



Growth Centres Strategic Assessment Program

Assessment of Consistency between the Commitments of the Strategic Assessment Program And the Western Sydney Aerotropolis (all of Aerotropolis Core and parts of Badgerys Creek and Wianamatta-South Creek, south of Elizabeth Drive) Precinct Plan

December 2021

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 of 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://growthcentres.planning.nsw.gov.au/Portals/0/Strategic Assessment/final_program_report.pdf

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.

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 Department of Planning, Industry and Environment Environment, Energy and Science Division).
- 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, Industry 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.
- BC Act means the Biodiversity Conservation Act 2016

2 Assessment

	Commitment	Western Sydney Aerotropolis Precinct – Comment	Consistent with Commitment	Justification
Revi	iew of Zoning			
3	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. Note this commitment is being undertaken for the Growth Centres as one exercise as does not need to be addressed separately for each precinct.	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
Thre	eatened Ecological Communities			
4	 Retention and protection of a minimum 998 ha of CPW within the Growth Centres, included a minimum of 363 ha of HMV CPW. i) Retention and protection of CPW in the following areas of the Growth Centres: 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. b) 424 ha within Environment Conservation and Public Recreation – Regional zoning to be protected. RBM 12 which states that clearing of these areas is not permitted unless it is in accordance with a Plan of 	The target for protection in the Western Sydney Aerotropolis Precinct is based on the areas of CPW mapped in the Strategic Assessment within non-certified lands. The Strategic Assessment mapped 69.20 ha of CPW in the Western Sydney Aerotropolis Precinct. Of this, 0.94 ha was on non- certified land. The Western Sydney Aerotropolis Precinct Plan will protect 12.41 ha of the	Yes	 The 12.41 ha of CPW mapped in the Strategic Assessment will be protected via: Retention of 12.41 ha of CPW on currently certified lands, within land proposed to be zoned Environment and Recreation under the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (WSA SEPP). An amendment to the WSA SEPP will rezone the open space network as Environment and Recreation and the CPW will be protected via clause 27(7) and will be shown on the High Biodiversity Values map. As part of the WSA SEPP amendment, wording will be considered for inclusion in the SEPP for how the CPW will be protected during Part 5 Activities permitted under the EP & A Act. This may include a provision like Clause 18A of the Growth Centres SEPP. Amendments are scheduled for the fourth quarter of 2021.

	Commitme	nt	Western Sydney Aerotropolis Precinct – Comment	Consistent with Commitment	Justification
		Management endorsed by DECCW;	CPW mapped in the Strategic Assessment		
		 the zoning and vegetation clearing controls under the Growth Centres SEPP; and 	The Strategic Assessment did not map any High Management		
		 the Growth Centres Conservation Fund which provides funding to acquire the land. 	Viability (HMV) CPW in the Western Sydney Aerotropolis Precinct, which counts towards the 363 ha of HMV CPW to be		
		 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. 	protected within the Growth Centres.		
		 d) 79 ha to be protected within protected zones within Edmondson Park. 			
		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.			
	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.			
5	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		This measure does not apply to the Western Sydney Aerotropolis Precinct	Not applicable	

	Commitment	Western Sydney Aerotropolis Precinct – Comment	Consistent with Commitment	Justification
	 Assessment of the HMV CPW in accordance with RBM 14 and 15. 			
	 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. 			
Shale	e Sandstone Transition Forest (SSTF)			
8	Retention and protection of a minimum of 58 ha of SSTF within the Growth Centres.	The Western Sydney Aerotropolis Precinct	Not applicable	
	 Retention and protection of SSTF in the following areas of the North West Growth Centre: 	does not contain any SSTF.		
	 a) 5.5 ha within Flood Prone Land to be protected through the vegetation clearing controls under the Growth Centres SEPP. 			
	 b) 5.5 ha within Public Recreation – Regional zoning to be protected. 			
	 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 			

