

Explanation of intended effect: Changes to Cumberland Plain Conservation Plan planning control maps

November 2025



Acknowledgement of Country

The Department of Planning, Housing and Infrastructure 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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More information

Authored by the Department of Planning, Housing and Infrastructure's Biodiversity Policy team

Acknowledgements

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Abbreviations

Abbreviation	Definition
BCAR	Biodiversity Certification Assessment Report
BC Act	Biodiversity Conservation Act 2016
Biodiversity and Conservation SEPP	State Environmental Planning Policy (Biodiversity and Conservation) 2021
CPCP	Cumberland Plain Conservation Plan
CUCL	Certified urban capable land
The Department	The Department of Planning, Housing and Infrastructure
EIE	Explanation of intended effect
SEPP	State environmental planning policy

1 Introduction

The Department of Planning, Housing and Infrastructure (the Department) is proposing changes to Cumberland Plain Conservation Plan (CPCP) mapping under Chapter 13 (Strategic Conservation Planning) of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP). This will change the planning controls applicable to a limited number of sites affected by the CPCP, and allow for approximately an additional 26.2 hectares of certified-urban capable land (CUCL).

1.1 How this document is structured

This explanation of intended effect (EIE) includes the following chapters:

- **Chapter 1: Introduction** - provides an overview of the proposed amendments.
- **Chapter 2: Proposed map changes** - details the proposed changes to the existing CPCP mapping and the context for these changes.
- **Chapter 3: Next steps** – details the next steps following public exhibition.

1.2 Summary of the proposed amendments

This Explanation of Intended Effect (EIE) outlines the proposed changes to the Biodiversity and Conservation SEPP.

Chapter 13 of the Biodiversity and Conservation SEPP deals with strategic conservation planning. The chapter applies specific planning controls to land mapped and designated to certain categories, including as ‘avoided land’ and ‘certified urban capable land’ (CUCL). The aim of the policy is to facilitate appropriate development on CUCL and minimise impacts from future development on the high biodiversity value, identified as avoided land.

If approved the policy amendments in this EIE will include:

- amending the CUCL map boundary to increase the total area of that land by 26.2 hectares
- amending the avoided land map boundary to decrease the total area of that land by 28.3 hectares
- amending the excluded land map boundary by 2.1 hectares as a result of the above amendments.

1.3 Have your say

The Department welcomes community and stakeholder feedback on this EIE. Your feedback will help us better understand the views of the community to inform the final policy proposals discussed in this document.

To provide feedback, please submit your comments through the Department's 'Have your say' webpage.

2 Proposed map changes

2.1 Context

The CPCP is a landscape scale strategic conservation program which supports the delivery of housing and infrastructure in western Sydney, while protecting important biodiversity, including threatened plants and animals.

The CPCP program runs to 2056, and to ensure it remains contemporary the program includes a commitment to allow for minor modification if required and justified. In 2023, the Department opened an expression of interest process for landowners with land affected by the CPCP to request minor modifications to the CPCP mapping.

The Department has assessed and agreed to support 22 modification requests across 20 sites. Those modification requests form the basis of the map changes outlined in this EIE.

Under Section 8.22 of the *Biodiversity Conservation Act 2016* (BC Act), a modification of a biodiversity certification may be approved either as a result of an application to the NSW Minister for the Environment, or on the Minister's own initiative.

Part 13.5A of the Biodiversity and Conservation SEPP establishes a process for the Minister for Planning and Public Spaces to initiate an application to the Minister for the Environment to modify a biodiversity certification under Section 8.22 of the BC Act after undertaking the assessment of a request from an affected landowner.

In the case of a modification to the certification boundary, the BC Act requires the modification to be accompanied by a biodiversity certification assessment report (BCAR), which assesses the proposed site specific changes in accordance with the NSW Biodiversity Assessment Method.

The BCAR includes a detailed assessment of changes proposed under this modification and their potential impacts. The BCAR is being exhibited together with this EIE and can be viewed on the NSW Planning Portal.

2.2 Proposed map changes

If approved the proposed map changes will result in an additional 26.2 hectares of CUCL, 2.1 hectares of excluded land (for which Chapter 13 of the BC SEPP will no longer apply) and a

decrease in 28.3 hectares of avoided land. These changes are for 20 sites between Orchard Hills and Wilton, within the 4 nominated areas in western Sydney:

- Greater Penrith to Eastern Creek Investigation Area
- Western Sydney Aerotropolis Growth Area
- Greater Macarthur Growth Area
- Wilton Growth Area.

