

Growth Centres Strategic Assessment Program

Assessment of Consistency between the Commitments of the Strategic Assessment Program
And Vineyard Precinct Stage 1

October 2017
Update post-exhibition

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](http://growthcentres.planning.nsw.gov.au/Portals/0/Strategic%20Assessment/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.

The rezoning of this precinct will be divided into two stages. As such this report outlines the fulfilment of the requirements for Stage 1 only. Stage 2 will be provided when the rezoning process is commenced for that area.

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 Infrastructure).
- *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

Table 1: Assessment of consistency between the commitments of the Strategic Assessment Program and the Vineyard Precinct Stage 1.

	Commitment	Vineyard Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Stage 1 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, included 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 	<p>Vineyard Precinct contains 50.6 ha of CPW as mapped in the Growth Centres Conservation Plan (GCCP). 18.7 ha of this is within the Stage 1 area.</p> <p>The target for protection is based on areas of CPW mapped in the Strategic Assessment as ENV which lies within non-certified lands. Of this, 5.0 ha is mapped as ENV and is within non-certified land, therefore to maintain parity with the Strategic Assessment 5.0 ha is to be protected.</p>	Yes	<p>Stage 1 contains 18.7 ha of CPW. Within Stage 1, 5.0 ha of CPW is required to be retained under the draft Conservation Plan.</p> <p>5.3 ha of EPBC CPW will be retained within Vineyard Stage 1. This is comprised of 3.5 ha of CPW within the original non-certified area and an additional 1.8 ha within the additional proposed non-certified area (previously certified). This 5.3 ha contributes to the minimum of 138 ha of CPW within Flood Prone Lands required for protection within the Growth Centres.</p> <p>The principle protection mechanism for the 5.3 ha is achieved through the new ILP being covered by SP2, E2 and RE1 zoning.</p> <p>CPW native vegetation is shown in the Vegetation Communities Map in Annex A.</p>

Assessment of consistency between commitments of the Strategic Assessment and Vineyard Precinct Stage 1

	Commitment	Vineyard Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Stage 1 Justification
	<p>Management endorsed by DECCW;</p> <ul style="list-style-type: none"> 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) 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>The 5.0 ha of CPW to be protected is mapped on non-certified land on the DCP map.</p> <p>There is no High Management Viability (HNV) CPW within the precinct. Accordingly the precinct CPW does not count towards the 363 ha of HNV CPW to be protected within the Growth Centres.</p>		
5	Assessment of 14 ha HNV 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	Survey to confirm the presence of Commonwealth listed CPW and detail	Not applicable	Not within the Vineyard Precinct

Assessment of consistency between commitments of the Strategic Assessment and Vineyard Precinct Stage 1

	Commitment	Vineyard Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Stage 1 Justification
	a) 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.	protection measures to be implemented.		
Shale Sandstone Transition Forest (SSTF)				
8	Retention and protection of a minimum of 58 ha of SSTF within the Growth Centres. i) Retention and protection of SSTF in the following areas of the North West Growth Centre: 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. <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 	Vineyard Precinct Stage 1 area does not contain any SSTF.	Not applicable	Stage 1 does not contain any SSTF.

Assessment of consistency between commitments of the Strategic Assessment and Vineyard Precinct Stage 1

	Commitment	Vineyard Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Stage 1 Justification				
	<p>provides funding to acquire the land.</p> <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								
11. and 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> <table> <tr> <th>Species</th> <th>Required action</th> </tr> <tr> <td><i>Acacia pubescens</i></td> <td> <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 </td> </tr> </table>	Species	Required action	<i>Acacia pubescens</i>	<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 		Not Applicable	11 and 12: Species not found within Stage 1. Species specific requirements do not affect this precinct/study area.
Species	Required action							
<i>Acacia pubescens</i>	<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 							

Assessment of consistency between commitments of the Strategic Assessment and Vineyard Precinct Stage 1

	Commitment	Vineyard Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Stage 1 Justification
15. and 30.	<ul style="list-style-type: none"> 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. 			
	<p><i>Dillwynia tenuifolia</i> <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</p>			
			Not Applicable	15 and 30 a), b) and c) <i>Dillwynia tenuifolia</i> has not been recorded in Stage 1, and the four locations for this species listed under the Strategic Assessment are not within Stage 1.

