

Growth Centres Strategic Assessment Program

Assessment of Consistency between the Commitments of the Strategic Assessment Program
and Catherine Fields (Part) Precinct

November 2013

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://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.

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*.

2. Assessment

Table 1: Assessment of consistency between the commitments of the Strategic Assessment Program and the Catherine Fields (Part) Precinct.

	Commitment	Catherine Fields Part 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>	<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.</p>	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 Management endorsed by DECCW; • the zoning and vegetation clearing controls under the Growth Centres 	<p>Catherine Fields (Part) Precinct does not contain any CPW which meets the definition of the community under the EPBC Act (EPBC CPW).</p> <p>All non-certified ENV within the Precinct is <i>River-Flat Eucalypt Forest</i> a state listed EEC.</p>	Yes	<p>There is no EPBC CPW in the Precinct, as shown in the Vegetation Communities Map in Annex A.</p> <p>Annex D highlights areas of Existing Native Vegetation (ENV) in non-certified areas which will not be retained under the Indicative layout Plan (refer Annex B) and location of proposed offsets, including ENV in 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>

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Catherine Fields (Part) Precinct

	Commitment	Catherine Fields Part Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
	<p>SEPP; and</p> <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 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>	<p>Survey to confirm the presence of Commonwealth listed CPW and detail protection measures to be implemented.</p>	Not applicable	Not applicable
<p>Shale Sandstone Transition Forest (SSTF)</p>				

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Catherine Fields (Part) Precinct

	Commitment	Catherine Fields Part Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
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>	No SSTF has been found within this Precinct.	Not Applicable	No SSTF has been found within this Precinct.
Additional conservation actions within the Growth Centres – plants				

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Catherine Fields (Part) Precinct

	Commitment	Catherine Fields Part Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
	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:		Not Applicable	
11. and 12.	<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. 			
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>			

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Catherine Fields (Part) Precinct

	Commitment	Catherine Fields Part Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification	
27.	<i>Pimelea spicata</i>	<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> <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 			

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Catherine Fields (Part) Precinct

	Commitment	Catherine Fields Part Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
17. 18. and 19.	<i>Grevillea parviflora</i> <i>subsp. parviflora</i>	<p>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.</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>		
23. 24. and 25.	<i>Persoonia nutans</i>	<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. 		
20.	<i>Micromyrtus</i>	Retention and protection of habitat supporting the two important populations		

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Catherine Fields (Part) Precinct

	Commitment	Catherine Fields Part Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
	<p><i>minutiflora</i></p> <p>known to occur within the Growth Centres.</p> <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. 			

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Catherine Fields (Part) Precinct

	Commitment	Catherine Fields Part 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. 			
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. <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>			
Additional conservation actions within the Growth Centres – animals				

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Catherine Fields (Part) Precinct

	Commitment	Catherine Fields Part Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
	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 <i>Swift Parrot</i></p> <p>Required action 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>This Precinct has the potential for the Swift Parrot and Grey-headed Flying Fox to occur on site. The potential habitat on site for both species is currently poor.</p> <p>Protection of ENV (14.10 Ha including 10.98 Ha in currently non-certified lands and 3.12 Ha in currently certified lands) within the E2 Environmental Conservation Zone will protect existing potential habitat for the Swift Parrot and Grey-headed Flying Fox.</p>	Yes	<p>A total of 14.10 Ha of validated ENV as defined under the order is to be protected and retained under the Catherine Fields (Part) Precinct Plan. This includes 10.98 Ha in currently non-certified lands and 3.12 Ha in currently certified lands.</p> <p>The draft Conservation Plan identifies 12.17 Ha of ENV in non-certified lands to be retained within the Precinct to maintain parity with the 2000Ha requirement.</p> <p>Following field validation, it was found a total of 0.68 Ha of mapped non-certified ENV was not there or fragmented to below 0.5Ha and no longer meets the definition of ENV. In addition, 0.51Ha of ENV will be lost for essential infrastructure.</p> <p>10.98 Ha of non-certified field validated ENV will be retained and protected within the Environmental Conservation zone.</p> <p>An additional 3.12 Ha of certified ENV will be retained within the Environmental Conservation zone.</p> <p>A total of 14.10 Ha of ENV will be retained across the Precinct</p>
34. and 35.	<p>Species <i>Green and Golden Bell Frog</i></p> <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</p>			<p>(10.98 on currently non-certified</p>

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Catherine Fields (Part) Precinct