Table 1 summarises the specific BC SEPP map changes that are proposed for each of the 20 sites. The justification for these proposed changes is comprehensively detailed in the BCAR and are not repeated in this document.

If the proposed CPCP modification is approved by the Minister for the Environment and the certification is amended, the certified urban capable land and avoided land maps in the Biodiversity and Conservation SEPP will be updated to align with the amended certification boundaries.

Amending the Biodiversity and Conservation SEPP maps will ensure the relevant planning controls apply to the new certified urban capable land and avoided land areas and remove the application of the planning controls for areas no longer identified in the certification.

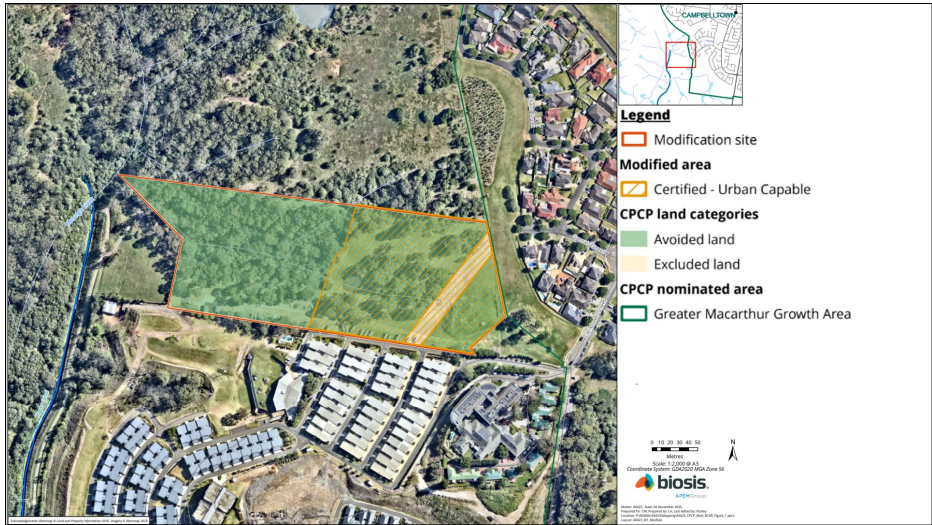
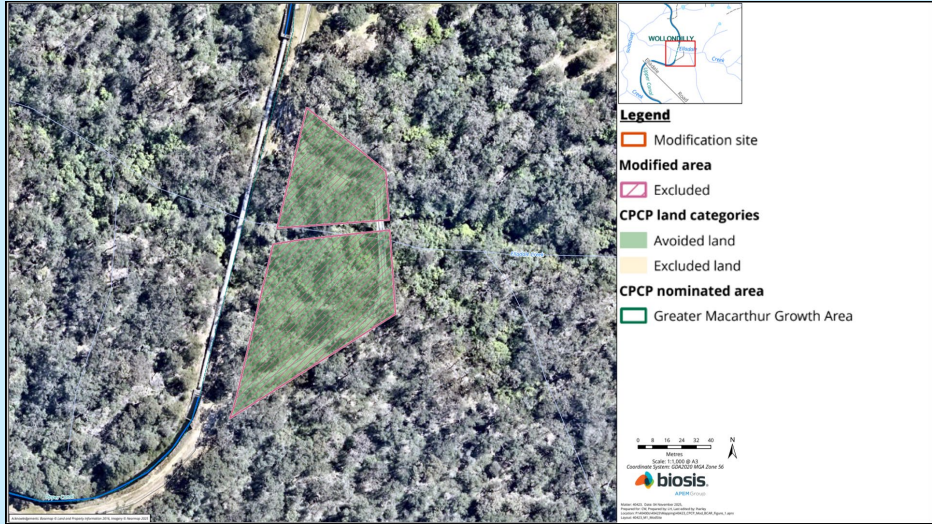
The Department will only seek to amend the Biodiversity and Conservation SEPP maps if the Minister for the Environment approves the modification and amends the certification.