	Commitment	Western Sydney Aerotropolis Precinct – Comment	Consistent with Commitment	Justification
	provides funding to acquir the land.	9		
	c) 0.5 ha within the Westlink M Motorway Offsets area to be protecte through maintenance of the existin conservation area (purchased by th RTA for transfer to DECCW as part of the Westlink M7 Motorway offsets).			
	 d) 46.5 ha within the E3 Environmenta Management zone in North Kellyvill to be protected under the existin native vegetation and nativ vegetation retention controls under th North Kellyville Precinct Plan. 	- 		
Addi – pla	tional conservation actions within the Growth Centre nts	5		
	During or before the preparation of the relevant precise plan(s) under the Growth Centres Development Cod relating to the areas referred to in the table below, the following actions must be undertaken:	Known populations at		Where access was available, targeted surveys to confirm the presence of this species were undertaken. No individuals were identified.
11. and	Species Required action	Kemps Creek and Austral (as shown in red	Yes	Nonetheless, this area will not be developed as it is
12.	Acacia pubescens Acacia pubescens Creek and Austral – as shown i red hatching on the Biodiversit Certification maps :	within the Wianamatta-		located within the Wianamatta-South Creek Precinct, which is zoned Environment and Recreation and will be mapped as High Biodiversity Value.
	 survey to confirm th presence of th population in th Kemps Creek an Austral precincts, and 	e e d		
	 if the species present and th population is identifie 	e		

	Commitment		Western Sydney Aerotropolis Precinct – Comment	Consistent with Commitment	Justification
		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 .			
15. and 30.	Dillwynia tenuifolia Pultenaea parviflora	 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. a) Protection of the Marsden Park North population within Environment Conservation zoning in accordance with the measures outlined in commitment 8.b) 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: RBM 12 which states that clearing of these 	The Western Sydney Aerotropolis Precinct does not include any of the four important populations of <i>Dillwynia</i> <i>tenuifolia</i> or <i>Pultenaea</i> <i>parviflora</i>	Not Applicable	

Commitment		Western Sydney Aerotropolis Precinct – Comment	Consistent with Commitment	Justification
	 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. c) Protection of the majority of the large population within Kemps Creek in accordance with the measures outlined in commitment 15.b) above. 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). 			
 Pimelea spicata	Potential populations at Denham Court Road within the East			

	Commitment		Western Sydney Aerotropolis Precinct – Comment	Consistent with Commitment	Justification
27.		 Leppington Precinct - as shown in red hatching on the Biodiversity Certification maps: survey to confirm the presence of population, and if the population is present and 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. 	This measure does not apply to the Western Sydney Aerotropolis Precinct	Not Applicable	
17. 18. and 19.	Grevillea parviflora subsp. parviflora	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: • 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	Known populations at Kemps Creek and Austral (as shown in red hatching) are present within the Wianamatta- South Creek Precinct.	Yes	Where access was available, targeted surveys to confirm the presence of this species were undertaken. No individuals were identified. Nonetheless, this area will not be developed as it is located within the Wianamatta-South Creek Precinct, which is zoned Environment and Recreation and will be mapped as High Biodiversity Value.

	Commitment		Western Sydney Aerotropolis Precinct – Comment	Consistent with Commitment	Justification
23. 24. and 25.	Persoonia nutans	 controls under the Growth Centres SEPP. Potential populations at Kemps Creek Precinct - as shown in red hatching on the Biodiversity Certification maps: 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. 	Known populations at Kemps Creek and Austral (as shown in red hatching) are present within the Wianamatta- South Creek Precinct.	Yes	Where access was available, targeted surveys to confirm the presence of this species were undertaken. No individuals were identified. Nonetheless, this area will not be developed as it is located within the Wianamatta-South Creek Precinct, which is zoned Environment and Recreation and will be mapped as High Biodiversity Value.
20.	<i>Micromyrtus minutiflora</i>	 Retention and protection of habitat supporting the two important populations known to occur within the Growth Centres. a) Protection of the Marsden Park North population within Environment Conservation zoning through: 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; 	This measure does not apply to Western Sydney Aerotropolis Precinct	Not Applicable	

Commitment		Western Sydney Aerotropolis Precinct – Comment	Consistent with Commitment	Justification
	 the zoning and vegetation clearing controls under the Growth Centres SEPP; and the Growth Centres Conservation Fund which provides funding to acquire the land. 			
	 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: 			
	 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. 			

