



Growth Centres Strategic Assessment Program

Assessment of Consistency between the commitments of the Strategic Assessment Program and Stage 2 and 5 of the Leppington Precinct

May 2019

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 stages 2 and 5 of the 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 stages 2 and 5 of the 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	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	The proposed provision 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 	<p>Stages 2 and 5 of the Precinct assist in achieving condition 4 in respect to CPW. See the justification column for clarification against each item.</p> <p>There is no High Management Viability CPW within the Precinct. Accordingly, the precinct does not count towards the 363 hectares of HMV CPW to be protected within the Growth Centres.</p>	Yes	<p>a) Stages 2 and 5 of the Leppington Precinct contain 3.35 hectares of CPW. Of this 3.35 hectares, 0.46 hectares is located on Flood Prone Land. This 0.46 hectares cannot be protected due to its location within natural drainage land. Additional, more high-value vegetation will be considered in Stages 3 and 4 of the Precinct.</p> <p>b) No regional zoning is identified with Stages 2 and 5 of the Precinct.</p> <p>c) and d) not applicable</p> <p>e) No non-certified lands are located within stages 2 and 5 of the Precinct.</p>

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stages 2 and 5)

	Commitment	Leppington Precinct – Comment	Consistent with Commitment	Justification
	<ul style="list-style-type: none"> the Growth Centres Conservation Fund which provides funding to acquire the land. <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>			
5	<p>Assessment of 14 ha HVM 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 HVM 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.

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stages 2 and 5)

	Commitment	Leppington Precinct – Comment	Consistent with Commitment	Justification
Shale Sandstone Transition Forest (SSTF)				
8	<p>Retention and protection of a minimum of 58 ha of SSTF within the Growth Centres.</p> <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>		Not Applicable	Retention and protection of SSTF is applicable to the North West Growth Centre and therefore not applicable to Leppington.

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stages 2 and 5)

	Commitment	Leppington Precinct – Comment	Consistent with Commitment	Justification
Additional conservation actions within the Growth Centres – plants				
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</p>			Species specific requirements do not affect the study area.

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stages 2 and 5)

		Commitment	Leppington Precinct – Comment	Consistent with Commitment	Justification
		<p>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. <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 		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 (Stages 2 and 5)

	Commitment	Leppington Precinct – Comment	Consistent with Commitment	Justification
	adjacent property by DECCW, provide 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.	<p><i>Grevillea parviflora</i> subsp. <i>parviflora</i></p> <p><i>Persoonia nutans</i></p>	<p>Retention and protection of habitat supporting the population known to occur within the Growth Centres through acquisition of land in Kemps Creek.</p> <p>a) Protection of the majority of the large population within Kemps Creek 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>Potential populations at Kemps Creek 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 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

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stages 2 and 5)

	Commitment	Leppington Precinct – Comment	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. 			specific requirements do not affect this precinct/study area.

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stages 2 and 5)

	Commitment	Leppington Precinct – Comment	Consistent with Commitment	Justification
22.	<p><i>Persoonia hirsuta</i></p> <p>Potential habitat at North Kellyville – as shown in red hatching on the Biodiversity Certification maps:</p> <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	<p><i>Darwinia biflora</i></p> <p>Known populations at North Kellyville - as shown in red hatching on the Biodiversity Certification maps:</p> <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.
	<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>			

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stages 2 and 5)

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. 	In respect to item 32 and 38, the land surrounding the Leppington Precinct has the potential to support threatened flora and fauna species. No recordings of threatened flora or fauna species were located within the Leppington Precinct. The Green and Golden Bell Frog, Swift Parrot, Large-eared Pied Bat, and Grey-headed Flying-fox to occur throughout the Leppington Precinct.	Yes
34. and 35.	Green and Golden Bell Frog	Potential population at Riverstone – as shown in red hatching on the Biodiversity Certification maps : <ul style="list-style-type: none"> 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. 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). Retention of major drainage lines and associated vegetation throughout the Growth Centres through Growth Centres SEPP	Protection of ENV on non-certified land will be undertaken throughout Stages 3 and 4 of the Precinct when that land is rezoned. At that time, appropriate zonings will be considered to protect potential habitat for the above species. Items 34 and 35 are not applicable. These criteria applies to the Riverstone Precinct.	

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stages 2 and 5)

		development controls for major creeks and flood prone areas.			
36.	<i>Large-eared Pied Bat</i>	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.			
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 Stages 2 and 5 of the Leppington Precinct with the Strategic Assessment and the applicable commitments.