Table 1: Summary of the CPCP modification changes at site scale

Site	Lot//DP	Proposed change	Revised Biodiversity and Conservation SEPP mapping
1	<ul style="list-style-type: none"> 35/--DP230946 2/--/DP622362 3/--/ DP622362 58/--/DP632328 	<ul style="list-style-type: none"> CUCL increase 1.11 ha Avoided land decrease 1.83 ha Excluded land increase 0.71 ha <p>See Section 4.1.2 of the BCAR for justification.</p>	
2	<ul style="list-style-type: none"> 7//DP816863 	<ul style="list-style-type: none"> CUCL increase 2 ha Avoided land decrease 2 ha Excluded land no change <p>See Section 4.2.2 of the BCAR for justification.</p>	

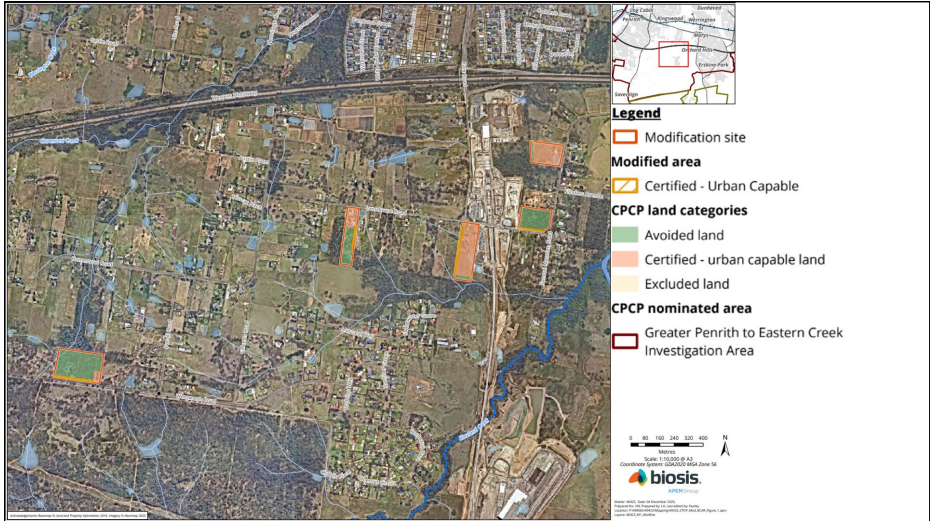
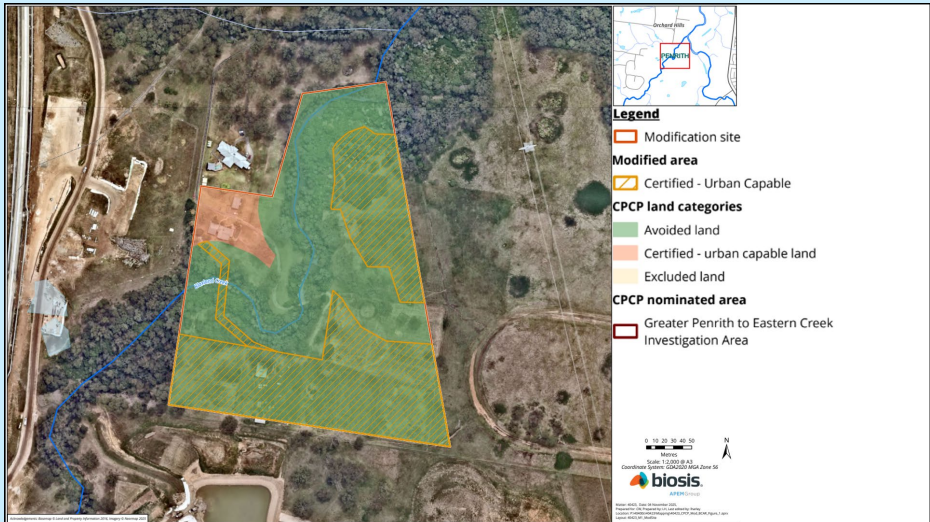
Site	Lot//DP	Proposed change	Revised Biodiversity and Conservation SEPP mapping
3	<ul style="list-style-type: none"> 1/--/DP816861 	<ul style="list-style-type: none"> CUCL increase 0.08 ha Avoided land decrease 0.07 ha Excluded land decrease 0.01 ha <p>See Section 4.3.2 of the BCAR for justification.</p>	
4	<ul style="list-style-type: none"> 1 /--/ DP602888 	<ul style="list-style-type: none"> CUCL increase 0.82 ha Avoided land decrease 0.82 ha Excluded land no change <p>See Section 4.4.2 of the BCAR for justification.</p>	