	Commitment		Western Sydney Aerotropolis Precinct – Comment	Consistent with Commitment	Justification
22.	Persoonia hirsuta	Potential habitat at North Kellyville – as shown in red hatching on the Biodiversity Certification maps : • survey to confirm the	This measure does not apply to Western Sydney		
		 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. 	Aerotropolis Precinct	Not Applicable	
14.	Darwinia biflora	 Known populations at North Kellyville - as shown in red hatching on the Biodiversity Certification maps: survey to confirm the extent of the populations, and 	This measure does not apply to Western Sydney Aerotropolis Precinct	Not Applicable	
		 provide for the protection and ongoing management of key populations within the Precinct through zoning as E3 Environmental Management and existing native vegetation controls. 			
	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.				

	Commitment		Western Sydney Aerotropolis Precinct – Comment	Consistent with Commitment	Justificati	ion
Addi	tional conservation	n actions within the Growth Centres -	- animals			
unde area	r the Growth Centr	paration of the relevant precinct plan(s) es Development Code relating to the ble below, the following actions must be				
32.	Species Swift Parrot	 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: 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. 	The draft Conservation Plan identifies 67.31 ha of Existing Native vegetation (ENV) in non-certified lands to be retained within the Precinct to maintain parity with the 2,000 ha requirement. The proposed Western Sydney Aerotropolis precinct plan will protect 92.39 ha of ENV	Yes		 92.39 ha of ENV is proposed to be retained and protected using zoning (i.e., Environment and Recreation) following a SEPP amendment (targeted for Q4 2021), High Biodiversity Value mapping aiding in biodiversity protection and the following clauses in the WSA SEPP: Development Controls - Existing Native Vegetation - Clause 27(7) will prohibit the clearing of ENV as mapped on the Native Vegetation Protection map (Annex C)
34. and 35.	Green and Golden Bell Frog	 Potential population at Riverstone – as shown in red hatching on the Biodiversity Certification maps: 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. 	The two major drainage lines (South Creek and	Not Applicable		

	Commitment		Western Sydney Aerotropolis Precinct – Comment	Consistent with Commitment	Justification
		 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 development controls for major creeks and flood prone areas. 		Yes	
36.	Large-eared Pied Bat	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.	This measure does not apply to the Western Sydney Aerotropolis Precinct N The draft Conservation Plan identifies 67.31 ha of	Not Applicable	
38.	Grey-headed Flying Fox	 Protection of potential habitat for the Grey-headed Flying Fox within the Growth Centres. b) Protection of 2,000 ha native vegetation within the Growth Centres through: RBM 6 which requires a minimum of 2,000 ha of 	Existing Native vegetation (ENV) in non-certified lands to be retained within the Precinct to maintain parity with the 2,000-ha requirement. The Western Sydney Aerotropolis precinct plan	Yes	

Commitment		Western Sydney Aerotropolis Precinct – Comment	Consistent with Commitment	Justification
	existing native vegetation to be retained; and	will protect 92.39 ha of ENV		
	 the relevant development controls under the Growth Centres SEPP that relate to the retention of native vegetation. 			
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.				

3 Conclusion

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

It is concluded that the Western Sydney Aerotropolis (Aerotropolis Core, Badgerys Creek and Wianamatta-South Creek) Precinct Plan is consistent with the Strategic Assessment of the Growth Centres SEPP, as follows:

- 12.41 ha of CPW will be protected within the Precinct. This is above the minimum required for the precinct (0.94 ha). There is no HMV CPW or transitional land mapped on site;
- 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**).
- All CPW/ENV to be protected will be located on land to be zoned Environment and Recreation.

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**). The new boundaries of the non-certified lands are proposed to reflect the boundaries of the:

 protected ENV (as mapped under the heading of 'Protected Vegetation' on the Native Vegetation Protection Map – see Annex C).

Annex A

Vegetation Communities and Biodiversity Certification maps for the Western Sydney Aerotropolis (Aerotropolis Core, Badgerys Creek and Wianamatta-South Creek) Precinct



Annex B

Proposed Precinct Plan for the Western Sydney Aerotropolis (Aerotropolis Core, Badgerys Creek and Wianamatta-South Creek) Precinct



Annex C

Proposed Protection Measures for Western Sydney Aerotropolis Precinct (including Native Vegetation Protection Map and Zoning Plan)





Annex D

Proposed Offsets Areas Western Sydney Aerotropolis



