



Growth Centres Strategic Assessment Program

Assessment of Consistency between the Commitments of the Strategic Assessment Program and Stage 1 of the Leppington Precinct

August 2015

1. Introduction

In December 2011 the Federal Government endorsed the Sydney Growth Centres Strategic Assessment Program Report and in February 2012 approved the classes of actions in the Growth Centres that if undertaken in accordance with the approved program do not require separate approval under the *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

The Program includes a range of commitments for matters of national environmental significance protected under the EPBC Act. The commitments are drawn from the analysis in the Supplementary Assessment Report and Draft Strategic Assessment Report (Part B), and build upon the Relevant Biodiversity Measures for the Growth Centres Biodiversity Certification.

This report has been prepared to assess the consistency of proposed precinct plans with the commitments of the Strategic Assessment Program and to satisfy the evaluation and reporting requirements for the Program. Consistency with the Strategic Assessment Program is required to ensure proposals in the Growth Centres benefit from the Commonwealth approval.

This report has been prepared in a table format and addresses all commitments that are relevant to precinct planning. It is noted that some of the commitments are not specific to precinct planning and have therefore not been included in the report.

The Strategic Assessment Program can be viewed in full at <http://www.growthcentres.nsw.gov.au/strategicassessment-94.html>.

Where the report indicates that precinct planning is inconsistent with the Biodiversity Certification or the Strategic Assessment Program, full justification for the inconsistency is provided as part of the ecological assessment for the precinct.

Both the Growth Centres Biodiversity Certification Relevant Biodiversity Measures and Strategic Assessment require a consistency report be prepared and publicly exhibited when the precinct plan is exhibited.

This report only covers the sections of the future Leppington Precinct. This area was released by the NSW Government in November 2011.

All calculations of vegetation areas (extents) listed in Table 1 below refer only to the Leppington Precinct.

Definitions

Terms defined below appear in **bold** in the table. Where the terms are also defined in the Biodiversity Certification Order, the definitions provided are consistent with those in the Order.

- Biodiversity Certification Maps means the maps marked “North West Growth Centre – Biodiversity Certification” and “South West Growth Centre – Biodiversity Certification” dated November 2007 and included in Schedule 2 of the Biodiversity Certification Order.
- *Certified Area* means an area marked as a certified area on a biodiversity certification map.
- *Clearing* of vegetation means any one or more of the following:
 - a) cutting down, felling, thinning, logging or removing native vegetation in whole or in part,
 - b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation in whole or in part.
- *Commitments* means the commitments set out in section 4 of the Sydney Growth Centres Strategic Assessment Program Report.
- *DECCW* means the Department of Environment, Climate Change and Water (which is now the Office of Environment and Heritage).
- *EPBC Act* means Environmental Protection and Biodiversity Conservation Act 1999
- *GCC* means the Growth Centres Commission constituted under the *Growth Centres (Development Corporations) Act 1974* (which is now the Department of Planning and Environment).
- *Minister* means the Minister administering the EPBC Act.
- *Protection or Protected* in relation to land means land that is protected by a land use zoning under an environmental planning instrument or public ownership arrangements that provide for the protection of biodiversity values as a priority, or another arrangement that provides in perpetuity security for biodiversity on the subject land.
- *Relevant Biodiversity Measures* means the conditions in Schedule 1 of the Biodiversity Certification Order.
- *TSC Act* means the *Threatened Species Conservation Act 1995*.

2. Assessment

	Commitment	Leppington Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
Review of Zoning				
3	<p>Review the provisions of the Environment Conservation and Public Recreation - Regional zones in the Growth Centres SEPP to confirm they are adequate for conservation purposes.</p> <p>Note this commitment is being undertaken for the Growth Centres as one exercise as does not need to be addressed separately for each precinct.</p>	Undertake a review of the zone objectives, permitted land uses and development controls to ensure the conservation values of the land are adequately protected.	Not Applicable	Is not a precinct level commitment
Threatened Ecological Communities				
4	<p>Retention and protection of a minimum 998 ha of CPW within the Growth Centres, including a minimum of 363 ha of HMV CPW.</p> <p>i) Retention and protection of CPW in the following areas of the Growth Centres:</p> <p>a) 138 ha within Flood Prone Land to be protected through the vegetation clearing controls under the Growth Centres SEPP or through zoning and/or development controls following completion of precinct planning.</p> <p>b) 424 ha within Environment Conservation and Public Recreation – Regional zoning to be protected.</p> <ul style="list-style-type: none"> • RBM 12 which states that clearing of these areas is not permitted unless it is in accordance with a Plan of Management endorsed by DECCW; • the zoning and vegetation clearing controls under the Growth Centres SEPP; and • the Growth Centres Conservation Fund 	<p>Leppington Precinct contains 5.2 Ha of CPW which meets the definition of the community under the EPBC Act. Of this 1.4 Ha is located on Flood Prone Land; however, it is located outside of Stage 1.</p> <p>Non-certified land currently supports 1.4 Ha of Condition A (Good quality) CPW and certified land currently supports 3.8 Ha of Condition A CPW. There is no High Management Viability CPW within the precinct. Accordingly the precinct CPW does not count towards the 363 ha of HMV CPW to be protected within the Growth Centres.</p>	Yes	<p>a) No validated ENV as defined under the order is to be protected and retained under the Leppington Precinct Plan (Stage 1) (Annex C).</p> <p>b) No areas of Environment Conservation or Public Recreation zoning were identified in Stage 1.</p> <p>c) and d) not applicable</p> <p>e) No areas of CPW will be retained in non-certified lands</p> <p>(Refer to Annex C which highlights areas of CPW in non-</p>

