

## Order conferring strategic biodiversity certification – Cumberland Plain Conservation Plan

Under section 8.2 of the *Biodiversity Conservation Act 2016*

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Under section 8.2 of the Act, I James Griffin MP Minister for Environment and Heritage, confer biodiversity certification on the Specified Land.

Under section 8.7(1) of the Act, I am satisfied having considered the biodiversity certification assessment report, that the approved conservation measures under the biodiversity certification adequately address the likely impacts on biodiversity values of the biodiversity certification of the land.

Under section 8.3(1) of the Act, I specify the measures listed in Schedule 3 of the Order as approved conservation measures under this biodiversity certification.

Under section 8.3(3)(a) and (b) of the Act, I specify the measures listed in Schedule 4 of the Order as other approved measures being requirements as to the timing, monitoring, reporting and auditing of the implementation of the proposed and other approved conservation measures.

Under section 8.3(3)(c) and clause 8.1 of the Regulation, I specify the measures listed in Schedule 4 of the Order as other approved measures to avoid or minimise the impacts on biodiversity values of the clearing of native vegetation and the loss of habitat on Specified Land.

Under 8.8(2)(b) of the Act, I specify the measures listed in Schedule 4 of the Order as measures to minimise likely serious and irreversible impacts on biodiversity values.

Under section 8.9(1) of the Act, I identify the parties to the biodiversity certification in Schedule 5 of the Order.

Under section 8.2 of the Act, I determine that biodiversity certification of the Specified Land is to take effect from the date of Conferral and is to remain in force indefinitely.

Under section 8.12 of the Act, I will review this Biodiversity Certification (including the Plan) in year 6 (from the date of Conferral) and every five (5) years thereafter.



**JAMES GRIFFIN MP**  
Minister for Environment and Heritage

Signed this 20<sup>th</sup> day of July 2022

## Definitions

In this Order:

**Act** means the *Biodiversity Conservation Act 2016* (NSW).

**Applicant** means the party specified in Schedule 5 of this Order.

**Avoided Land** means the land depicted as 'Avoided Land' on the maps in Schedule 2.

**BAM 2017** means the Biodiversity Assessment Method established by Order of the Minister on 24 August 2017.

**BCT** means the Biodiversity Conservation Trust established under Part 10 of the Act.

**Biodiversity Credit** has the same meaning as in section 1.6 of the Act.

**Biodiversity Stewardship Site** has the same meaning as in section 1.6 of the Act.

**Biodiversity Stewardship Agreement** has the same meaning as in section 1.6 of the Act.

**Certified Urban Capable Land** means the land depicted as the 'Certified – urban capable land' in the Maps 1-6 of Schedule 2.

**Conferral** means the conferral of biodiversity certification by publication of this Order in the NSW Government Gazette.

**Consent Authority** has the meaning given in the *Environmental Planning and Assessment Act 1979* (NSW).

**Delegate** means the delegate exercising functions under Part 8 of the Act on delegation from the Minister.

**Department** means the NSW Department of Planning and Environment.

**Development Consent** has the meaning given in the *Environmental Planning and Assessment Act 1979* (NSW).

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

**Essential Infrastructure** has the meaning given in Appendix A of the Plan.

**Executive Implementation Committee** means the committee made up of representatives from key NSW Government Agencies.

**Hectare Targets** means the targets specified in Commitment 8 in the Plan, which sets out a minimum target in hectares for 6 EPBC Act-listed ecological communities and 8 Act-listed threatened ecological communities.

**Koala Working Group** means the group established in accordance with the commitments of the Plan which provides expert advice and supports implementation of the priority actions for koalas.

**Mamre Road Precinct** has the meaning given in the *Mamre Road Precinct Development Control Plan 2021* (NSW).

**Minister** means the Minister of Environment and Heritage responsible for administering the Act and includes his or her successors in office.

**NPW Act** means the *National Parks and Wildlife Act 1974* (NSW).

**NPWS** means the National Parks and Wildlife Service.

**OCSE** means the Office of the NSW Chief Scientist and Engineer.

**Offset Location Targets** means the minimum offset location targets specified in Commitment 9 of the Plan for flora and fauna species.

**OSL** means the Office of Strategic Lands.

**Plant Community Type (PCT)** has the meaning as in BAM 2017.

**Plan** means the Cumberland Plain Conservation Plan, incorporating Sub-Plan A Conservation Program and Implementation and Sub-Plan B Koalas (NSW Department of Planning, Industry and Environment, November 2021).

**Reconciliation Accounting Process** means the mechanism used to:

- a. reconcile the establishment of conservation land or direct purchase of credits with development impacts over the life of the Plan; and
- b. facilitate reporting on the Plan's targets and commitments and (see Commitment 25 of the Plan)

**Regulation** means the *Biodiversity Conservation Regulation 2017* (NSW).

**Restoration Implementation Strategy** means a strategy to establish best practice principles and methodologies for restoration under the Plan.