		Commitment	Catherine Fields Part Precinct – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
		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.			land, 3.12 on certified land). These areas will be protected in the Precinct through the use of zoning (E2 Environmental Conservation) and vegetation clearing controls in the Growth Centres SEPP which prohibits clearing of ENV as shown on the Native Vegetation Protection Map (Annex C). (Refer to Annex D which highlights areas of ENV in non-certified areas which will not be retained and location of proposed offsets. Including ENV in certified 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>	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: <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. 			
		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

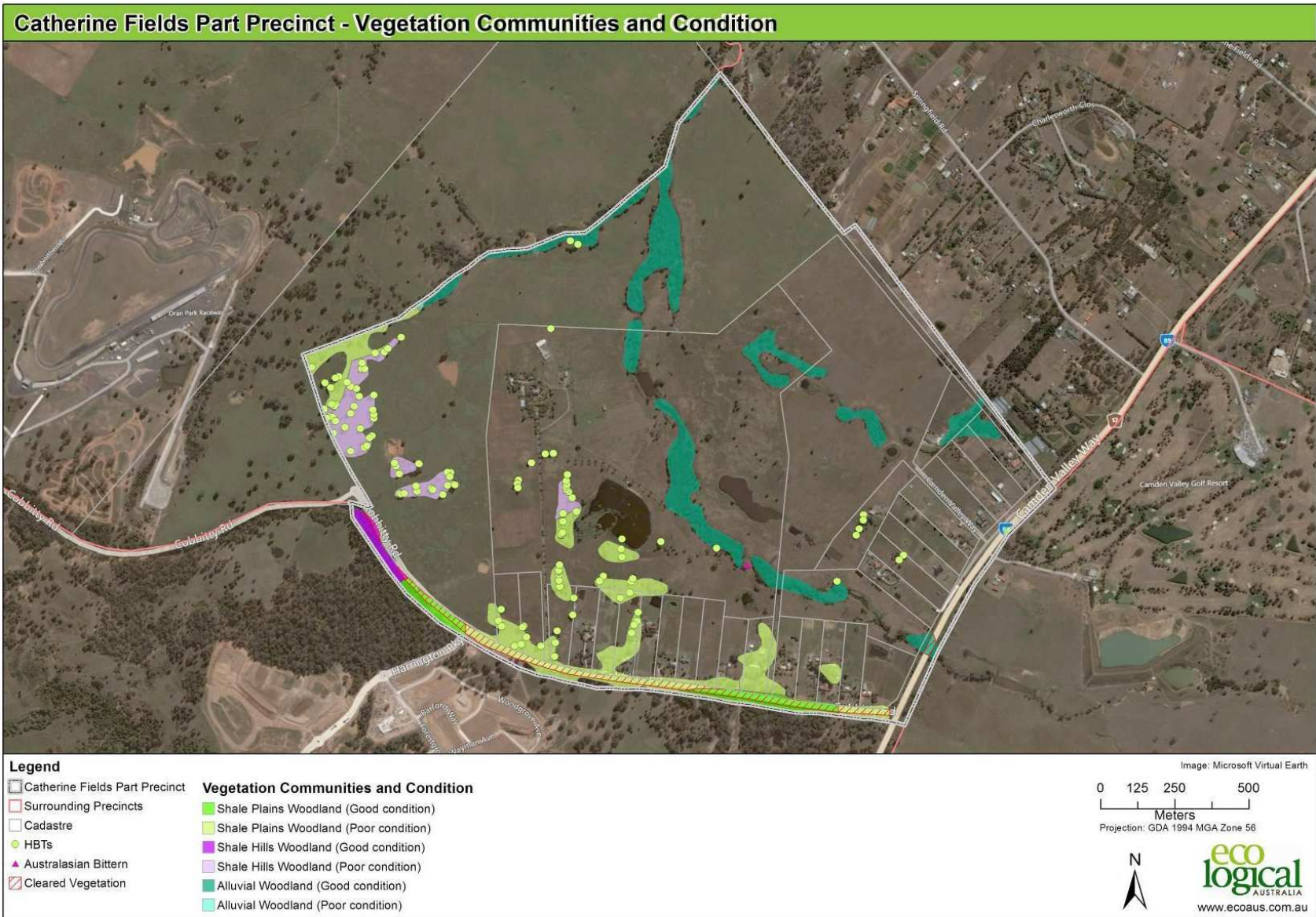
This report has undertaken an assessment of the consistency of the Catherine Fields (Part) Precinct with the Strategic Assessment and the applicable commitments.