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stage 1)

	Commitment	Leppington Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
	<p>which provides funding to acquire the land.</p> <p>c) 280 ha to be protected within existing reserved areas including the Westlink M7 Motorway Offsets area, the Kemps Creek Nature Reserve, and the Western Sydney Parklands.</p> <p>d) 79 ha to be protected within protected zones within Edmondson Park.</p> <p>e) 77 ha to be retained within non-certified and transitional lands. These areas will be retained subject to the confirmation of the presence of the community through survey at the precinct planning stage.</p> <p>ii) If for any reason the above targets cannot be achieved then the NSW Government will ensure that 998 ha of CPW is protected within the Growth Centres through the measures contained in either RBM 8a or 8b.</p>			<p>certified areas)</p> <p>The principle protection mechanism is the SEPP which prohibits clearing of existing native vegetation as shown on the Native Vegetation Protection Map (Annex C).</p>
5	<p>Assessment of 14 ha HMV CPW within Marsden Park & Marsden Park Industrial Precincts to confirm its presence and if present protect, shown in red hatching on the Biodiversity Certification maps</p> <p>a) Assessment of the HMV CPW in accordance with RBM 14 and 15.</p> <p>b) Based on the outcomes of the assessment, DECCW will advise the NSW Minister for the Environment whether the area should be protected in accordance with RBM 16.</p>		Not applicable	Not within the Leppington Precinct
Shale Sandstone Transition Forest (SSTF)				
8	Retention and protection of a minimum of 58 ha of SSTF within the Growth Centres.		Not Applicable	No SSTF has been found within the study area.

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stage 1)

	Commitment	Leppington Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
	<p>i) Retention and protection of SSTF in the following areas of the North West Growth Centre:</p> <p>a) 5.5 ha within Flood Prone Land to be protected through the vegetation clearing controls under the Growth Centres SEPP.</p> <p>b) 5.5 ha within Public Recreation – Regional zoning to be protected.</p> <ul style="list-style-type: none"> • RBM 12 which states that clearing of these areas is not permitted unless it is in accordance with a Plan of Management endorsed by DECCW; • the zoning and vegetation clearing controls under the Growth Centres SEPP; and • the Growth Centres Conservation Fund which provides funding to acquire the land. <p>c) 0.5 ha within the Westlink M7 Motorway Offsets area to be protected through maintenance of the existing conservation area (purchased by the RTA for transfer to DECCW as part of the Westlink M7 Motorway offsets).</p> <p>d) 46.5 ha within the E3 Environmental Management zone in North Kellyville to be protected under the existing native vegetation and native vegetation retention controls under the North Kellyville Precinct Plan.</p>			
Additional conservation actions within the Growth Centres – plants				

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stage 1)

	Commitment	Leppington Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
11 & 12	<p>During or before the preparation of the relevant precinct plan(s) under the Growth Centres Development Code relating to the areas referred to in the table below, the following actions must be undertaken:</p> <p>Species</p> <p><i>Acacia pubescens</i></p> <p>Required action</p> <p>Known populations at Kemps Creek and Austral – as shown in red hatching on the Biodiversity Certification maps:</p> <ul style="list-style-type: none"> • survey to confirm the presence of the population in the Kemps Creek and Austral precincts, and • if the species is present and the population is identified as significant relative to the adjacent property by DECCW, provide for the protection of the area of suitable habitat for the species to the satisfaction of the DECCW. 		Not Applicable	Species not found within the study area. Species specific requirements do not affect the study area.
15. and 30.	<p><i>Dillwynia tenuifolia</i></p> <p><i>Pultenaea parviflora</i></p> <p>Retention and protection of habitat supporting the four important populations of <i>Dillwynia tenuifolia</i> and <i>Pultenaea parviflora</i> known to occur within the Growth Centres through acquisition of land for environmental conservation.</p> <p>a) Protection of the Marsden Park North population within Environment Conservation zoning in accordance with the measures outlined in commitment 8.b)</p> <p>b) Protection of the population within the Air Services Australia site at Shanes Park (noting that at the time of finalising the Program the site is still under care of</p>			<p>a), b) and c) <i>Dillwynia tenuifolia</i> has not been recorded in the study area, outside of Stage 1, and the four locations for this species listed under the Strategic Assessment are not within the Leppington Precinct Area.</p> <p><i>Pultenaea parviflora</i> has not been recorded within the study area. The four locations for this species listed under the Strategic Assessment are not within the Leppington Precinct Area.</p>

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stage 1)

		Leppington Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
		<p>the Commonwealth) through:</p> <ul style="list-style-type: none"> RBM 12 which states that clearing of these areas is not permitted unless it is in accordance with a Plan of Management endorsed by DECCW; and the zoning and vegetation clearing controls under the Growth Centres SEPP. <p>c) Protection of the majority of the large population within Kemps Creek in accordance with the measures outlined in commitment 15.b) above.</p> <p>d) Protection of the large population that occurs within the Westlink M7 Motorway offset adjacent to the Colebee Precinct through maintenance of the existing conservation area (purchased by the RTA for transfer to DECCW as part of the Westlink M7 Motorway offsets).</p>		
27	<i>Pimelea spicata</i>	<p>Potential populations at Denham Court Road within the East Leppington Precinct - as shown in red hatching on the Biodiversity Certification maps:</p> <ul style="list-style-type: none"> survey to confirm the presence of population, and if the population is present and identified as significant relative to adjacent property by DECCW, provide 	Not Applicable	Species not found within the Leppington Precinct. Species specific requirements do not affect this precinct/study area.