**South West Growth Area** has the same meaning as in the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

**Specified Land** means the land described in Schedule 1 to this Order and depicted in Maps 1-6 of Schedule 2.

**Strategic Conservation Area** means the land depicted as the 'Strategic Conservation Area' in the Maps 1-6 of Schedule 2.

**Target PCT** means a PCT for which there is a Hectare Target in Commitment 8 of the Plan.

**Target Species** means a species for which there is a target in Commitment 9 of the Plan.

**Target TEC** means a TEC for which there is a Hectare Target in Commitment 8 of the Plan.

**TfNSW** means Transport for NSW.

**Threatened Ecological Community (TEC)** has the meaning as in BAM 2017.

**Western Sydney Aerotropolis** means the area shown as 'Western Sydney Aerotropolis' on the maps in Schedule 2.

**Western Sydney International Airport** means the area shown as 'Western Sydney International (Nancy-Bird Walton) Airport' on the maps in Schedule 2.

## **Schedule 1 – Description of the Specified Land**

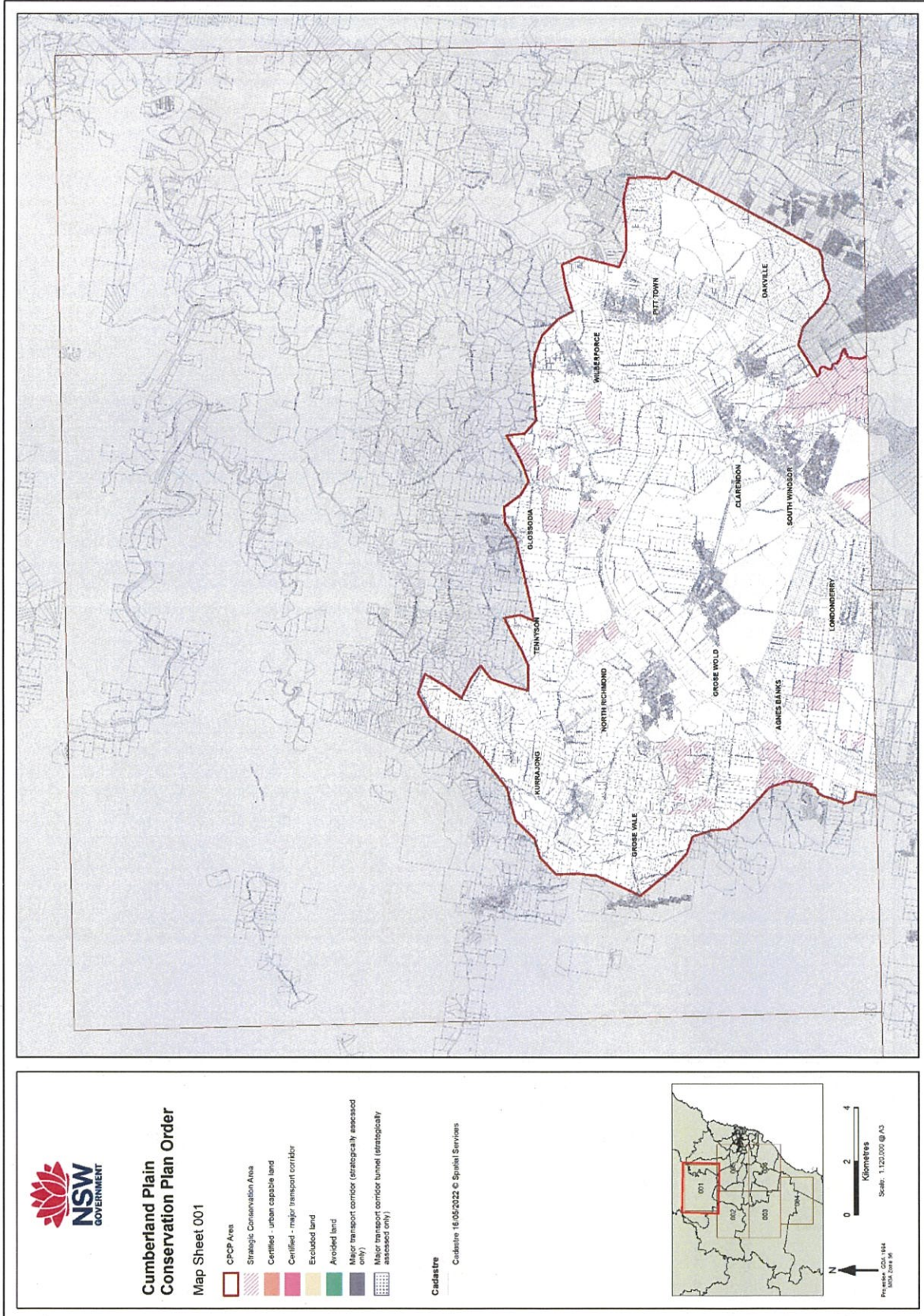
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The Specified Land covers approximately 11,165 hectares and comprises the land depicted as 'Certified – urban capable land' or 'Certified – major transport corridor' on the maps in Schedule 2.

