to protect western Sydney's biodiversity while supporting the delivery of housing, jobs and infrastructure. It meets requirements for strategic biodiversity certification under the *Biodiversity Conservation Act 2016* (NSW) (BC Act) and strategic assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act). We will refer to these from now on as 'the biodiversity approvals'.

Key planning mechanisms

Development on land to which the CPCP applies must be consistent with the CPCP's biodiversity approvals. These guidelines, along with the following documents, form the key planning mechanisms designed to ensure development or activity in the nominated areas is consistent with the CPCP biodiversity approvals:

1. Strategic Conservation Planning Chapter of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, which we will refer to as 'Strategic Conservation Planning 2022'
2. Environmental Planning and Assessment Regulation Amendment 2022
3. Ministerial Direction for Strategic Conservation Planning
4. Cumberland Plain Conservation Plan Guidelines for Infrastructure Development.

Approvals granted under the CPCP relate only to the EPBC Act and BC Act. Approvals may still be required under other legislation, including the *Environmental Planning and Assessment Act 1979* (EP&A Act), *Fisheries Management Act 1994* and the *Water Management Act 2000*.

Aims of these guidelines

These guidelines aim to:

1. ensure consistency with the CPCP's biodiversity approvals
2. meet the CPCP's environmental outcomes
3. guide planning proponents and authorities, consultants, and the community to implement the CPCP's commitments and actions
4. set out the requirements to mitigate impacts on biodiversity from development.

Application

These guidelines apply to development under Part 4 of the EP&A Act carried out on land identified as certified-urban capable land in Strategic Conservation Planning 2022. These guidelines also apply to development on land identified as certified major transport corridors under the CPCP.

These guidelines apply to development located on certified – urban capable land in the following nominated areas under the CPCP.

- Part 1 – applies to Greater Macarthur Growth Area
- Part 2 – applies to Greater Macarthur Growth Area and Greater Penrith to Eastern Creek Investigation Area.

These guidelines set out mitigation requirements that identified development must address to ensure consistency with the CPCP’s biodiversity approvals.

The objectives below align with the CPCP’s commitments as identified in brackets.

The mitigation requirements given below align with Appendix E of the CPCP.

Part 1 — Koalas

Environmental outcome

Condition of protected koala habitat is improved, connectivity between koala sub-populations is maintained, threats to koalas are managed and the koala population in south- western Sydney persists.

Table 1: Koala Mitigation Requirements

Objective	Mitigation requirements
<p>Koala Protection</p> <p>Mitigate indirect and prescribed impacts from urban, industrial, and infrastructure development on the Southern Sydney koala population to best-practice standards and in line with advice from the NSW Chief Scientist and Engineer, and in accordance with Appendix E of the CPCP (Commitment 7 of the CPCP)</p>	<p>For all development on certified-urban capable land that is adjacent to koala habitat, the following controls apply:</p> <p>Precinct design</p> <ol style="list-style-type: none"> 1. Design subdivision layout, including perimeter roads and asset protection zones, to reduce impacts on, and protect areas of, adjacent koala habitat. 2. Signpost areas adjoining koala habitat to identify that koalas are in the area and the associated penalties for non-compliance. 3. Do not plant koala use tree species in open space, recreation areas and urban streets. Koala use tree species are set out in Schedule 2 of the State Environmental Planning Policy (Koala Habitat Protection) 2021. <p>Onsite ecologist</p> <ol style="list-style-type: none"> 4. An ecologist must be present throughout the duration of any pre-clearance koala surveys and vegetation clearing works to maintain oversight of and responsibility for the activities and koala translocation. 5. Where a koala-exclusion fence is not installed between koala habitat and certified-urban capable land, the following development controls apply. <p>Pre-construction koala controls</p> <ol style="list-style-type: none"> 6. Prepare a pre-clearance koala survey immediately before the removal of native vegetation to ensure minimal disturbance to koala habitat. Implement a translocation plan if they are found. Translocation may require a licence from the NSW Department of Planning and Environment’s Environment and Heritage group under the Translocation Operational Policy 7. Implement a tree-felling protocol to avoid impacts to koalas that are in trees to be cleared.

Objective	Mitigation requirements
	<p>8. Enforce vehicle wash-down points for machinery, equipment and tyres before entering and leaving the construction site to control the spread of vegetation pathogens known to affect trees from which koalas feed.</p> <p>Pre-construction temporary fencing</p> <p>9. Erect temporary protective fencing designed for koalas' safety to protect adjacent koala habitat on or immediately adjoining the site before construction.</p> <p>Dog containment fencing</p> <p>10. Design and construct public dog recreation areas with secure containment fencing.</p> <p>11. Design residential lots with dog containment fencing in accordance with council requirements.</p> <p>Development operation</p> <p>12. Manage roadside vegetation to increase the visibility of koalas.</p> <p>Vehicle strike</p> <p>The following traffic-calming measures must be implemented for all development:</p> <p>13. Implement 40 km/hr speed limit restrictions on local roads adjacent to koala habitat.</p> <p>14. Install koala information signposts on perimeter roads around development footprints and roads adjacent to wildlife habitat areas, in accordance with Austroads, Roads and Maritime Services (RMS) technical guidelines, council guidelines and relevant Australian Standards.</p> <p>15. Install traffic-calming devices such as speed humps and audible surfacing along perimeter roads adjacent to koala habitat.</p> <p>16. Install koala-friendly road design structures such as underpasses, fauna bridges and overpasses as required. Refer to the RMS Biodiversity Guidelines.</p>