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stage 1)

	Commitment	Leppington Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification	
		for the protection of the area of suitable habitat for the species to the satisfaction of the DECCW .			
17. 18. and 19. 23. 24. and 25.	<i>Grevillea parviflora</i> <i>subsp. parviflora</i> <i>Persoonia nutans</i>	Retention and protection of habitat supporting the population known to occur within the Growth Centres through acquisition of land in Kemps Creek. a) Protection of the majority of the large population within Kemps Creek through: <ul style="list-style-type: none"> • RBM 12 which states that clearing of these areas is not permitted unless it is in accordance with a Plan of Management endorsed by DECCW; and • the zoning and vegetation clearing controls under the Growth Centres SEPP. Potential populations at Kemps Creek Precinct - as shown in red hatching on the Biodiversity Certification maps : <ul style="list-style-type: none"> • survey to confirm the presence of population, and • if the species is present and population is identified as significant relative to adjacent property by DECCW, provide for the protection of the area of suitable habitat for the species to the satisfaction of the DECCW. 		Not Applicable	Species not found within the Leppington Precinct. Species specific requirements do not affect this precinct/study area.
20.	<i>Micromyrtus minutiflora</i>	Retention and protection of habitat supporting the two important populations known to occur within the Growth Centres.		Not Applicable	Species not found within the Leppington Precinct. Species specific requirements do not

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stage 1)

	Commitment	Leppington Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
	<p>a) Protection of the Marsden Park North population within Environment Conservation zoning through:</p> <ul style="list-style-type: none"> • RBM 12 which states that clearing of these areas is not permitted unless it is in accordance with a Plan of Management endorsed by DECCW; • the zoning and vegetation clearing controls under the Growth Centres SEPP; and • the Growth Centres Conservation Fund which provides funding to acquire the land. <p>b) Protection of the population within the Air Services Australia site at Shanes Park (noting that at the time of finalising the Program the site is still under care of the Commonwealth) through:</p> <ul style="list-style-type: none"> • RBM 12 which states that clearing of these areas is not permitted unless it is in accordance with a Plan of Management endorsed by DECCW; and • the zoning and vegetation clearing controls under the Growth Centres SEPP. 			affect this precinct/study area.

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stage 1)

	Commitment	Leppington Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
22.	<i>Persoonia hirsuta</i> Potential habitat at North Kellyville – as shown in red hatching on the Biodiversity Certification maps : <ul style="list-style-type: none"> survey to confirm the presence of the species, and if the species is present, provide for the protection of the habitat within the Precinct through zoning as E3 Environmental Management and existing native vegetation or native vegetation retention development controls. 		Not Applicable	Species not found within the Leppington Precinct. Species specific requirements do not affect this precinct/study area.
14	<i>Darwinia biflora</i> Known populations at North Kellyville - as shown in red hatching on the Biodiversity Certification maps : <ul style="list-style-type: none"> survey to confirm the extent of the populations, and provide for the protection and ongoing management of key populations within the Precinct through zoning as E3 Environmental Management and existing native vegetation controls. 		Not Applicable	Species not found within the Leppington Precinct. Species specific requirements do not affect this precinct/study area.
	Note: On completion of the above actions the Minister may decide that it is appropriate to amend the boundaries of the area subject to biodiversity certification, in accordance with condition 3.			

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stage 1)

Additional conservation actions within the Growth Centres – animals			
During or before the preparation of the relevant precinct plan(s) under the Growth Centres Development Code relating to the area referred to in the table below, the following actions must be undertaken:			
32.	Species <i>Swift Parrot</i>	Required action Protection of potential habitat for the Swift Parrot within the Growth Centres. a) Protection of 2,000 ha native vegetation within the Growth Centres through: <ul style="list-style-type: none"> • RBM 6 which requires a minimum of 2,000 ha of existing native vegetation to be retained; and • the relevant development controls under the Growth Centres SEPP that relate to the retention of native vegetation. 	<p>The Leppington Precinct has the potential for the Green and Golden Bell Frog, Swift Parrot, Large-eared Pied Bat, and Grey-headed Flying-fox to occur on site.</p> <p>Protection of ENV on non-certified land on the balance of the Precinct (Stages 2 to 5) will be undertaken when that land is rezoned. At that time, appropriate zonings will be considered to protect potential habitat for the above species.</p>
34. and 35.	<i>Green and Golden Bell Frog</i>	<p>Potential population at Riverstone – as shown in red hatching on the Biodiversity Certification maps:</p> <p>a) Incorporation of habitat protection and enhancement features (as per the agreed concept design) in the Riverstone Precinct Development Control Plan for the trunk drainage land.</p> <p>b) Inclusion of provisions in the Riverstone Precinct Plan and Development Control Plan to require the design and assessment of development on subject lands to be consistent with any recovery plan for the species and the Best Practice Guidelines for Green and Golden Bell Frog Habitat (DECC 2008b).</p> <p>Retention of major drainage lines and associated vegetation throughout the Growth Centres through Growth Centres SEPP development controls for major creeks and flood</p>	
		Yes	There is no ENV on non-certified land within Stage 1. 8.5ha of ENV on certified land within Stage 1 will not be protected.