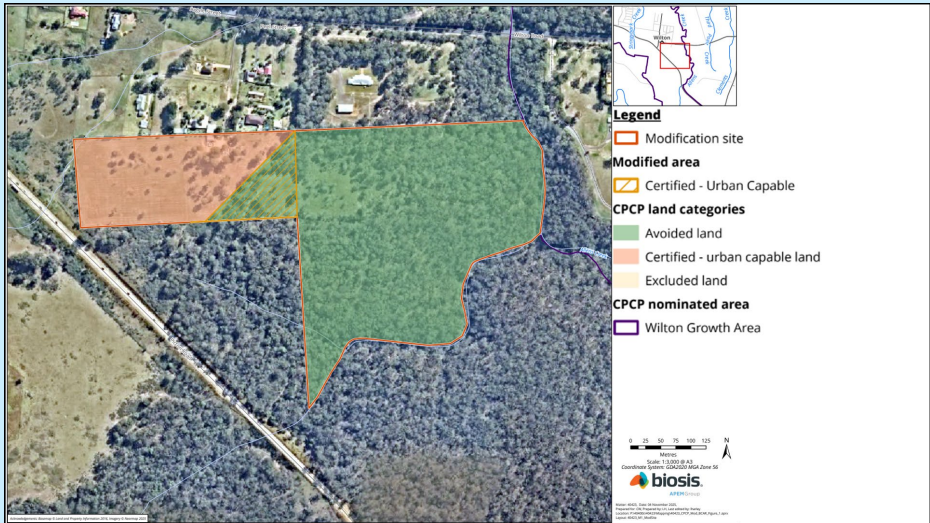
Site	Lot//DP	Proposed change	Revised Biodiversity and Conservation SEPP mapping
5	<ul style="list-style-type: none"> 105/--/DP1188670 	<ul style="list-style-type: none"> CUCL decrease 0.38 ha Avoided land increase 0.38 ha Excluded land no change <p>See Section 4.5.2 of the BCAR for justification.</p>	
6	<ul style="list-style-type: none"> 2 /--/ DP599222 	<ul style="list-style-type: none"> CUCL no change Avoided land decrease 0.92 ha Excluded land increase 0.92 ha <p>See Section 4.6.2 of the BCAR for justification.</p>	

Site	Lot//DP	Proposed change	Revised Biodiversity and Conservation SEPP mapping
7	<ul style="list-style-type: none"> 21/--/DP1000643 	<ul style="list-style-type: none"> CUCL increase 2.48 ha Avoided land decrease 2.22 ha Excluded land decrease 0.26 ha <p>See Section 4.7.2 of the BCAR for justification.</p>	 <p>Legend</p> <ul style="list-style-type: none"> Modification site Modified area CPCP land categories <ul style="list-style-type: none"> Avoided land Excluded land CPCP nominated area Greater Macarthur Growth Area <p>Scale: 1:10000 A3 Coordinate System: GDA2020 MGA Zone 56 biosis AECOM</p>
8	<ul style="list-style-type: none"> 1/- -/DP1006964 1/- -/DP338801 59/- -/DP814316 1/- -/DP87980 	<ul style="list-style-type: none"> CUCL no change Avoided land decreased 0.77 ha Excluded land increase 0.77 ha <p>See Section 4.8.2 of the BCAR for justification.</p>	 <p>Legend</p> <ul style="list-style-type: none"> Modification site Modified area Excluded CPCP land categories <ul style="list-style-type: none"> Avoided land Excluded land CPCP nominated area Greater Macarthur Growth Area <p>Scale: 1:10000 A3 Coordinate System: GDA2020 MGA Zone 56 biosis AECOM</p>

Site	Lot//DP	Proposed change	Revised Biodiversity and Conservation SEPP mapping
9	<ul style="list-style-type: none"> 76//DP29388 	<ul style="list-style-type: none"> CUCL increase 0.41 Avoided land decrease 0.41 Excluded land no change <p>See Section 4.9.2 of the BCAR for justification.</p>	
10	<ul style="list-style-type: none"> 79/--/DP29388 	<ul style="list-style-type: none"> CUCL increase 1 ha Avoided land decrease 1 ha Excluded land no change <p>See Section 4.10.2 of the BCAR for justification.</p>	