For the avoidance of doubt, the Specified Land does not include parts of Western Sydney Aerotropolis that overlap with the South West Growth Area, the Western Sydney International Airport and the eastern part of Mamre Road Precinct.

# Schedule 2 – Maps of the Specified Land

## MAP 1





**Cumberland Plain Conservation Plan Order**

Map Sheet 002

- CCPP Area
- Strategic Conservation Area
- Certified - urban capable land
- Certified - major transport corridor
- Excluded land
- Avoided land
- Major transport corridor (strategically assessed only)
- Major transport corridor (tunnel (strategically assessed only))

**Cadastral**

Cadastral 16/05/2022 © Spatial Services



0 2 4  
Kilometres  
Scale: 1:120,000 @ A3  
Printed: 16/05/2022  
MSL 2011.18



**Cumberland Plain Conservation Plan Order**

Map Sheet 003

- CFCP Area
- Strategic Conservation Area
- Certified - urban capable land
- Certified - major transport corridor
- Excluded land
- Avoided land
- Major transport corridor (strategically assessed only)
- Major transport corridor tunnel (strategically assessed only)

Cadastral

Cadastral 16/05/2022 © Spatial Services



Scale: 1:120,000 @ A3

Project: CCA 194  
200, 201, 202





# Cumberland Plain Conservation Plan Order

Map Sheet 004

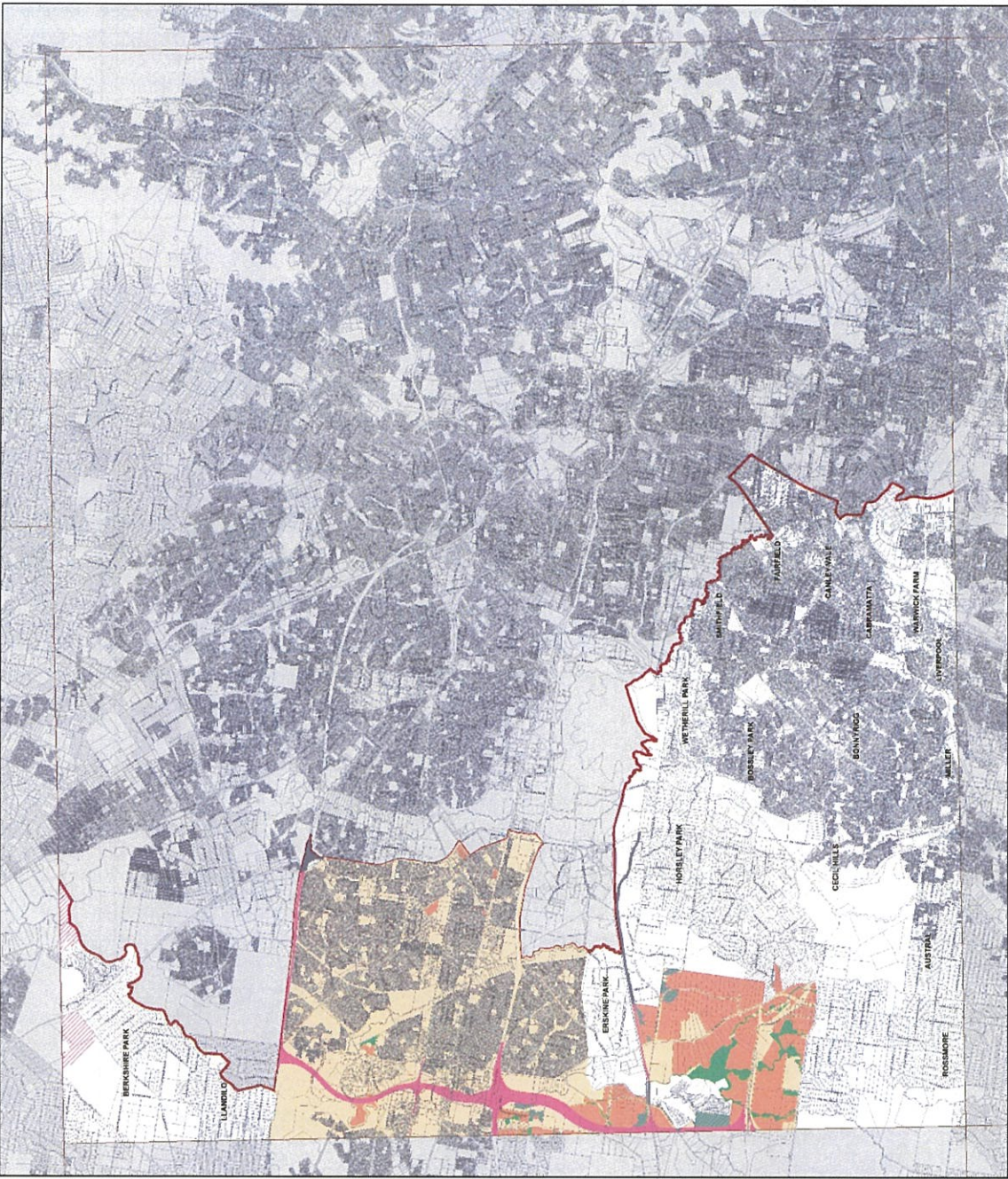
- C/CP Area
- Strategic Conservation Area
- Certified - urban capable land
- Certified - major transport corridor
- Excluded land
- Avoided land
- Major transport corridor (strategically assessed only)
- Major transport corridor tunnel (strategically assessed only)