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stage 1)

36.	<i>Large-eared Pied Bat</i>	<p>prone areas.</p> <p>Retention of potential roosting habitat and immediately adjacent potential foraging habitat along Cattai Creek in North Kellyville through development controls associated with the E3 Environmental Management and E4 Environmental Living zones.</p>			
38.	<i>Grey-headed Flying Fox</i>	<p>Protection of potential habitat for the Grey-headed Flying Fox within the Growth Centres.</p> <p>b) Protection of 2,000 ha native vegetation within the Growth Centres through:</p> <ul style="list-style-type: none"> • RBM 6 which requires a minimum of 2,000 ha of existing native vegetation to be retained; and • the relevant development controls under the Growth Centres SEPP that relate to the retention of native vegetation. 			
<p>Note: On completion of the above actions the Minister may decide that it is appropriate to amend the boundaries of the area subject to biodiversity certification, in accordance with condition 3.</p>					

3. Conclusion

This report has undertaken an assessment of the consistency of the Leppington Precinct with the Strategic Assessment and the applicable commitments.

It is concluded that the Leppington Precinct is consistent with the Strategic Assessment of the Growth Centres SEPP, as follows:

- The Precinct Plan (Stage 1) will protect 0 Ha of field validated ENV.
- There is to be no loss of validated non-certified ENV due to there not being any existing non-certified ENV within Stage 1.
- No AHCVV will be protected within Stage 1.
- The SEPP amendment will provide a clause that prevents the **clearing** of ENV in certain areas (principally in the non-certified land) as shown on the Native Vegetation Protection Map (**Annex C**).