Site	Lot//DP	Proposed change	Revised Biodiversity and Conservation SEPP mapping
11	<ul style="list-style-type: none"> 25 // DP244610 	<ul style="list-style-type: none"> CUCL increase 1.01 ha Avoided land decrease 1.01 ha Excluded land no change <p>See Section 4.11.2 of the BCAR for justification.</p>	
12	<ul style="list-style-type: none"> 26 // DP244610 	<ul style="list-style-type: none"> CUCL increase 1.95 ha Avoided land decrease 1.95 ha Excluded land no change <p>See Section 4.12.2 of the BCAR for justification.</p>	

Site	Lot//DP	Proposed change	Revised Biodiversity and Conservation SEPP mapping
13	<ul style="list-style-type: none"> 12//DP237628 13//DP237628 1//DP238675 2//DP238675 70//DP29388 71//DP29388 80//DP29388 961//DP712220 	<ul style="list-style-type: none"> CUCL increase 0.63 ha Avoided land decrease 0.63 ha Excluded land no change <p>See Section 4.13.2 of the BCAR for justification.</p>	
14	<ul style="list-style-type: none"> 2/- /DP793728 	<ul style="list-style-type: none"> CUCL increase 4.10 ha Avoided land decrease 4.10 ha Excluded land no change <p>See Section 4.14.2 of the BCAR for justification.</p>	

Site	Lot//DP	Proposed change	Revised Biodiversity and Conservation SEPP mapping
15	<ul style="list-style-type: none"> 132/--/DP1276954 	<ul style="list-style-type: none"> CUCL increase 1.06 ha Avoided land decrease 1.02 ha Excluded land decrease 0.04 ha <p>See Section 4.15.2 of the BCAR for justification.</p>	
16	<ul style="list-style-type: none"> 8/--/DP616274 	<ul style="list-style-type: none"> CUCL increase 1.09 ha Avoided land decrease 1.09 ha Excluded land no change <p>See Section 4.16.2 of the BCAR for justification.</p>	

Site	Lot//DP	Proposed change	Revised Biodiversity and Conservation SEPP mapping
17	<ul style="list-style-type: none"> 423/- -/DP1014221 	<ul style="list-style-type: none"> CUCL increase 1.56 ha Avoided land decrease 1.56 ha Excluded land no change <p>See Section 4.17.2 of the BCAR for justification.</p>	
18	<ul style="list-style-type: none"> 8//DP249938 	<ul style="list-style-type: none"> CUCL increase 1.57 ha Avoided land decrease 1.57 ha Excluded land no change <p>See Section 4.18.2 of the BCAR for justification.</p>	

Site	Lot//DP	Proposed change	Revised Biodiversity and Conservation SEPP mapping
19	<ul style="list-style-type: none"> 38//DP708347 	<ul style="list-style-type: none"> CUCL increase 3.16 ha Avoided land decrease 3.16 ha Excluded land no change See Section 4.19.2 of the BCAR for justification. 	
20	<ul style="list-style-type: none"> Lot 11/--/DP32026 Lot 38/--/DP211842 Lot 12/--/DP32026 	<ul style="list-style-type: none"> CUCL increase 2.55 ha Avoided land decrease 2.5 ha Excluded land no change See Section 4.20.2 of the BCAR for justification. 	

3 Next steps

Following the exhibition of the EIE, the Department will consider and address feedback received during exhibition before finalising its formal submission to request the Minister for the Environment to modify the certification.

The Minister for the Environment is responsible for making the final decision about the acceptability of any proposed changes to the certification under the BC Act.

If the proposed changes are accepted and the certification is amended, the Department will progress an amendment to the Biodiversity and Conservation SEPP mapping for CUCL, avoided land and excluded land to the Minister for Planning and Public Spaces. The amended CUCL will be subject to the relevant planning controls under Part 13.5 of the Biodiversity and Conservation SEPP, and the amended avoided land will be subject to the relevant planning controls under Part 13.3 of the Biodiversity and Conservation SEPP.

The Department will notify affected landowners and stakeholders that have made a submission of the changes.