Cadastre

Current: 16/05/2022 © Spatial Services







# Cumberland Plain Conservation Plan Order Map Sheet 005

- CPCP Area
- Strategic Conservation Area
- Certified - urban capable land
- Certified - major transport corridor
- Excluded land
- Avoided land
- Major transport corridor (strategically assessed only)
- Major transport corridor tunnel (strategically assessed only)

**Cadastral**  
Cadastral: 16/05/2022 © Spatial Services



0 2 4  
Kilometres  
Scale: 1:120,000 @ A3  
North Arrow

Prepared: 05/10/24  
Map Date: 16



# Cumberland Plain Conservation Plan Order

Map Sheet 006

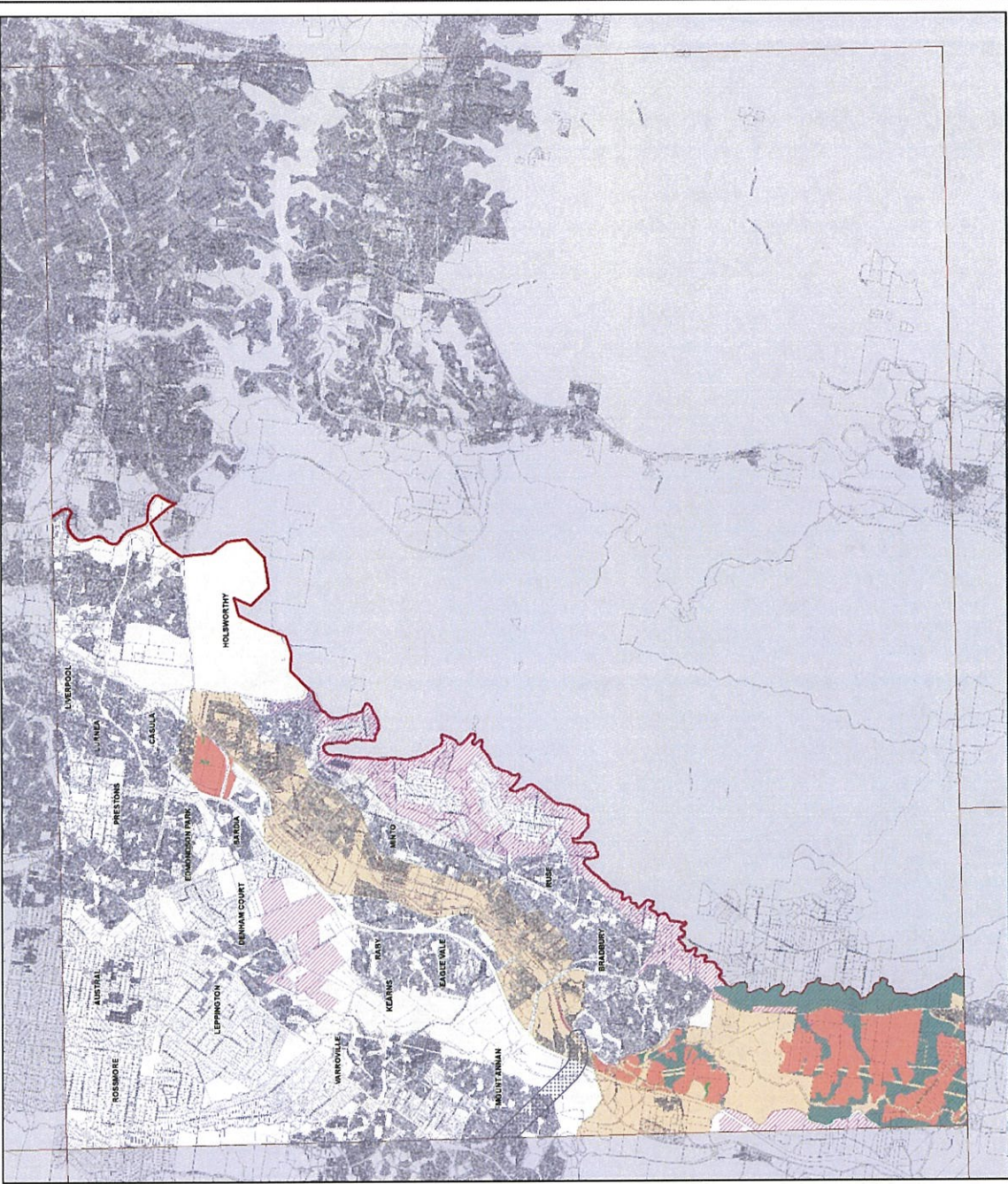
- CFCP Area
- Strategic Conservation Area
- Certified - urban capable land
- Certified - major transport corridor
- Excluded land
- Avoided land
- Major transport corridor (strategically assessed only)
- Major transport corridor (strategically assessed only)

Cadastral

Cadastral 16/05/2022 © Spatial Services



Project: 054/184  
Map Sheet 006



### Schedule 3 – Approved Conservation Measures

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Section 8.3(1) – The order conferring biodiversity certification is to specify the measures that are approved conservation measures under the biodiversity certification.