It is concluded that Stages 2 and 5 of the Leppington Precinct is consistent with the Strategic Assessment of the Growth Centres SEPP, as follows:

- Stages 2 and 5 contain 0 hectares 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 Stages 2 and 5.
- The SEPP amendment will provide a clause that prevents the **clearing** of vegetation in certain areas (principally in the non-certified land) as shown on the Native Vegetation Protection Map (**Appendix C**).

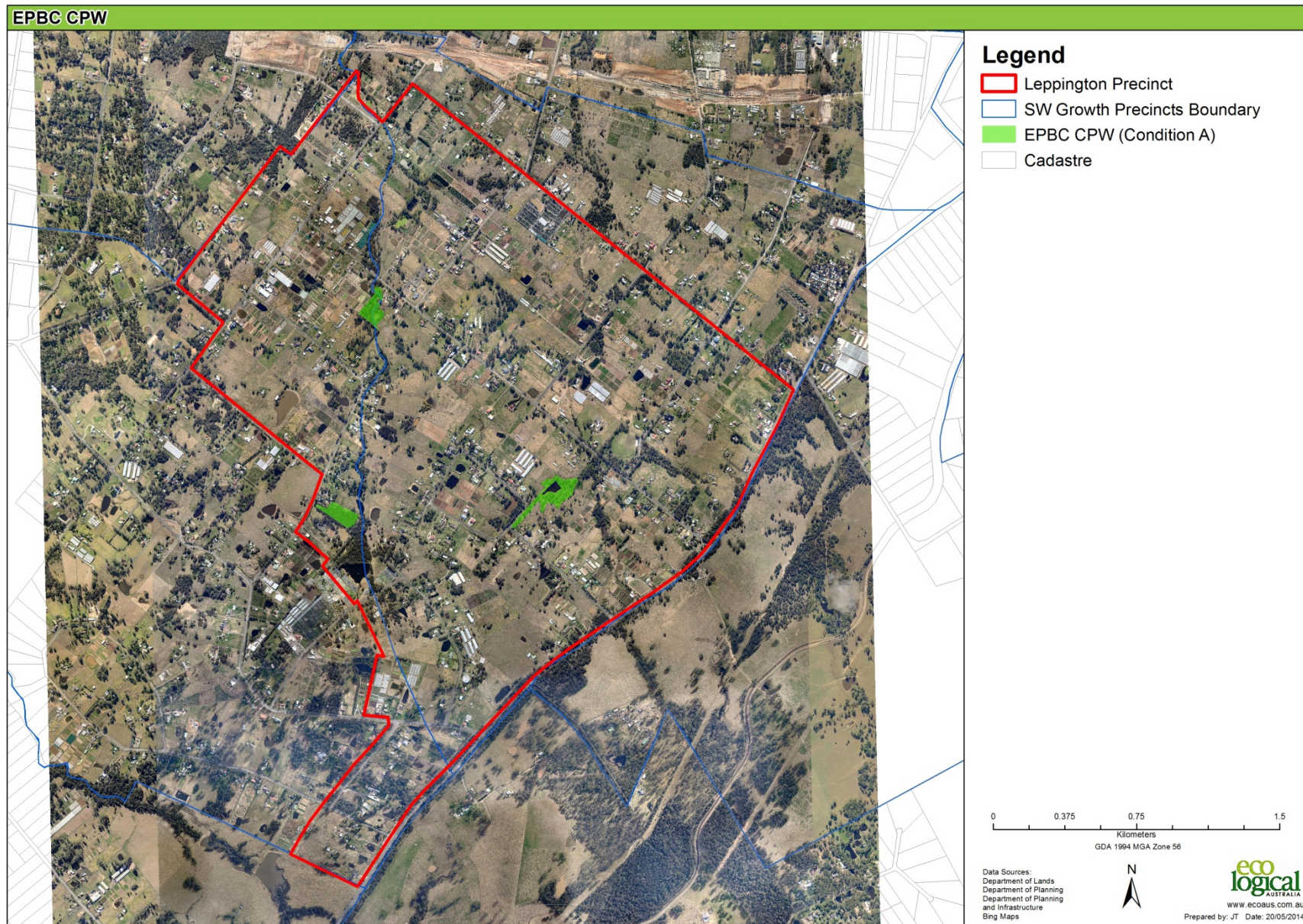
Proposed biodiversity certification map

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 Appendix D**).