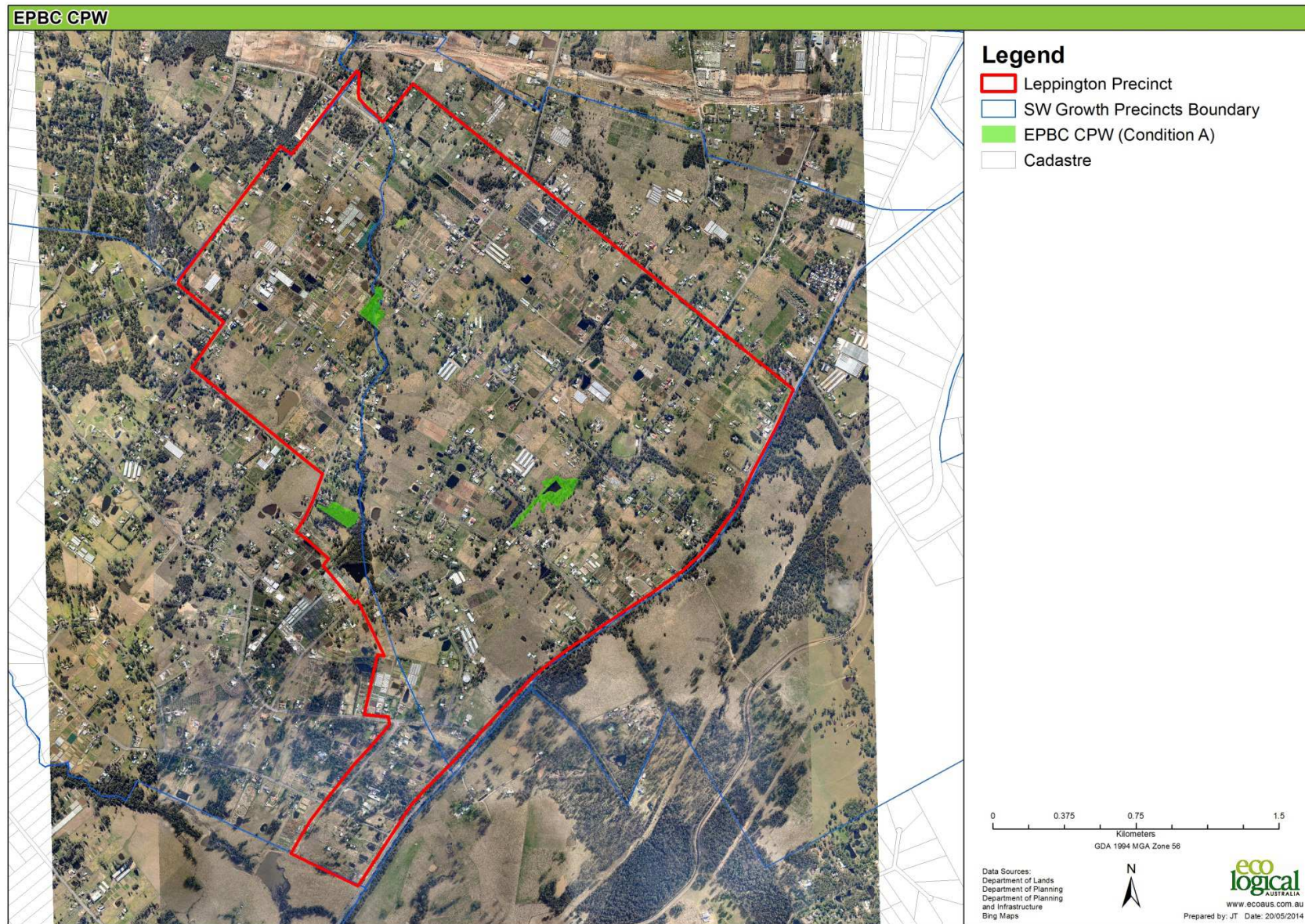
Proposed biodiversity certification map

To reflect the outcomes of the Precinct Plan and ensure the protection of ENV, amendments are proposed to the boundaries of certified and non-certified land as shown on the biodiversity certification map (**see Annex D**).

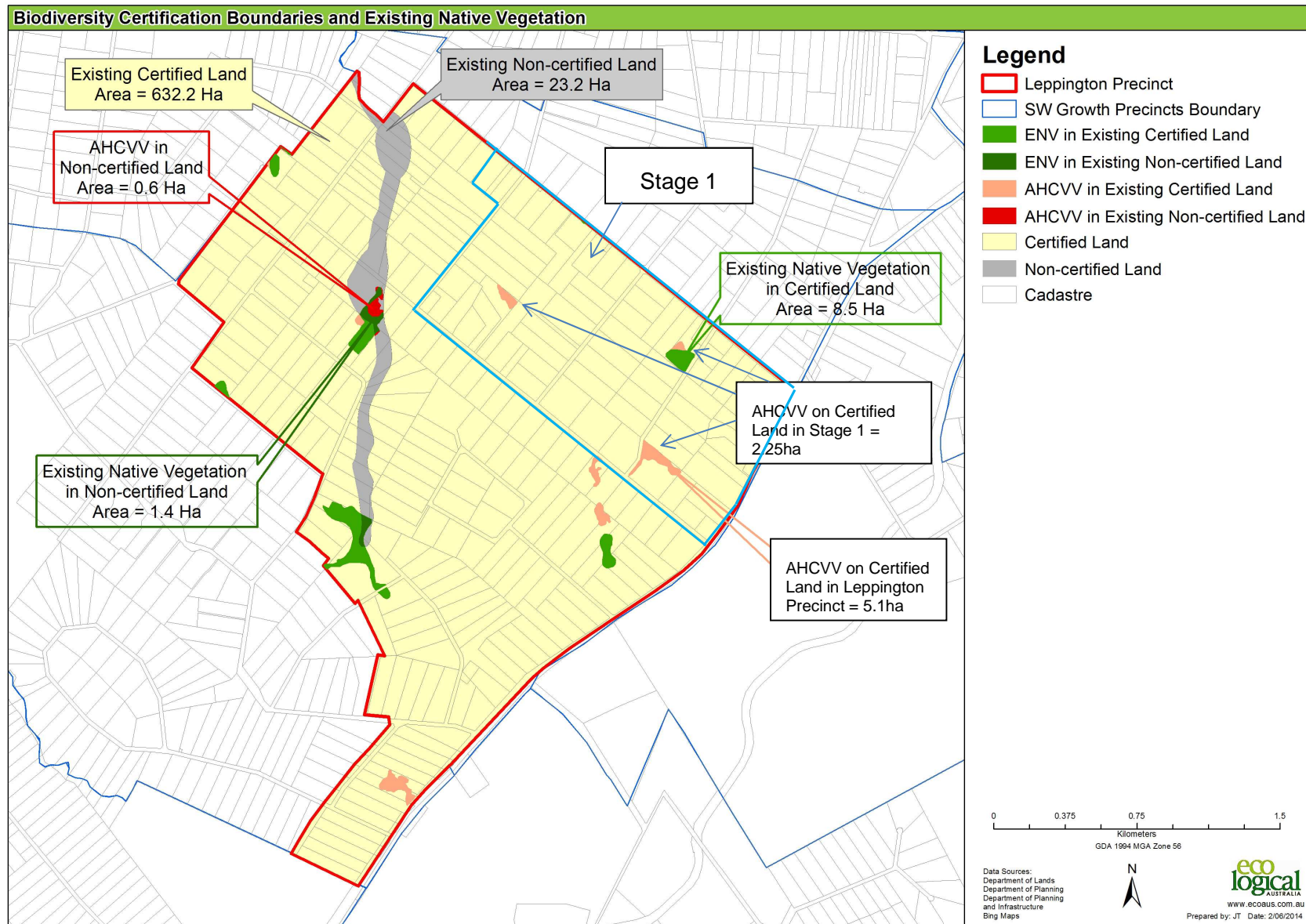
Annex A

**Vegetation Communities and Biodiversity Certification maps
for Leppington Precinct (Stage 1)**

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stage 1)