Section 8.3(2) – The measures that may be specified as approved conservation measures are the measures to offset the impacts on biodiversity values of the clearing of native vegetation and the loss of habitat on the biodiversity certified land.

1. The Applicant will deliver Commitments 1-26 set out in Appendix C of the Plan.
2. The approved conservation measures are to be delivered in accordance with this Order and the Plan. The Plan is enforceable by the Minister under this Order. This Order prevails to the extent of any inconsistency between this Order and the Plan.
3. The Applicant will retire 171 Cumberland Plain Woodland Credits. For avoidance of doubt, this may be counted towards the Hectare Target for the Cumberland Plain Woodland.
4. This condition relates to the species listed in Commitment 9 of the plan which includes Offset Location targets.
  - a. The Offset Location Targets in Commitment 9 are to be replaced with the number of offset locations shown below:
    - i. *Cynanchum elegans* - 2 offset locations,
    - ii. *Dillwynia tenuifolia* – 4 offset locations,
    - iii. *Grevillea juniperina* subsp. *juniperina* (Juniper-leaved Grevillea) - 4 offset locations,
    - iv. *Hibbertia fumana* - 2 offset locations,
    - v. *Hibbertia puberula* - 2 offset locations,
    - vi. *Marsdenia viridiflora* subsp. *viridiflora* - 3 offset locations,
    - vii. *Persoonia nutans* (Nodding Geebung) - 3 offset locations,
    - viii. *Pimelea spicata* (Spiked Rice-flower) - 4 offset locations,
    - ix. *Pultenaea parviflora* - 3 offset locations,
    - x. *Pultenaea pedunculata* (Matted Bush-pea) - 3 offset locations,
    - xi. *Haliaeetus leucogaster* (White-bellied Sea-Eagle) - 2 offset locations,
    - xii. *Hieraaetus morphnoides* (Little Eagle) - 2 offset locations,
    - xiii. *Lophoictinia isura* (Square-tailed kite) - 2 offset locations,
    - xiv. *Meridolum corneovirens* (Cumberland Plain Land Snail) - 3 offset locations, and
    - xv. *Myotis macropus* (Southern Myotis) - 1 offset locations.
  - b. For Biodiversity Stewardship Sites established on land owned or purchased by the Applicant to meet targets in Commitments 8 or 9 of the Plan, the Applicant must:

- i. Determine whether there is potential habitat present for each of the Target Species listed in Condition 4(a) of this Schedule.
  - ii. If there is potential habitat present, targeted surveys must be undertaken to determine if the Target Species are present and species credits must be generated for those Target Species.
  - iii. Species credits for the Target Species must be generated within five years of the Biodiversity Stewardship Site being established or prior to Year 35 of the Plan, whichever occurs first.
  - iv. Any species credits for the Target Species listed in Condition 4(a) of this Schedule cannot be sold and must be retired, unless otherwise agreed with the Minister in writing as part of every five-yearly review from Year 10 onwards, but no later than Year 35.
  - v. For these Target Species, credits retired from a Biodiversity Stewardship Site will count as an "offset location" under Condition 4(a) of this Schedule.
- c. The Applicant must secure the number of offset locations for species listed in Commitment 9 of the Plan, or the number as specified by Commitment 9 of the Plan as modified by 4(a) of this Schedule, whichever is the greater.
- d. For avoidance of doubt, this condition does not apply to:
  - i. Biodiversity Stewardship Sites established by private landowners and/or for which credits are purchased to satisfy the Plan's targets, or
  - ii. Species credits or offset targets for *Lathamus discolor* (Swift Parrot) or *Phascolarctos cinereus* (Koala).