Assessment of consistency between commitments of the Strategic Assessment and Vineyard Precinct Stage 1

	Commitment	Vineyard Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Stage 1 Justification
27.	<p>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. 		Not Applicable	27. Species not found within Stage 1. Species specific requirements do not affect this precinct/study area.
17. 18. and 19.	c) Protection of the majority of the large population within Kemps Creek in accordance with the measures outlined in commitment 15.b) above.			17, 18, 19, 23, 24, 25 Species not found within Stage 1. Species specific requirements do not affect this precinct/study area. The locations listed are not within the Vineyard Precinct.
23.	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			.

Assessment of consistency between commitments of the Strategic Assessment and Vineyard Precinct Stage 1

	Commitment	Vineyard Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Stage 1 Justification
24. and 25.	(purchased by the RTA for transfer to DECCW as part of the Westlink M7 Motorway offsets).			
	<i>Pimelea spicata</i>	Potential populations at Denham Court Road within the East Leppington 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 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. 		
20.	<i>Grevillea parviflora</i> subsp. <i>parviflora</i>	Retention and protection of habitat supporting the population known to occur within the Growth Centres through acquisition of land in Kemps Creek.		
	<i>Persoonia nutans</i>	a) Protection of the majority of the large population within Kemps Creek through:		
				20 Species not found within Stage 1. Species specific requirements do not affect this precinct/study area. The locations listed are not within Stage 1.

Assessment of consistency between commitments of the Strategic Assessment and Vineyard Precinct Stage 1

	Commitment	Vineyard Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Stage 1 Justification
	<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. 			
22.	<i>Micromyrtus minutiflora</i>	Retention and protection of habitat supporting the two important populations known to occur within the Growth Centres.		

Assessment of consistency between commitments of the Strategic Assessment and Vineyard Precinct Stage 1

	Commitment	Vineyard Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Stage 1 Justification
14.	<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 			22, 14 Species not found within Stage 1. Species specific requirements do not affect this precinct/study area. The locations listed are not within Stage 1.

Assessment of consistency between commitments of the Strategic Assessment and Vineyard Precinct Stage 1

	Commitment	Vineyard Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Stage 1 Justification
		<p>endorsed by DECCW; and</p> <ul style="list-style-type: none"> the zoning and vegetation clearing controls under the Growth Centres SEPP. 		
<i>Persoonia hirsuta</i>	<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. 			
<i>Darwinia biflora</i>	<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 			

The locations for this species listed under the Strategic Assessment are not within Stage 1

Assessment of consistency between commitments of the Strategic Assessment and Vineyard Precinct Stage 1

	Commitment	Vineyard Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Stage 1 Justification
	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.			
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.	<p>Species</p> <p><i>Swift Parrot</i></p> <p>Required action</p> <p>Protection of potential habitat for the Swift Parrot within the Growth Centres.</p> <p>a) 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>Potential population at Riverstone – as shown in red hatching on the Biodiversity Certification maps:</p>	<p>This Precinct has the potential for the Swift Parrot, Large-eared Pied Bat and Grey-headed Flying Fox to occur on site.</p> <p>The draft Conservation Plan identifies 18.2 ha of ENV in non-certified lands to be retained within the Stage 1 area to maintain parity with the 2000 ha requirement.</p> <p>Protection of ENV (18.2 ha of GCCP mapped vegetation including 13.4 ha in currently non-certified lands and 2.7 ha in currently certified lands for the Stage 1 area) will protect existing potential habitat for the Swift Parrot, Large-eared Pied Bat and</p>	<p>Yes</p> <p>Within Stage 1, 18.2 ha of ENV is required to be retained under the draft Conservation Plan and count towards the 2,000 ha target.</p> <p>16.1 ha of non-certified ENV will be retained and protected using zoning (i.e. E2, SP2 and RE1) and the following clauses in the SEPP:</p> <ul style="list-style-type: none"> Development Controls – Existing Native Vegetation – this clause will prohibit the clearing of ENV as mapped on the Native Vegetation Protection map (Annex C) <p>1.7 ha of validated, non-certified ENV will be lost for essential infrastructure/development.</p>
	<p><i>Green and Golden Bell Frog</i></p>			

Assessment of consistency between commitments of the Strategic Assessment and Vineyard Precinct Stage 1

	Commitment	Vineyard Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Stage 1 Justification
34. and 35.		<ul style="list-style-type: none"> ○ 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. ○ 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). 	Grey-headed Flying Fox and contribute to the 2000 ha requirement.	
36.		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.		
38.	<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.		

Assessment of consistency between commitments of the Strategic Assessment and Vineyard Precinct Stage 1

	Commitment	Vineyard Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Stage 1 Justification
	<p><i>Grey-headed Flying Fox</i></p> <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 Vineyard Precinct Stage 1 with the Strategic Assessment and the applicable commitments.

