

Draft Terms of Reference for the Strategic Impact Assessment Report for the Cumberland Plain Conservation Plan

1. PURPOSE OF THE STRATEGIC IMPACT ASSESSMENT REPORT

- 1.1. The purpose of the Report is to assess the impacts of actions taken under the Cumberland Plain Conservation Plan (Plan) on all matters protected by Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) ('protected matters').

2. DESCRIPTION OF THE PLAN BEING ASSESSED

- 2.1. The Report must describe the Plan:

1. The Report must provide a summary outlining its overall purpose, key elements, spatial extent, and timeframes, including how long the Plan will be in effect.
2. The Report must provide details about the key elements, including:
 - a. The conservation commitments and outcomes to be delivered for protected matters.
 - b. The actions likely to be taken under the Plan over the short, medium and long term.
 - c. The legal and administrative frameworks to implement the Plan and the persons and authorities responsible for implementation, including:
 - i. How the Plan has been developed and its legal standing under New South Wales law.
 - ii. The relationship of the Plan to other relevant policies, plans, guidelines, commitments, regulations and legislation including existing approvals under Commonwealth legislation for the Western Sydney Airport and the Western Sydney Growth Centres.
 - iii. Management, approval and funding arrangements for implementing the Plan.
3. The Report must describe the need and justification for the Plan including the environmental, social and economic drivers for its development.
4. The Report must describe the decision-making framework used in considering alternatives and developing conservation outcomes of the Plan. It should identify where alternative options that have been evaluated to reach the final Plan have been published.
5. The Report must describe how the principles of ecologically sustainable development (ESD) (as set out in section 3A of the EPBC Act) are considered and promoted in the development of the Plan.

3. DESCRIPTION OF THE PROTECTED MATTERS IMPACTED BY THE PLAN

- 3.1. The Report must describe the nature of the environment within the strategic assessment area, and other areas outside the strategic assessment area that may be impacted by actions taken under the Plan. This must include (at a minimum):
 1. A description of historical and current land use.
 2. The extent and quality of native vegetation present including detailed mapping of ecological communities and habitat for threatened species listed under the EPBC Act.
 3. The nature of the environment, including ecosystem processes and threatening processes.
 4. A description of the landscape context for key environmental matters, including connectivity, habitat fragmentation and ecological processes.
 5. A spatial map of areas that are already protected for environmental purposes, including Bio-banking and Biodiversity Stewardship sites.

- 3.2. The Report must identify and describe each protected matter that may be impacted directly, indirectly and cumulatively by actions taken under the Plan, including (at a minimum):
 1. Key sites, and where relevant, key habitats for protected matters.
 2. Important populations of protected matters, including the consideration of the importance of both small and large areas of habitat, and their position within the landscape.
 3. Areas likely to be important for maintaining ecological processes (for example, habitat connectivity) for protected matters.
 4. Condition of protected matters, including where relevant, seasonal and annual variability, and their likelihood to alter over time.
 5. Key threatening processes.

4. ASSESSMENT OF THE IMPACTS OF THE PLAN ON PROTECTED MATTERS

- 4.1. The Report must describe and assess the likely impacts of actions taken under the Plan on all protected matters.
- 4.2. The Report must describe the method used to understand likely impacts on all protected matters of actions taken under the Plan. The level of the assessment will be proportionate to the level of likely risk to each protected matter. The method must:
 1. Be appropriate for assessment at a strategic scale.
 2. Rely on the best available information.
 3. Discuss uncertainty, including reference to the technical data and information relied upon.

The Report must identify the data used in the assessment, any limitations it may have, where (or if) the data is available and where it can be accessed, including publicly accessed.

- 4.3. Describe and assess separately the likely impacts (if any) of actions taken under the Plan on the environment on Commonwealth land (as defined in section 528 of the EPBC Act).
- 4.4. The Report may also consider protected matters that are potentially eligible for listing as a result of inclusion in a final priority assessment listing held by the Commonwealth, or a recommendation to the Commonwealth Minister for listing by the Threatened Species Scientific Committee prior to the Report being submitted.
- 4.5. The Report must include an analysis of the likely adverse impacts of actions of the Plan on protected matters. This must include (at a minimum) consideration of:
 1. Information on the following :
 - a. Number and size of populations/important populations.
 - b. Extent (in hectares) of suitable habitat.
 - c. Extent (in hectares) and condition of protected matters.
 - d. Landscape connectivity and ecological processes.
 - e. Heritage listing and values.
 2. How impacts on protected matters will be avoided through land use planning and other measures, and what mitigation measures will be implemented to reduce impacts, including a description of the mitigation measures and how unavoidable impacts will be offset.
 3. Potential indirect and cumulative impacts.
- 4.6. The Report must include an analysis of the conservation benefits (beneficial impacts) of the Plan, including:
 1. How protected matters will be conserved, protected and managed within the Strategic Assessment Area and other areas related to the Plan.
 2. The adequacy of the conservation measures under the Plan in protecting and managing protected matters, including the effectiveness of implementation and funding arrangements and who will be responsible for delivering on commitments.
 3. How proposed conservation measures involving environmental offsets meet the principles of the *Environment Protection and Biodiversity Conservation Act, Environmental Offsets Policy, 2012*.