## Schedule 4 – Other Approved Measures

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### Timing

*Section 8.3(3)(a) - any requirements determined by the Minister as to the timing of the implementation of the proposed conservation measures*

1. Within three (3) months after the date of Conferral:
  - a. The Applicant must retire 171 Cumberland Plain Woodland Credits, as required by condition 3 of Schedule 3.
  - b. The Executive Implementation Committee must be established by the Applicant and provide agreed terms of reference in writing for approval by the Minister or Delegate.
  - c. The following must be published on the Department's website, unless otherwise agreed in writing with the Minister:
    - i. The final version of the Plan,
    - ii. CPCP Guidelines for Infrastructure Development, and
    - iii. CPCP Mitigation Measures Guidelines.
  - d. An amendment to the Strategic Conservation Planning chapter of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (NSW) must be gazetted to introduce the Strategic Conservation Planning controls contained within the draft *State Environmental Planning Policy (Strategic Conservation Planning) 2021* (NSW) unless otherwise agreed in writing with the Minister.
2. Within nine (9) months from the date of Conferral:
  - a. the Reconciliation Accounting Process must be approved by the Executive Implementation Committee.
  - b. the Restoration Implementation Strategy must be prepared in consultation with the Restoration Working Group and must be approved by Executive Implementation Committee.
3. Within twelve (12) months after the date of Conferral, the Applicant must:
  - a. Establish the Koala Working Group,
  - b. Terminate the interim "Reserve Program Delivery Agreement" entered into with NPWS dated 12 January 2022,
  - c. Enter into a separate memorandums of understanding with OSL, NPWS, BCT and TfNSW providing for:
    - i. the role of each party in the delivery of the Plan,
    - ii. variation on the mutual agreement of each party,
    - iii. any other matter relating to delivery of the Plan, and
    - iv. the relevant party to provide information to the Applicant, to allow the Applicant to comply with reporting requirements under this Order.

unless otherwise agreed in writing between the Applicant and the relevant party.

4. Within five (5) years after the date of conferral, the Applicant is to enter into arrangements providing for the transfer of a minimum of 500 hectares of land for reservation under the NPW Act as the Georges River Koala Reserve, unless otherwise agreed in writing by the Minister.
5. In addition to Condition 4 of this Schedule, within ten (10) years after the date of Conferral, the Applicant is to enter into arrangements providing for the transfer of a cumulative total of 1105 hectares for reservation under the NPW Act as the Georges River Koala Reserve, unless otherwise agreed in writing by the Minister.
6. In addition to conditions 4 and 5 of this Schedule, within twenty (20) years after the date of Conferral, the Applicant is to enter into arrangements providing for the transfer of a cumulative total of 1830 hectares of land for reservation under the NPW Act as the Georges River Koala Reserve, unless otherwise agreed in writing by the Minister.
7. Some lands referred to in conditions 4, 5 and 6 of this Schedule within the Georges River Koala Reserve may, alternatively, be transferred to a public land management entity other than NPWS by agreement between the Applicant, NPWS and the alternative public land management entity. For avoidance of doubt, this condition prevails to the extent of any inconsistency with other conditions in this Order that refer to reservation of land under the NPW Act.

### **Monitoring, reporting and auditing**

*Section 8.3(3)(b) - any requirements determined by the Minister as to monitoring, reporting or auditing of the implementation of proposed conservation measures*

#### *Koalas*

8. Recommendations in the OCSE report, *Advice regarding the protection of koala populations associated with the Cumberland Plain Conservation Plan* (OCSE, 14 May 2021) identified by the Executive Implementation Committee as being relevant to the Plan, must be implemented by the Applicant.

#### *Reporting requirements*

9. Within Fifteen (15) months from the date of Conferral and every twelve (12) months following, the Applicant must provide an Annual Report to the Executive Implementation Committee and the Minister, which:
  - a. provides an update on the delivery of the Plan and approved conservation measures, including:
    - i. the establishment of Biodiversity Stewardship Sites,
    - ii. progress in relation to the establishment of the George's River Koala Reserve, including reporting on the location and amount (in hectares) of lands purchased and revegetated, establishment of biodiversity stewardship agreements and transfer of lands to NPWS,

- iii. progress in relation to the establishment of two further reserves.
- b. reports on whether sites have been identified with species listed in condition 4(a) of Schedule 3.
- c. reports on monitoring undertaken in accordance with the Plan.
- d. reports on the progress of koala conservation measures in the Plan, including:
  - iv. the planning for, and installation of, 120 kilometres of koala exclusion fencing,
  - v. the planning for, and installation of, safe crossings across Appin Road and other linear infrastructure,
  - vi. implementation of the principles in the OCSE report, *Advice regarding the protection of koala populations associated with the Cumberland Plain Conservation Plan* (OCSE, 14 May 2021) identified in Condition 8 of this Schedule as relevant to the Plan, and
  - vii. estimates of the total koala population in the Georges River Koala Reserve and in any BSA's established by the Applicant where koalas are present.
- e. reports on the effectiveness of development controls in protecting koala habitat required by the Strategic Conservation Planning chapter of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (NSW) listed in Condition 1(d) of this Schedule.
- f. reports on whether timing requirements in conditions 1 to 6 of this Schedule have been met (if the timing requirement applies during that twelve (12) month period).
- g. sets out the results of the Reconciliation Accounting Process completed for the previous twelve (12) month period.
- h. plant community types protected through conservation lands under Commitment 8 of the Plan (including through establishment of biodiversity stewardship sites, purchase of credits, and purchase of land).
- i. the area (in hectares) of potential habitat protected through conservation lands for the following species credit species associated with those plant community types:
  - i. *Acacia bynoeana* (Bynoe's Wattle),
  - ii. *Acacia pubescens* (Downy Wattle, Hairy-Stemmed Wattle),
  - iii. *Allocasuarina glareicola*,
  - iv. *Callocephalon fimbriatum* (Gang-gang cockatoo),
  - v. *Calyptorhynchus lathamii* (Glossy black cockatoo),
  - vi. *Cercartetus nanus* (Eastern Pygmy-possum),
  - vii. *Chalinolobus dwyeri* (Large-eared Pied Bat),
  - viii. *Epacris purpurascens* var. *purpurascens*,
  - ix. *Eucalyptus benthamii* (Camden White Gum),
  - x. *Grevillea parviflora* subsp. *parviflora* (Small-flower Grevillea),
  - xi. *Heleioporus australiacus* (Giant Burrowing Frog),