It is concluded that the Vineyard Precinct Stage 1 is consistent with the Strategic Assessment of the Growth Centres SEPP, as follows:

- 5.3 ha of CPW will be protected within non-certified lands. This is consistent with the targets of the draft Conservation Plan and will count towards the target of 138 ha of CPW required on flood prone lands. There will be a 1.5 ha loss of CPW in non-certified lands however this will be offset by the retention of 1.8 ha of EPBC CPW in currently certified land. There is no HMV CPW or transitional land mapped on site;
- There will be a small loss of 1.5 of EPBC listed native vegetation (CPW) within non-certified land to make way for essential infrastructure, however, the remaining 3.5 ha of EPBC listed CPW will be protected within RE1 Public Recreation Zone, E2, and SP2 Infrastructure Zone and supported by the relevant ENV clauses within the amended SEPP. An additional 1.8 ha of certified CPW will also be protected within the land proposed to become non-certified. The outcome is an increase of EPBC CPW retained within Stage 1;
- The loss and fragmentation of 1.5 ha of EPBC Listed CPW within non-certified is due to the future need to provide main roads and infrastructure through Stage 1;
- A total of 16.1 ha of validated ENV will be protected in the Precinct and will count towards the 2000 ha target, in accordance with RBM6. This is 2.1 ha less than the 18.2 ha target in the Draft Conservation Plan, this deficit will be made up in Vineyard Stage 2 or elsewhere in the Growth Centres;
- 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 SP2, E2 or RE1. Land proposed to be zoned SP2 and RE1 will be acquired by a public authority.