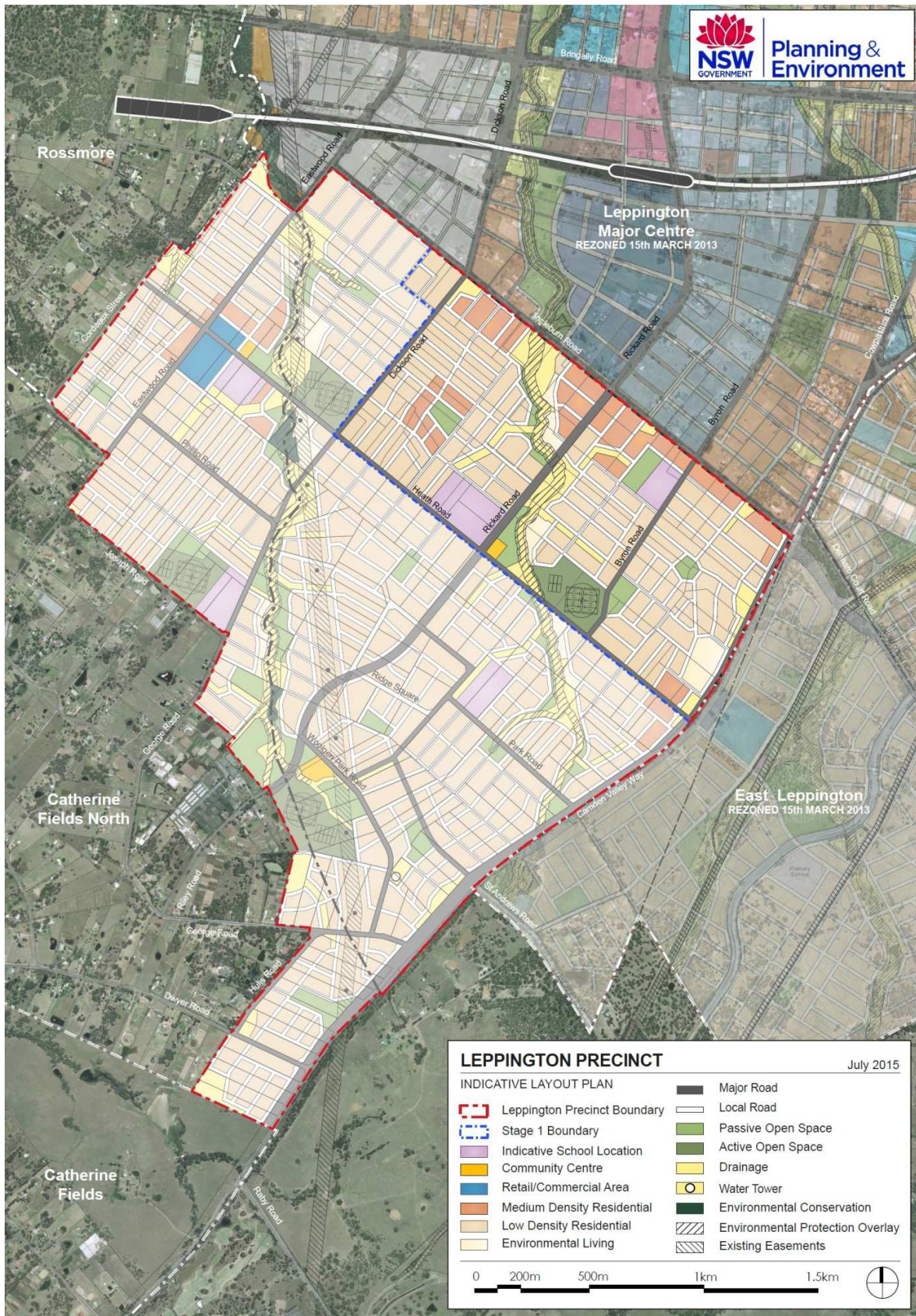
Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stage 1)



Annex B

Final Indicative Layout Plan for Leppington Precinct (Stage 1)