Appendix A

Vegetation Communities and Biodiversity Certification maps For Stages 2 and 5 of the Leppington Precinct

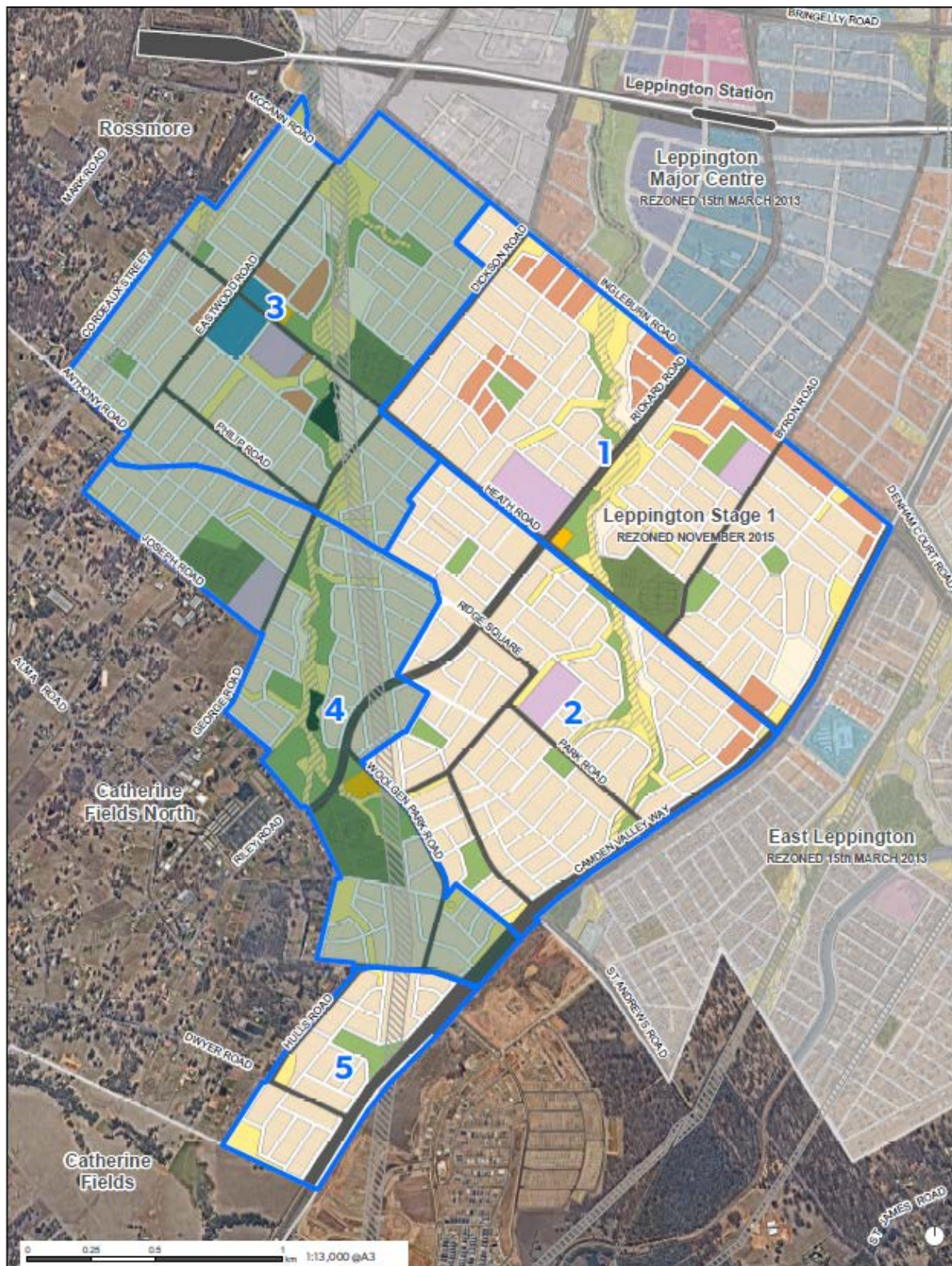
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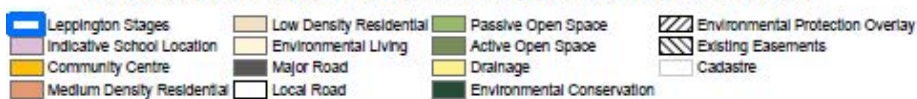
Appendix B