- xii. *Litoria aurea* (Green and Golden Bell Frog),
- xiii. *Maundia triglochinosoides*,
- xiv. *Melaleuca deanei* (Deane's Paperbark),
- xv. *Micromyrtus minutiflora*,
- xvi. *Ninox connivens* (Barking owl),
- xvii. *Ninox strenua* (Powerful owl),
- xviii. *Persicaria elatior* (Tall Knotweed),
- xix. *Personia bargoensis* (Bargo Geebung),
- xx. *Petaurus norfolcensis* (Squirrel Glider),
- xxi. *Pimelea curviflora* subsp. *Curviflora*,
- xxii. *Pomaderris brunnea* (Brown Pomaderris),
- xxiii. *Pseudophryne australis* (Red-crowned Toadlet),
- xxiv. *Pterostylis saxicola* (Sydney Plains Greenhood), and
- xxv. *Tyto novaehollandiae* (Masked Owl).

10. The Applicant may obtain an extension in writing from the Minister or Delegate for providing an Annual Report under Condition 9 of this Schedule of up to three (3) months.
11. The Annual Report must be published on a NSW Government website.
12. Within six (6) years from the date of Conferral and every five (5) years following, the Applicant must provide information in writing to the Executive Implementation Committee and the Minister relating to the Plan's actual and projected funding for each following five (5) year period.
13. Within six (6) years from the date of Conferral and every five (5) years thereafter, the Applicant must provide to the Minister the five-yearly independent review report, detailing as a minimum the review method, findings and recommendations.
14. The reporting required in condition 9(h) and 9(i) of this Schedule must be considered as part of the independent five yearly review of the CPCP in relation to the effectiveness of the conservation program in protecting potential habitat.
15. Within six (6) months after submitting each five-yearly independent review report, the Applicant must provide a proposed response to each point raised in the five-yearly independent report for approval by the Minister.

#### *Biodiversity Stewardship Sites*

16. For Biodiversity Stewardship Sites established under the Plan on public land, any Biodiversity Credits created for Target PCTs or TECs on Biodiversity Stewardship Sites must be retired and not sold, unless a PCT or TEC Hectare Target has been met in accordance with Condition 20 of this Schedule.
17. For Biodiversity Stewardship Sites established under the Plan on public land owned or purchased by the Applicant, any Biodiversity Credits created for Target Species on the Biodiversity Stewardship Sites must be retired and not sold, unless agreed with the Minister in accordance with Condition 4(b) of Schedule 3.



18. For Biodiversity Stewardship Sites established under the Plan on private land, if the Applicant purchases any Biodiversity Credits created for Target PCTs or Target Species, these Biodiversity Credits must be retired and not sold.
19. For the avoidance of doubt, Biodiversity Credits generated on any Biodiversity Stewardship Site established under the Plan cannot be used to reconcile the Hectare Targets and Offset Location Targets under the Reconciliation Accounting Process unless the Biodiversity Credits have been retired by the Applicant.
20. If the Reconciliation Accounting Process shows that the Hectare Target for a PCT or TEC has been met, excess ecosystem credits created on Biodiversity Stewardship Sites established under the Plan, which correspond to this PCT or TEC, may be sold.

#### *Adaptive Management Steps*

21. If, within six (6) years from the date of Conferral and every five (5) years after that, the Minister is of the opinion that:
  - a. The amount of land (in hectares) secured for a Target PCT or TEC under the Plan is below 80% of the amount of land (in hectares) within the Specified Land which has been cleared and which was covered by that Target PCT or TEC, or
  - b. the koala population is decreasing in the Georges River Koala Reserve or in any BSA's where koalas are present,

the Minister may in writing require the Applicant to undertake steps in relation to the relevant entities. The Applicant must comply with the timeframe specified by the Minister.

#### *Five-yearly independent review*

22. The results of the annual monitoring required by Condition 9 of the Schedule must be reviewed as part of the five (5) yearly independent review.
23. The five (5) yearly independent review must determine whether the relevant provisions in the CPCP Guidelines for Infrastructure Development, CPCP Mitigation Measures Guidelines, and the development controls under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (NSW) are achieving their objectives. If the provisions are not achieving their objectives, the relevant provisions must be amended within six (6) months of the five (5) yearly independent review unless otherwise agreed in writing with the Minister.