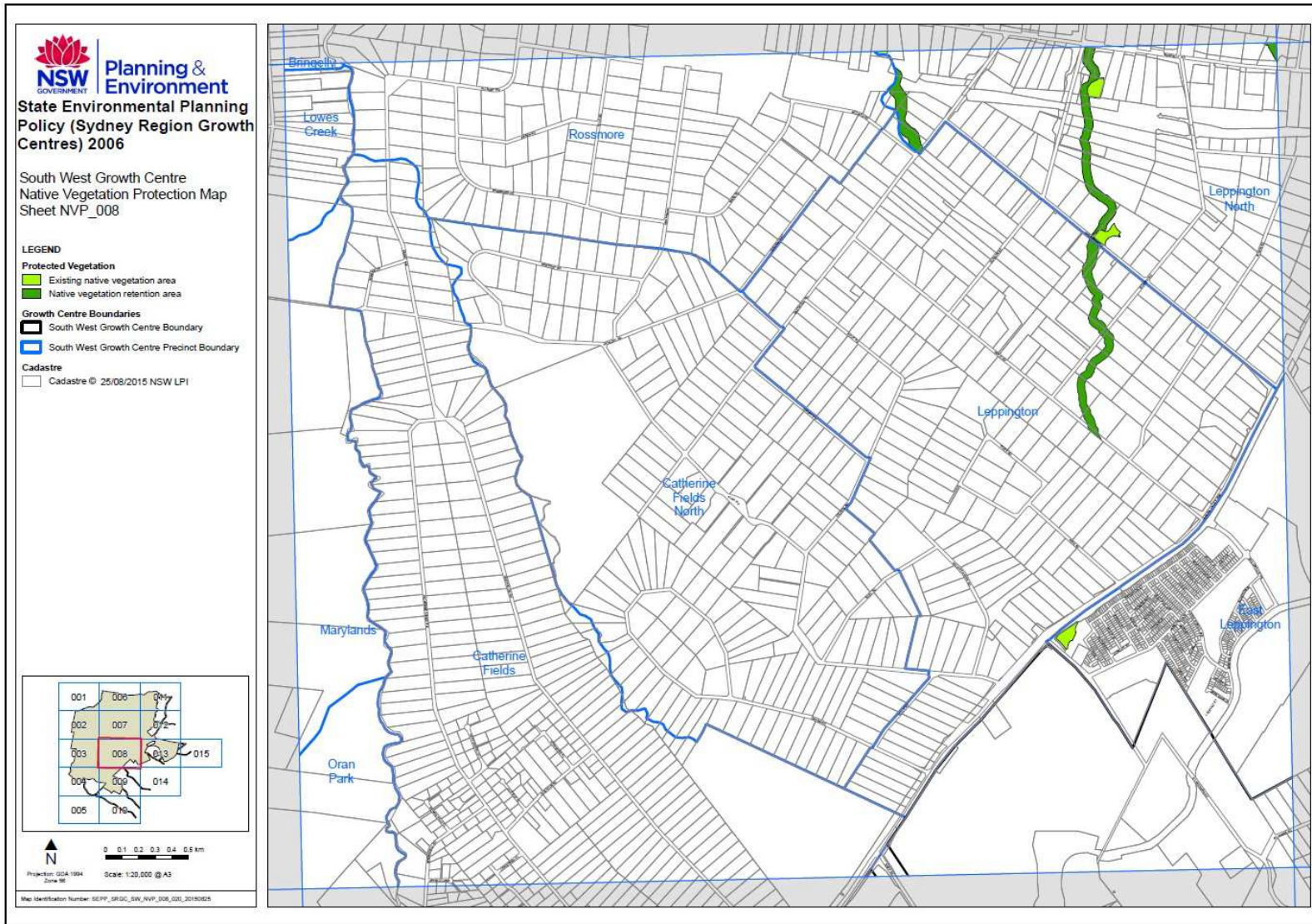
Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct



