

15 July 2022

Marcus Ray  
Deputy Secretary, Planning  
Department of Planning and Environment

Via email: [marcus.ray@planning.nsw.gov.au](mailto:marcus.ray@planning.nsw.gov.au)

**Need to align the NSW Cumberland Plain Conservation Plan with the Commonwealth**

Dear Marcus,

The Urban Development Institute of Australia NSW (UDIA) is the leading industry body representing the interests of the urban development sector and has over 450 member companies in NSW. UDIA NSW advocates for the creation of liveable, affordable, and connected smart cities.

UDIA is aware that the NSW Government is considering an option to approve the Cumberland Plain Conservation Plan (CPCP) under the *Biodiversity Conservation Act 2021* in advance of the required approval by the Federal Minister for the Environment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Whilst we are interested in how this may work; we are concerned that this proposal will only further complicate a difficult joint-approval process.

The separate approvals approach takes away the certainty that the CPCP offers, leaving developers to run a concurrent process under the EPBC Act with a development application. Noting there is no guarantee on the commonwealth approval, which also reflects the current situation without the CPCP.

This level of uncertainty adds risks to the NSW development process, especially since the proposed biodiversity charge contained in the Infrastructure Contributions Reform Package has not been resolved. It could also lead to a need for a potential developer compensatory mechanism should a charge be payable under both the NSW and Commonwealth legislation, until the CPCP is signed off by the Commonwealth.

There is also uncertainty around what this means for contributions, and it could result in a developer paying a Regional Infrastructure Contribution to offset the NSW requirement, but then being required to pay for a different kind of offset to the Commonwealth.

If you have any further questions regarding this issue outlined in this letter please contact David White, GWS and South Regional Manager on 0415 914 612 or email [dwhite@udiansw.com.au](mailto:dwhite@udiansw.com.au)

Yours sincerely,



Steve Mann  
Chief Executive  
UDIA NSW