



The Hon Tony Burke MP

Minister for Sustainability, Environment, Water, Population and Communities

B11/2088

The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Parliament House
Macquarie Street
SYDNEY NSW 2000

The Hon Robyn Parker MP
Minister for the Environment
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Ministers

20 DEC 2011

Thank you for your letters of 7 November, 1 and 12 December 2011 responding to my request for further advice on the Sydney Growth Centres Strategic Assessment Program (the program) pursuant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

I welcome the NSW Government's commitment for the \$530 million Conservation Fund to be spent on the Cumberland Plain. I further note the other commitments made by NSW to ensure annual allocations to the Conservation Fund can be reprioritized, accumulated or staged across a number of years to enable larger or more expensive areas on the Cumberland Plain to be secured.

I note there may be 'exceptional circumstances' when it is not possible to secure conservation sites on the Cumberland Plain over the 30 year life of the program. Your most recent letter states that the rules in which exceptions may be made will be agreed between our respective departments within three months. The Australian Government will also need to agree to any specific offsets proposed off the Cumberland Plain. I reaffirm that the Australian Government believes the funds will be able to be spent on sites on the Cumberland Plain.

In light of these new commitments, I am pleased to advise that I have endorsed the program as meeting the requirements for protection of matters of national environmental significance under the EPBC Act. A notice describing my endorsement decision is attached. The Department of Sustainability, Environment, Water, Population and Communities will be in touch to prepare an erratum to be attached to the final endorsed program, reflecting the above commitments, before it is published on the web.

Having endorsed the program, and being satisfied that arrangements for the \$530 million Conservation Fund will ensure the best conservation outcomes for the Cumberland Plain, it is now my intention to approve classes of actions associated with implementing the program.

I am required under the EPBC Act to invite comment on my intended decision from relevant Commonwealth ministers, for a period of 10 business days, before I make my final approval decision. This process is concurrently underway. While there is no requirement to seek comment from state ministers, I invite you to do so if appropriate (proposed decision attached).

Thank you again for your assistance in finalising the program.

Yours sincerely

Tony Burke