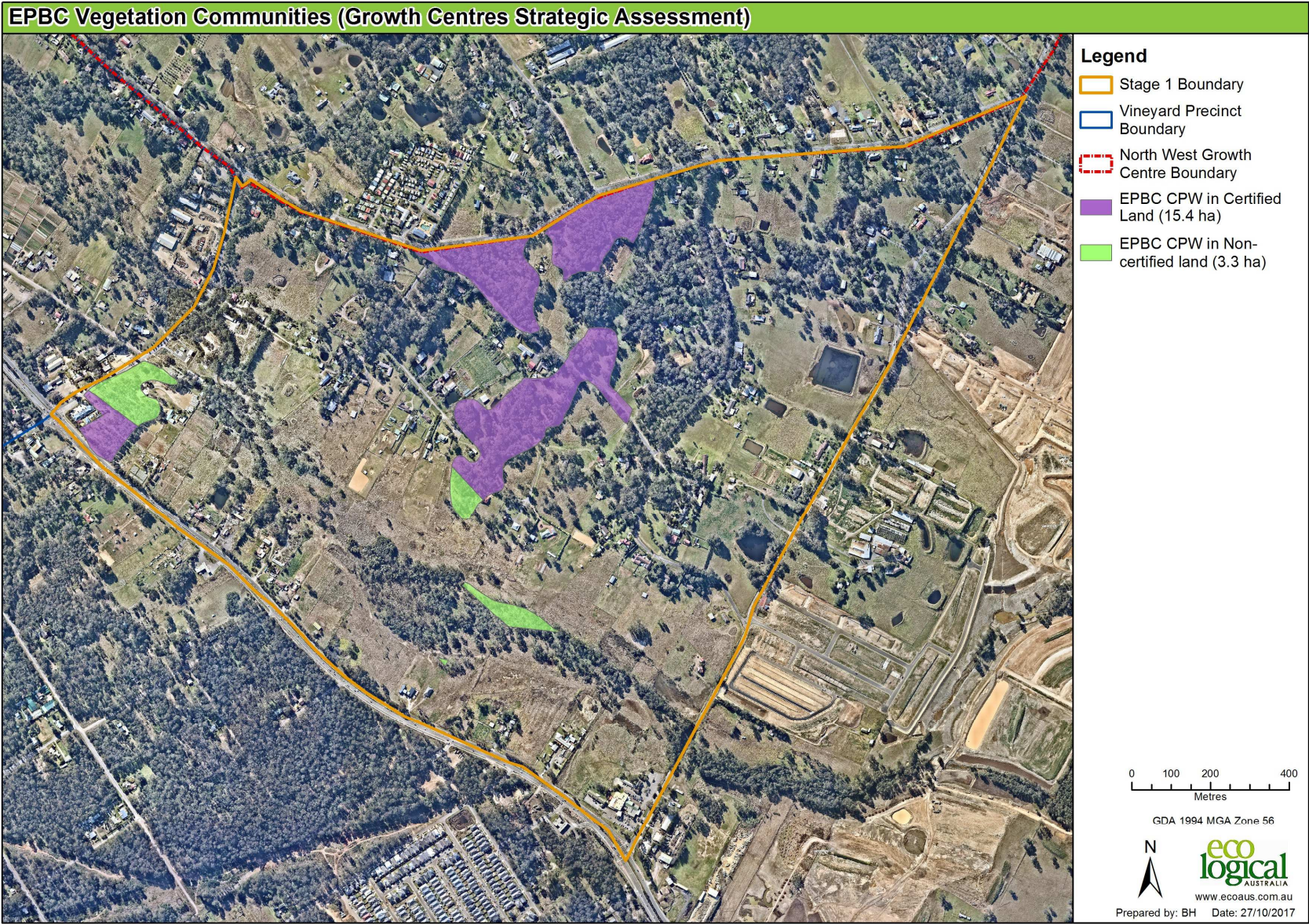
Proposed biodiversity certification map

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

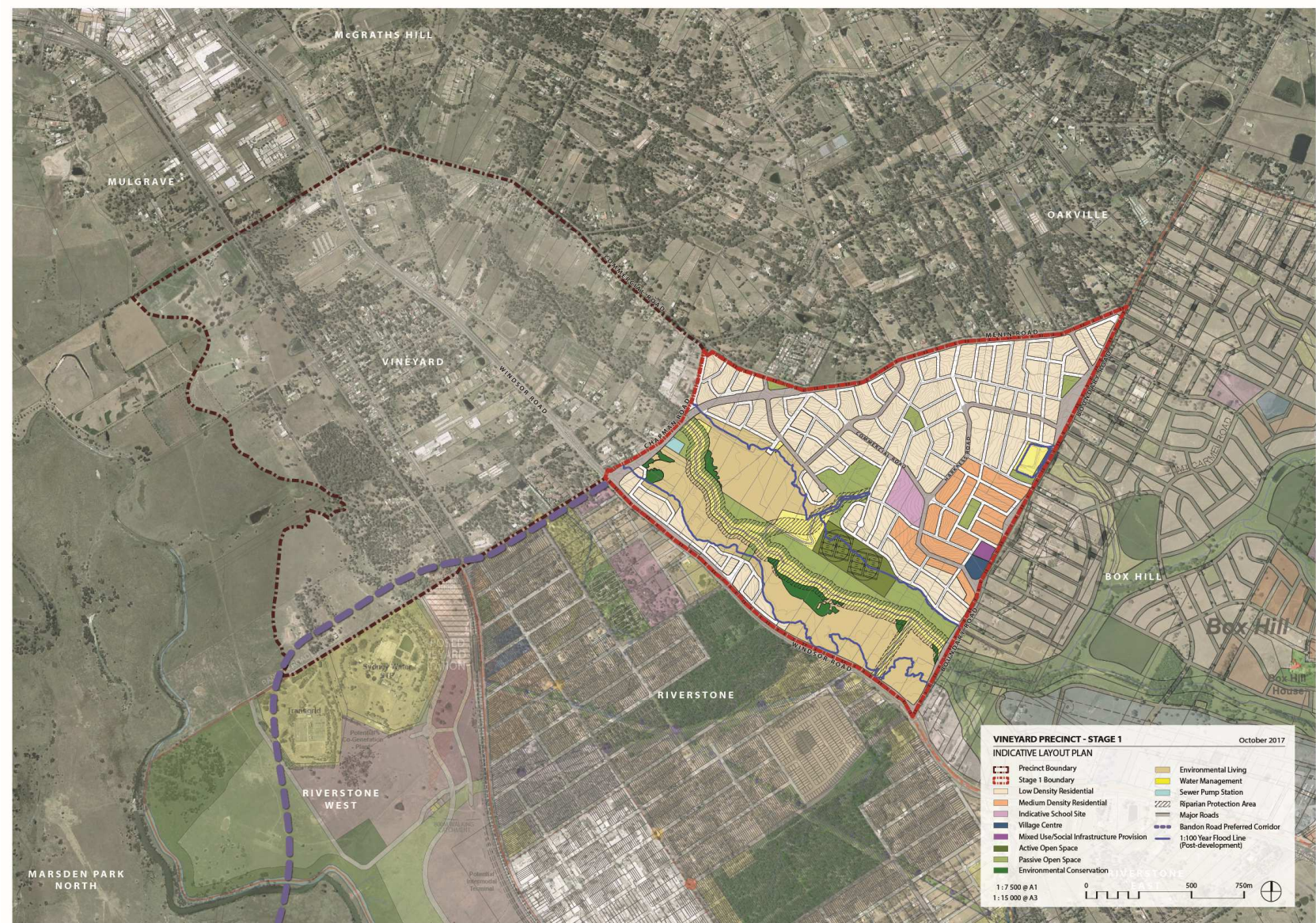
**Vegetation Communities and Biodiversity Certification maps
for Vineyard Precinct Stage 1**