Part 2 — Threatened ecological communities and species

Environmental outcome

Areas of high biodiversity value in the nominated areas are protected and threats to species and ecological communities from increasing urbanisation is managed

Table 2: Mitigation requirements

Objective	Mitigation requirements
<p>Threats to threatened ecological communities</p> <ol style="list-style-type: none"> Mitigate indirect and prescribed impacts from urban and industrial development, infrastructure and intensive plant agriculture on threatened ecological communities, species and their habitat. (Commitment 5 from the CPCP) Mitigate indirect and prescribed impacts from urban, industrial, and infrastructure development on the Southern Sydney koala population to best-practice standards and in line with advice from the NSW Chief Scientist and Engineer, and in accordance with Appendix E of the CPCP (Commitment 7 of the CPCP) Manage priority pest species in strategic locations in the Cumberland subregion to reduce threats to protected land (Commitment 16 of the CPCP) 	<p>For all development on certified-urban capable land, the following controls apply:</p> <p>Site design</p> <ol style="list-style-type: none"> Erect temporary protective fencing around retained biodiversity onsite to be protected, or biodiversity immediately adjoining the site, before construction begins. Implement an open structure design for roads adjacent to known populations of Cumberland Plain land snail, in accordance with actions under the Save our Species Program (run by the department’s former Environment, Energy and Science group, 2020, known since 1 April 2022 as Environment and Heritage). <p>Fauna translocation</p> <ol style="list-style-type: none"> Prepare a pre-clearance native fauna survey immediately before the clearing of native vegetation to ensure that arboreal mammals, roosting and hollow-using birds, bats and reptiles are restricted from accessing any vegetation to be cleared and are translocated clearing. Translocation may require a licence from the department’s Environment and Heritage group under the Translocation Operational Policy <p>Weed mitigation</p> <ol style="list-style-type: none"> Implement mitigation measures to manage weeds during construction and operation to protect adjacent flora populations. Follow the guidance in the Cumberland Plain Conservation Plan Weed Control Implementation Strategy. <p>Pest control</p>

Objective	Mitigation requirements
	<p>21. A qualified expert must prepare a pest control strategy to be carried out during construction. This must be done in accordance with best practice for chemical use to reduce the risk of secondary poisoning (from poison such as Pindone or second-generation rodenticides).</p>
<p>Threats to threatened species and habitat condition</p> <ol style="list-style-type: none"> 1. Mitigate indirect and prescribed impacts from urban and industrial development, infrastructure and intensive plant agriculture on threatened ecological communities, species and their habitat. (Commitment 5 from the CPCP) 2. Manage priority pest species in strategic locations in the Cumberland subregion to reduce threats to protected land (Commitment 16 of the CPCP) 3. Manage fire in strategic locations in the Cumberland subregion to support the maintenance of biodiversity values on conservation land. (Commitment 17 of the CPCP) 4. Support new or existing programs to control key diseases affecting threatened species and ecological communities in the Cumberland subregion. (Commitment 18 of the CPCP) 	<p>Pet containment</p> <ol style="list-style-type: none"> 1. Contain domestic cats and dogs within certified-urban capable land, consistent with relevant council guidelines. <p>Habitat protection</p> <ol style="list-style-type: none"> 2. Avoid impacts to habitat features, including: 3. Retaining large and dead native trees (>50 cm diameter at breast height) that are not a safety risk and that provide habitat for threatened species 4. Avoiding impacts to soil within the dripline of the retained trees. 5. Provide setbacks from development for grey-headed flying fox camps and raptors, if present on or adjacent to the site as below: <ol style="list-style-type: none"> a. Species: Grey-headed flying fox Control: Grey-headed flying fox camps require a 100 m setback to any development. The setback area should be maintained free of flying fox roosting habitat. b. Species: Raptors (birds of prey) Control: Raptor nests require a 500 m circular setback from where nests are in undisturbed bushland, or a minimum circular setback distance of 250 m where nests are closer to existing development. Owl nests require a 100 m circular setback from where nests are. 6. Undertake pre-construction surveys before removing or disturbing human-made structures and before microbats go into torpor– an inactive state that conserves energy. This is to retain roosting habitat for microbat species. Retain man-made roosting habitat including mine shafts, storm water tunnels, old or derelict buildings, bridges and culverts, where possible, and ensure any individuals are dispersed or relocated in accordance with best practice. 7. Apply best-practice site hygiene protocols to manage the potential spread of Phytophthora and myrtle rust from adjacent land to avoided land, in accordance with the

Objective	Mitigation requirements
	<p>Arrive Clean, Leave Clean: Guidelines (Commonwealth of Australia, 2015).</p> <p>Fire management</p> <p>8. Undertake fire hazard management within Asset Protection Zones in the Greater Macarthur Growth Area to protect and enhance the <i>Pimelea spicata</i> (spiked rice flower) species in accordance with species mapping in the Cumberland Plain Assessment Report.</p>
<p>Riparian protection and waterways</p> <p>1. Mitigate indirect and prescribed impacts from urban and industrial development, infrastructure and intensive plant agriculture on threatened ecological communities, species and their habitat. (Commitment 5 of the CPCP)</p>	<p>Waterway protection</p> <p>1. Ensure development adjacent to the southern and western boundaries of Commonwealth land comprising the Orchard Hills Defence Establishment mitigates impacts to surface water flows and the water quality of Blaxland Creek.</p> <p>Riparian protection</p> <p>2. Retain areas of the Proteaceae shrubs for the Eastern Pygmy Possum (<i>Cercartetus nanus</i>) along or adjacent to riparian areas to improve and maintain habitat connectivity in accordance with species mapping in the Cumberland Plain Assessment Report.</p>