Final Indicative Layout Plan for Stages 2 and 5 of the Leppington Precinct

Assessment of consistency between commitments of the Strategic Assessment and Stages 2 and 5 of the Leppington Precinct



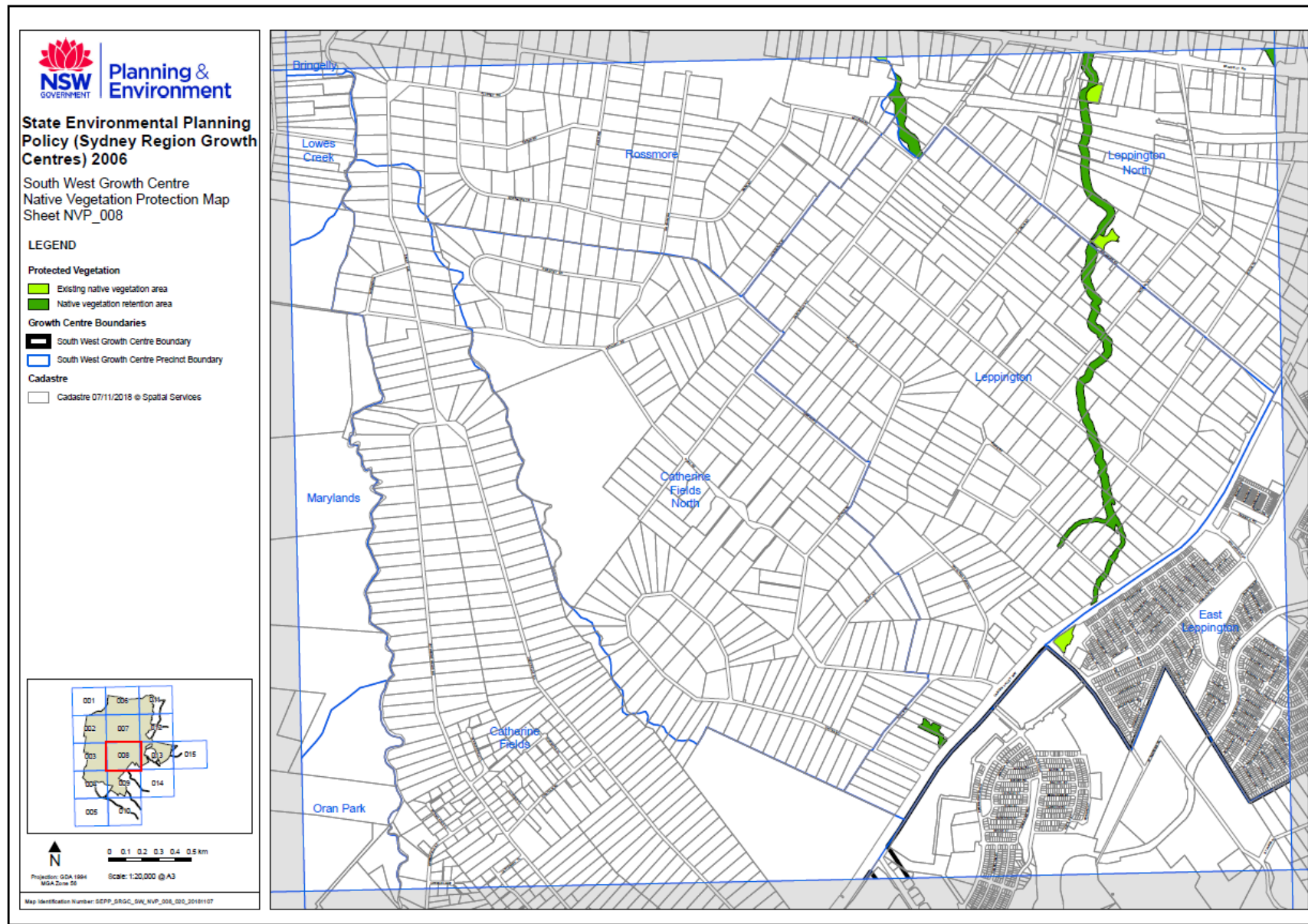
LEPPINGTON PRECINCT - INDICATIVE LAYOUT PLAN - NOVEMBER 2018



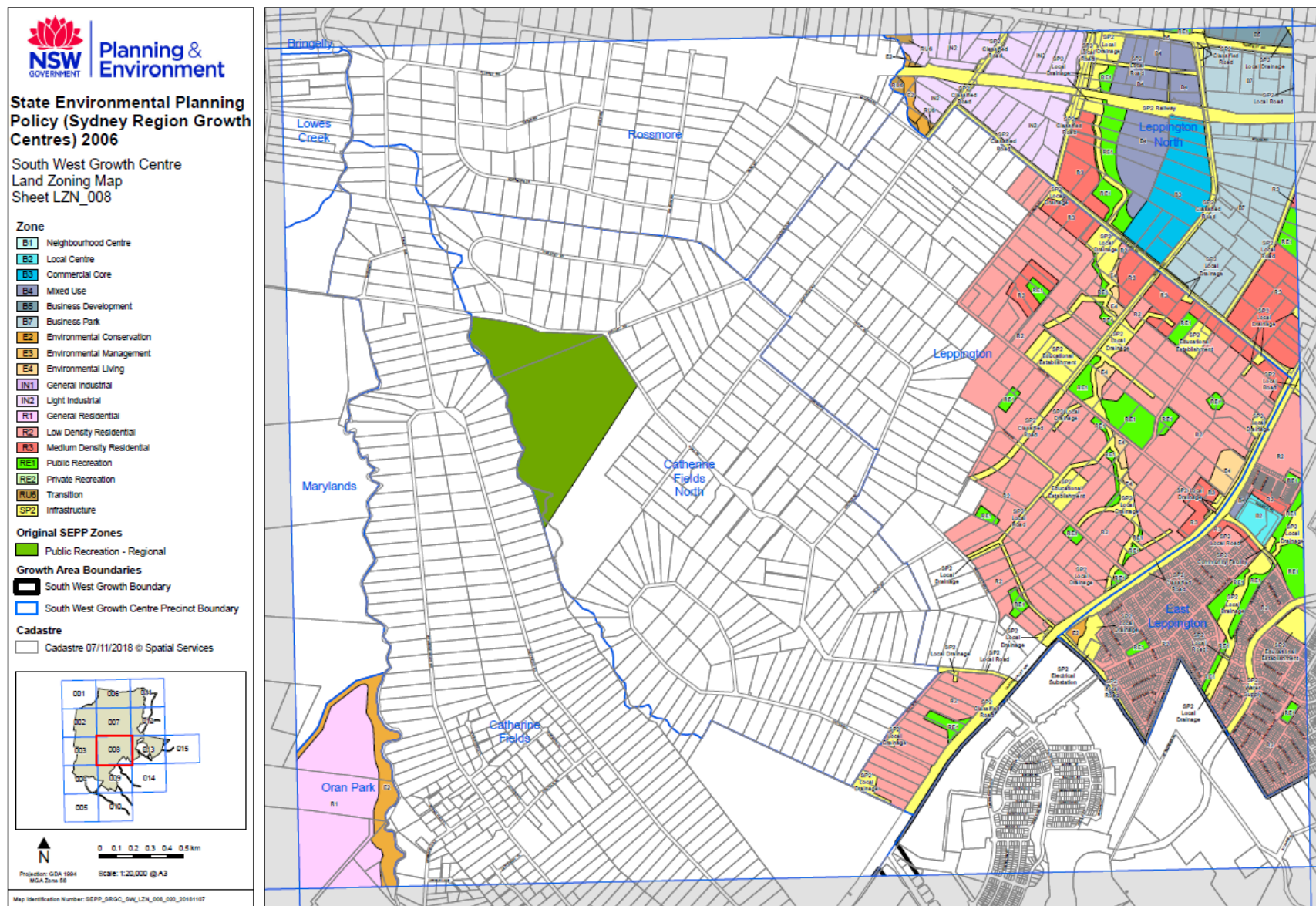
Appendix C

Proposed Protection Measures for Stages 2 and 5 of the Leppington Precinct

Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stages 2 and 5)



Assessment of consistency between commitments of the Strategic Assessment and Leppington Precinct (Stages 2 and 5)



Appendix D

Proposed Biodiversity Certification Areas Stages 2 and 5 of the 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 Stages 2 and 5 of the Leppington Precinct:

Land Type	Stage 1 Current Area (Ha)	Stage 1 Proposed Area (Ha)
Certified Land	187.60	181.40
Non Certified Land	0	6.20