Annex B

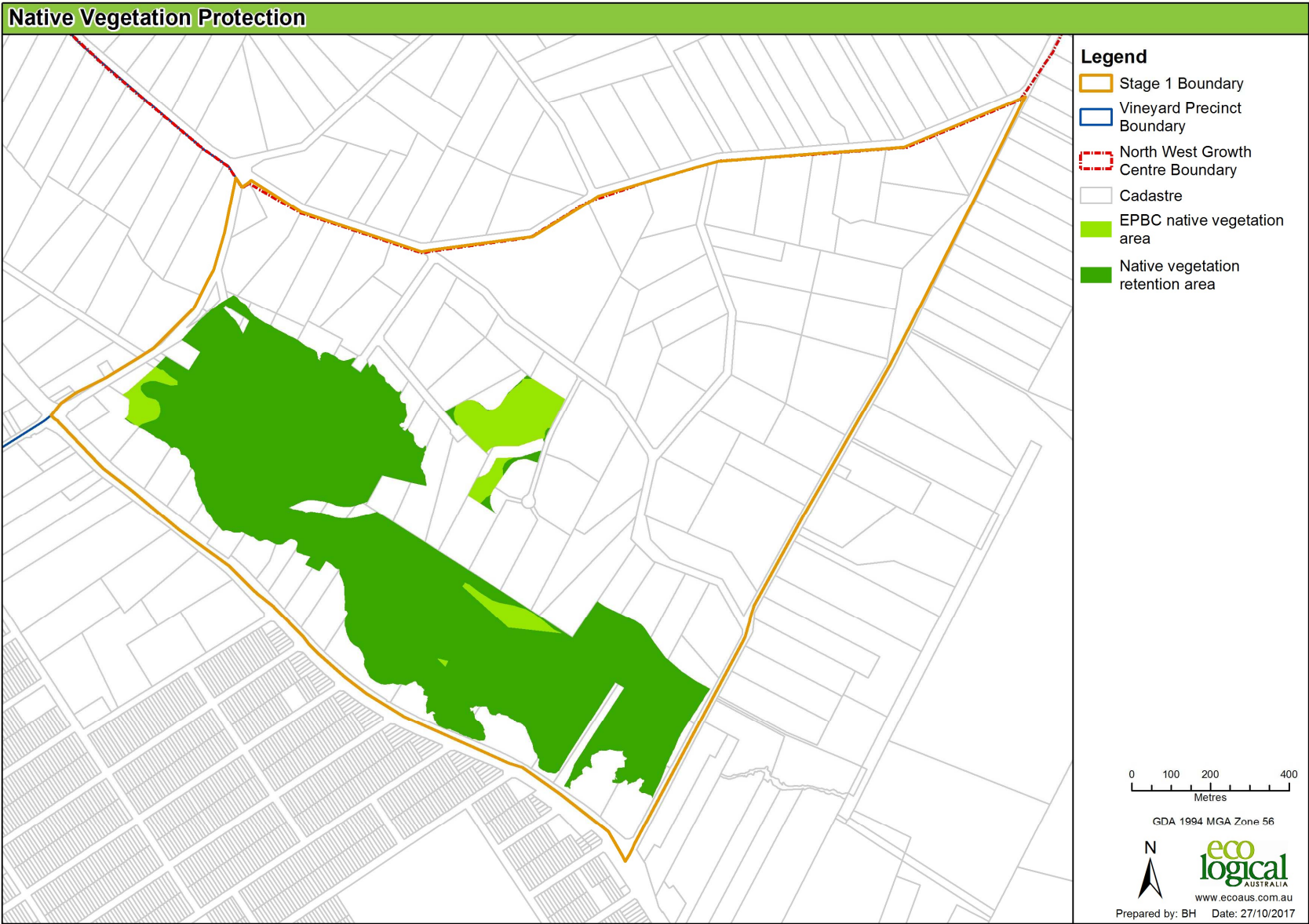
Proposed Indicative Layout Plan for Vineyard Precinct Stage 1