4. How landscape connectivity has been maintained and improved, which may include opportunities for strategic restoration of key corridors and areas adjacent to sites with high biodiversity values.
 5. How adaptation to reasonable climate change scenarios has been considered.
- 4.7. The Report must consider the extent to which the impacts on protected matters of actions taken under the Plan meet legislative obligations under the EPBC Act, including but not limited to:
1. Consistency with Australia's international obligations, including the Ramsar Convention.
 2. Consistency with recovery plans (section 146K of the EPBC Act).
 3. Regard to objectives, conservation actions and other relevant information in conservation advices (section 146K of the EPBC Act).
 4. Consistency with World Heritage management plans (sections 316 and 321 of the EPBC Act) and National Heritage place management plans (sections 324S and 324X of the EPBC Act).

The Report may also consider other Commonwealth policy guidelines on protected matters.

- 4.8. The Report must include justification for key methods used in the assessment, including summaries of independent peer review processes and where the review/s are available to the public.

5. EVALUATION OF THE OVERALL OUTCOMES OF THE PLAN

- 5.1. The Report must evaluate the overall commitments and outcomes for protected matters taking into account likely impacts on protected matters from actions taken under the Plan.

- 5.2. The evaluation must include:

1. The extent to which protected matters are represented in areas to be protected or managed under the Plan or in existing protected areas in the IBRA bioregion/subregion.
2. The extent to which the areas to be protected or managed under the Plan or existing protected areas in the IBRA bioregion/subregion will ensure the long-term viability of each protected matter.
3. Whether there will be serious and irreversible impacts on any protected matter.
4. An assessment of how the Plan meets the endorsement criteria set out in the Agreement at clause 8.

- 5.3. The evaluation may also include consideration of:

1. The extent to which the conservation measures under the Plan facilitate adaptation of biodiversity to climate change and address any significant vulnerabilities of protected matters under reasonable climate change scenarios.
2. The likely effectiveness of the conservation measures under the Plan in protecting and managing protected matters and any risks and uncertainties.

6. ADDRESSING UNCERTAINTY AND ADAPTIVE MANAGEMENT

- 6.1. The Report must identify key uncertainties and risks associated with implementing the Plan, responses to these and proposed adaptations to changing circumstances. Key uncertainties may include:

1. Knowledge gaps in scientific understanding and responding to new knowledge.
2. Assumptions made in assessing potential impacts and benefits.
3. How changes to State and Commonwealth legislation, policies, plans and advice is to be accounted for in the management of the areas impacted by the Plan.
4. Effectiveness or capacity to ensure the Plan is implemented.

- 6.2. The Report must describe and assess the adequacy of the procedures proposed in the Plan to ensure an adaptive approach to implementation of the Plan. This must include:

1. How the results of monitoring will be used to understand the effectiveness of conservation outcomes for protected matters and improve implementation.
2. How new information relating to protected matters and biodiversity, including legislative changes, may be assessed and accounted for in implementation of the Plan.

7. MONITORING AND REPORTING AND AUDITING

- 7.1. The Report must describe and assess the adequacy of the monitoring programs, regular review, public reporting and independent auditing processes proposed in the Plan to:
 1. Ensure conservation commitments and outcomes for protected matters contained in the Plan are delivered.
 2. Enable implementation of the Plan to adapt where monitoring demonstrates delivery of the conservation actions are not leading to the predicted conservation outcomes.
 3. Enable implementation of the Plan to adapt to changed circumstances, where there are risks to protected matters.
- 7.2. The Report must identify and analyse the likely circumstances and procedures that may result in the review or modification of implementation plans proposed to deliver on commitments and outcomes for each protected matter as described in the Plan, or abandonment of the Plan.

8. INFORMATION SOURCES

- 8.1. The Report must identify the sources of information and data relied upon including the reliability and currency of the data.