#### *Site Restoration Plans*

24. In accordance with Commitment 13 of the Plan, a Restoration Implementation Strategy for land secured as conservation land in the delivery of the Plan and which is not subject to a Biodiversity Stewardship Site, must be developed to the satisfaction of the Executive Implementation Committee.
25. This Restoration Implementation Strategy must include provision for the following:

- a. restoration objectives tailored to the site context,
- b. assessment of site suitability and constraints,
- c. management of landscape threats,
- d. a monitoring program, including staged monitoring against pre-defined targets relating to implementation actions and the ecological outcomes being sought,
- e. final post-completion assessment at least five (5) years after restoration (or longer if agreed with the Executive Implementation Committee), demonstrating how:
  - i. the restoration of TECs meets or is trending towards the TECs being targeted, and
  - ii. the restoration of TECs is tracking outcomes against the BAM Ancillary Rules as applicable.
- f. where land is being transferred to NPWS, the following must be agreed with NPWS:
  - i. arrangements for any required management, monitoring and reporting on restoration land transferred to NPWS, and
  - ii. a contingency plan to manage any failure to restore restoration land transferred to NPWS.
- g. provision that any restoration which does not meet the restoration objectives or TEC/PCT state being targeted will not count towards the Hectare Targets in the Reconciliation Accounting Method.

### *Funding*

- 26. Where land proposed for transfer to NPWS is subject to a Biodiversity Stewardship Agreement, that land may only be transferred to NPWS if:
  - a. The entire Total Fund Deposit has been satisfied, or
  - b. The entire Total Fund Deposit has not been satisfied but the land is transferred with an equivalent amount of funding sufficient for in-perpetuity management that is agreed prior to transfer by NPWS.
- 27. Where land proposed for transfer to NPWS is not subject to a Biodiversity Stewardship Agreement, the Applicant may only transfer that land to NPWS if it is transferred with an amount of funding sufficient for in-perpetuity management that is agreed prior to transfer by NPWS.
- 28. Funding at conditions 26 and 27 of this Schedule must be secured at the time of transfer of the land unless otherwise agreed with NPWS in writing.

### **Related Matters**

*8.3(3)(c) any other matters declared to be related matters by the regulations.*

*Note: The Regulation provides that 'Measures to avoid or minimise the impacts on biodiversity values of the clearing of native vegetation and the loss of habitat on biodiversity certified land are related matters under section 8.3(3)(c) of the Act that may be specified as other approved measures in the order conferring biodiversity certification.'*

#### *Instruments and Guidelines*

29. Within three (3) months from the date of conferral, the CPCP Mitigation Measures Guidelines and CPCP Guidelines for Infrastructure Development must be established and maintained to implement the measures identified as an 'Implementation Mechanism' set out in Column 6 of Table 9 at Appendix E of the Plan, unless otherwise agreed with the Minister.
30. An amendment to the proposed Strategic Conservation Planning chapter of *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (NSW)*, in accordance with Condition 1(d) of this Schedule, to provide that:
  - a. for development on Certified Urban Capable Land, development consent must not be granted unless the consent authority has considered whether the development is consistent with the CPCP Mitigation Measures Guidelines, and
  - b. for Essential Infrastructure on Avoided Land, the consent authority must consider whether the development is consistent with the CPCP Guidelines for Infrastructure Development and give written notice of the consent to the Secretary of the Department, including a statement setting out whether the consent authority considers the development is consistent with the CPCP Guidelines for Infrastructure Development.

#### *Transport Corridors*

31. Prior to the start of clearing for each transport project in the transport corridors of the Western Sydney Aerotropolis, Greater Penrith-Eastern Creek and Greater Macarthur nominated areas, the Applicant must provide the following information in writing to the Executive Implementation Committee:
  - a. specific locations of high connectivity value and environmental sensitivity, and
  - b. a Wildlife Connectivity Strategy, if there will be an adverse impact on habitat connectivity and in areas of environmental sensitivity.
32. The Wildlife Connectivity Strategy required by condition 31 of this Schedule must:
  - a. provide evidence of investigation of design measures that allow for animal movement such as fauna over/underpasses, tunnelling and piercing/elevated carriageways in areas of environmental sensitivity including sections severing Wianamatta Regional Park, and
  - b. specify commitments and justifications for design decisions.
33. The Memorandum of Understanding to be entered into between the Applicant and Transport for NSW in accordance with condition 3(c) of this Schedule must include processes to enable the Applicant to comply with conditions 31 and 32 of this Schedule.

## Schedule 5 – Parties to the biodiversity certification

Party name		Contact
Applicant	The Minister for Planning	Steve Hartley, Executive Director Department of Planning and Environment, Green & Resilient Places 02 8289 6689 <a href="mailto:cpcp@planning.nsw.gov.au">cpcp@planning.nsw.gov.au</a>