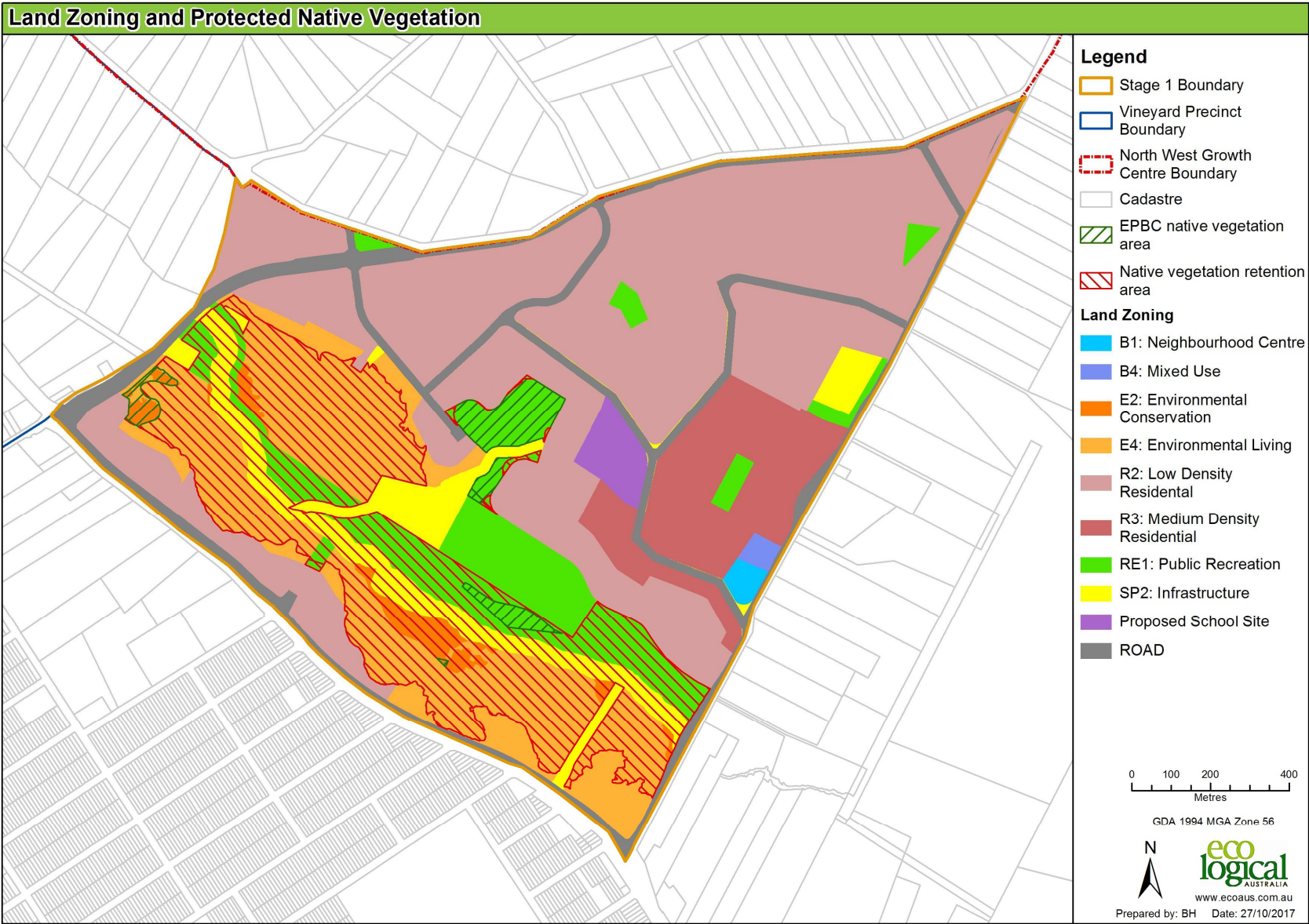
Assessment of consistency between commitments of the Strategic Assessment and Vineyard Precinct Stage 1



Annex C

**Proposed Protection Measures for Vineyard Precinct Stage 1
(including Native Vegetation Protection Map and Zoning Plan)**





Annex D

Proposed Offsets Areas Vineyard Precinct Stage 1