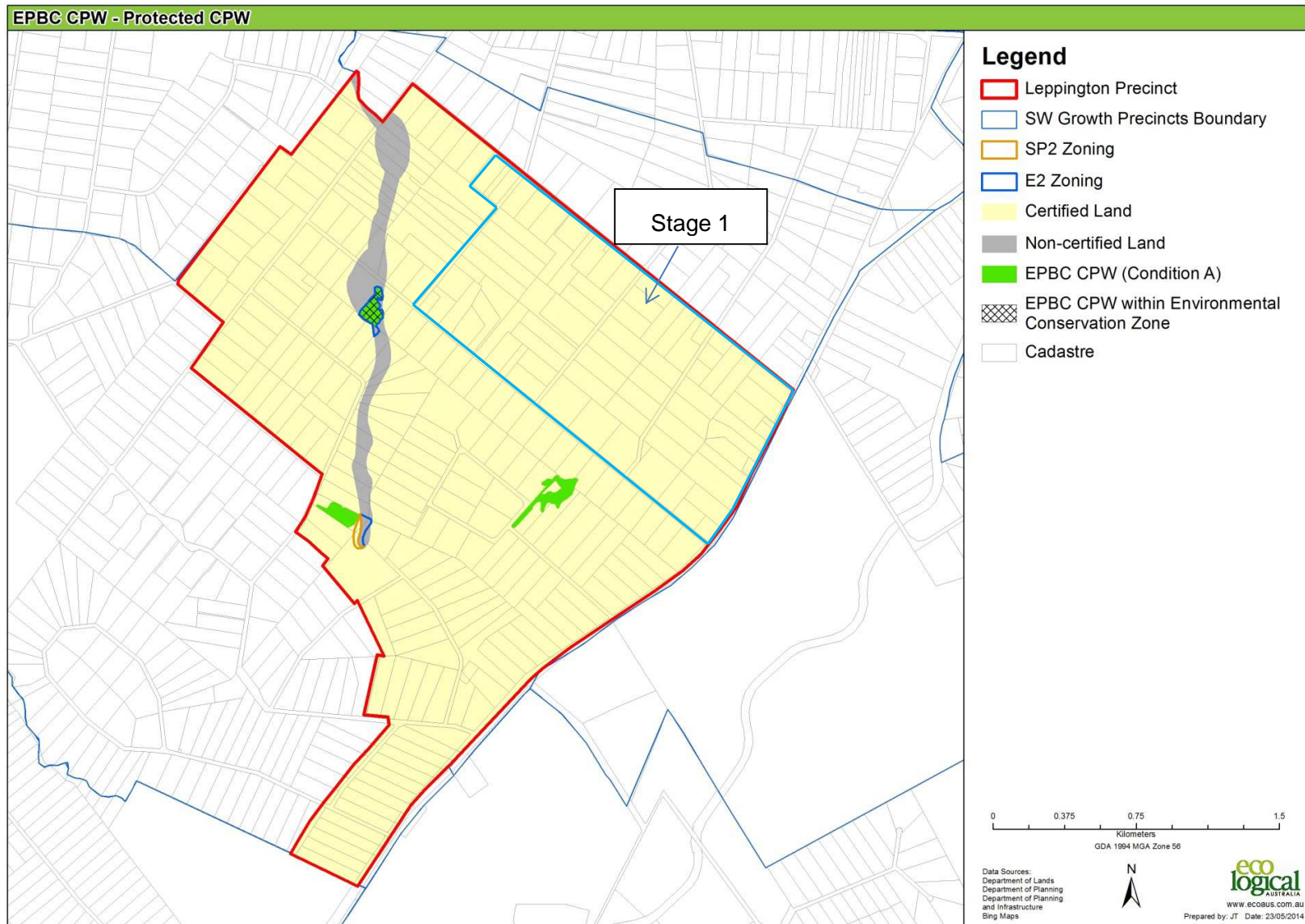
Annex C

**Proposed Protection Measures for Leppington Precinct
(including Native Vegetation Protection Map, CPW Protection Map and Zoning Plan)**

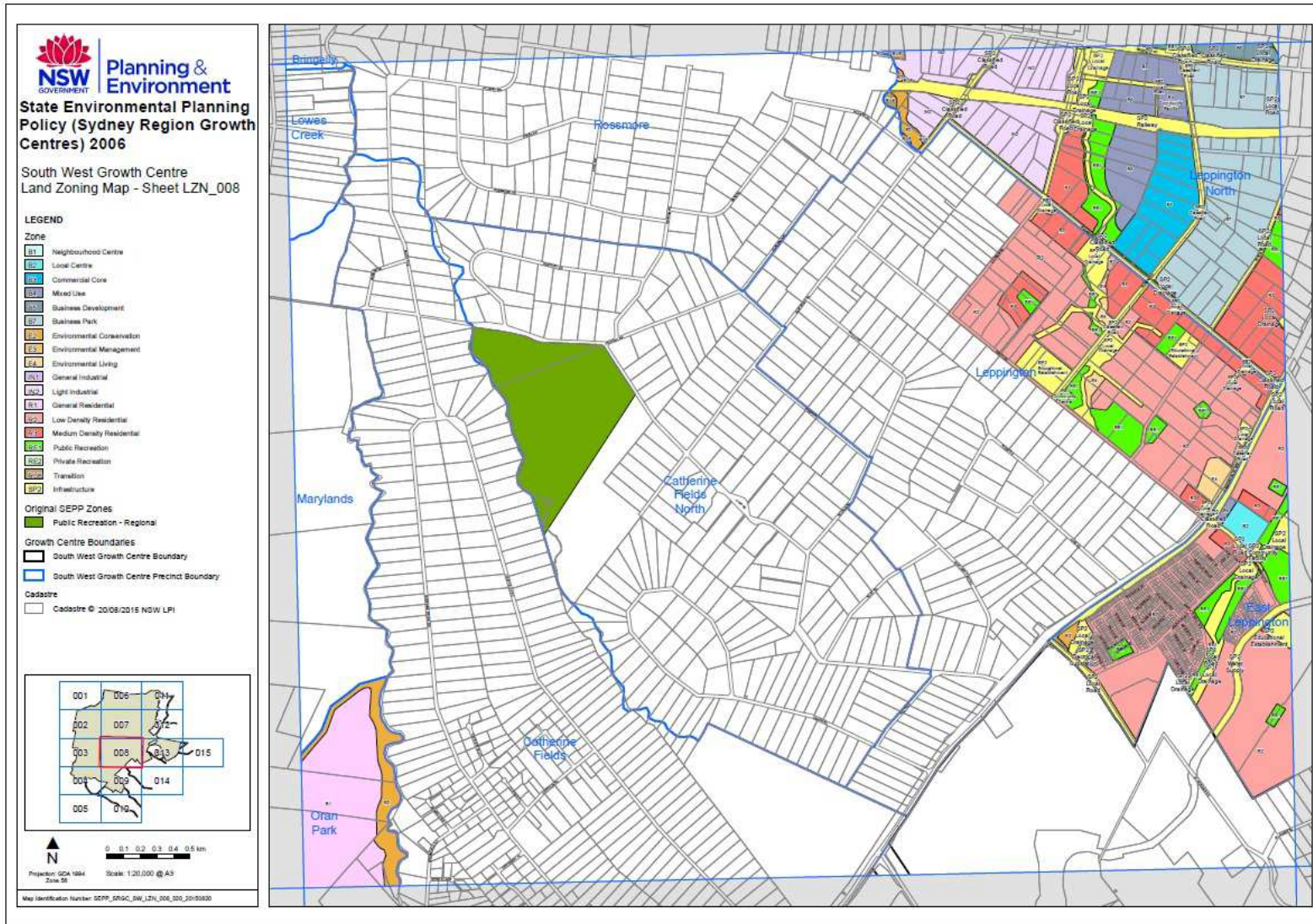
Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stage 1)



Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stage 1)



Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stage 1)



Annex D

Proposed Biodiversity Certification Areas Leppington Precinct

Comparison of existing and proposed certified/non-certified land

The following table outlines the current and proposed certified and non-certified areas in Stage 1 Leppington Priority Precinct:

Land Type	Stage 1 Current Area (Ha)	Stage 1 Proposed Area (Ha)
Certified Land	179.01	172.24
Non Certified Land	0	6.77

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct