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

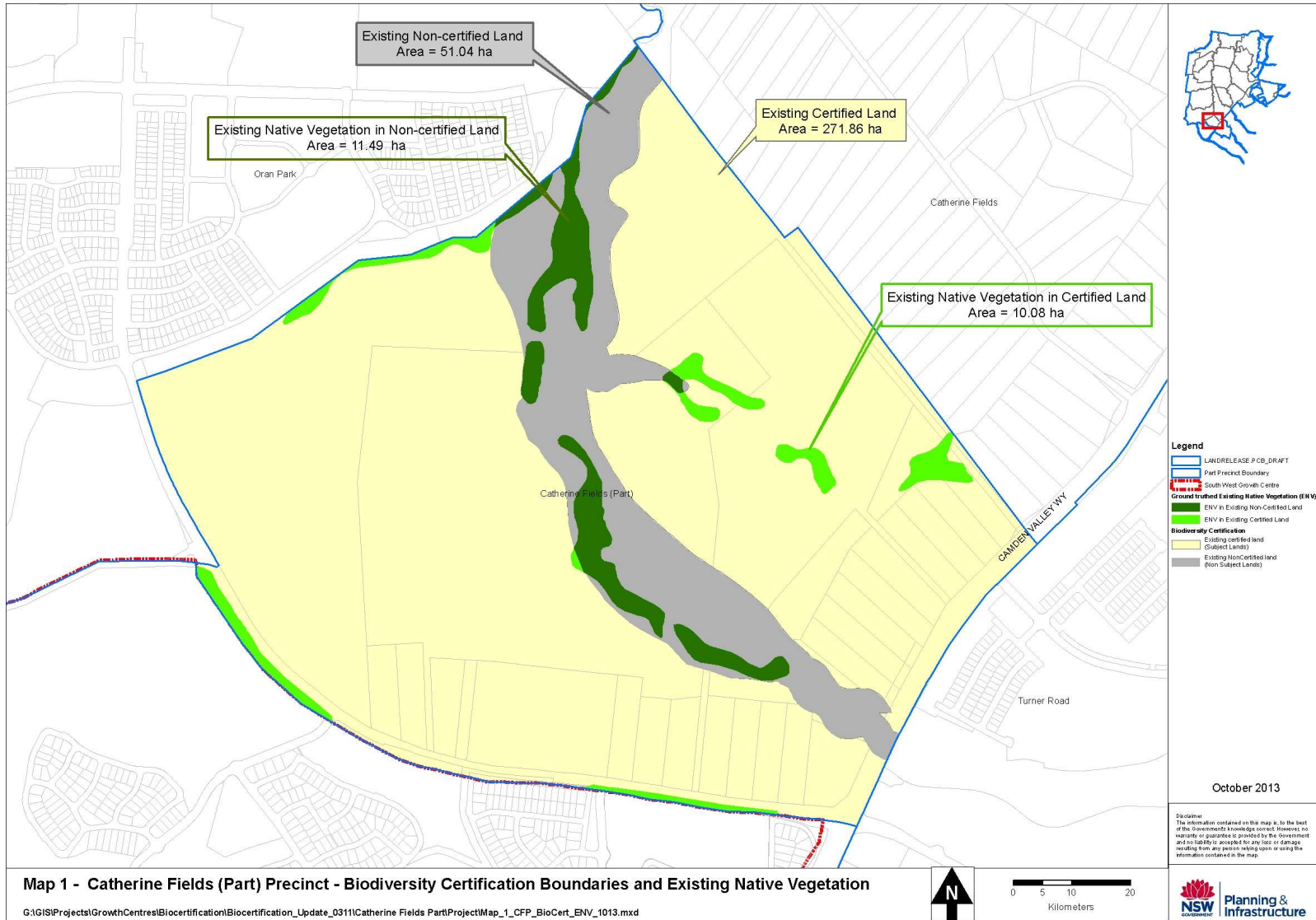
- There is currently no EPBC CPW that needs to be protected within the Precinct under the Strategic Assessment (**Annex A**);
- A total of 14.10 Ha of field validated ENV will be protected in the Precinct, which exceeds the 12.17 Ha target for the Precinct identified in the Draft Conservation Plan;
- The loss and fragmentation of 0.51 Ha of validated non-certified ENV is due to the future need to provide road crossings over South Creek and minor incursions on the perimeter of the riparian corridors. This loss has been offset by the retention of an additional 3.12 Ha of field validated certified ENV within the Environmental Conservation zone;
- The 14.10 Ha of ENV will be protected via the E2 Environmental Conservation zone as described below (**Annex B and C**);
- 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**).

Annex A

**Vegetation Communities and Biodiversity Certification maps
for Catherine Fields (Part) Precinct**



Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Catherine Fields (Part) Precinct



Annex B

Proposed Indicative Layout Plan for Catherine Fields (Part) Precinct

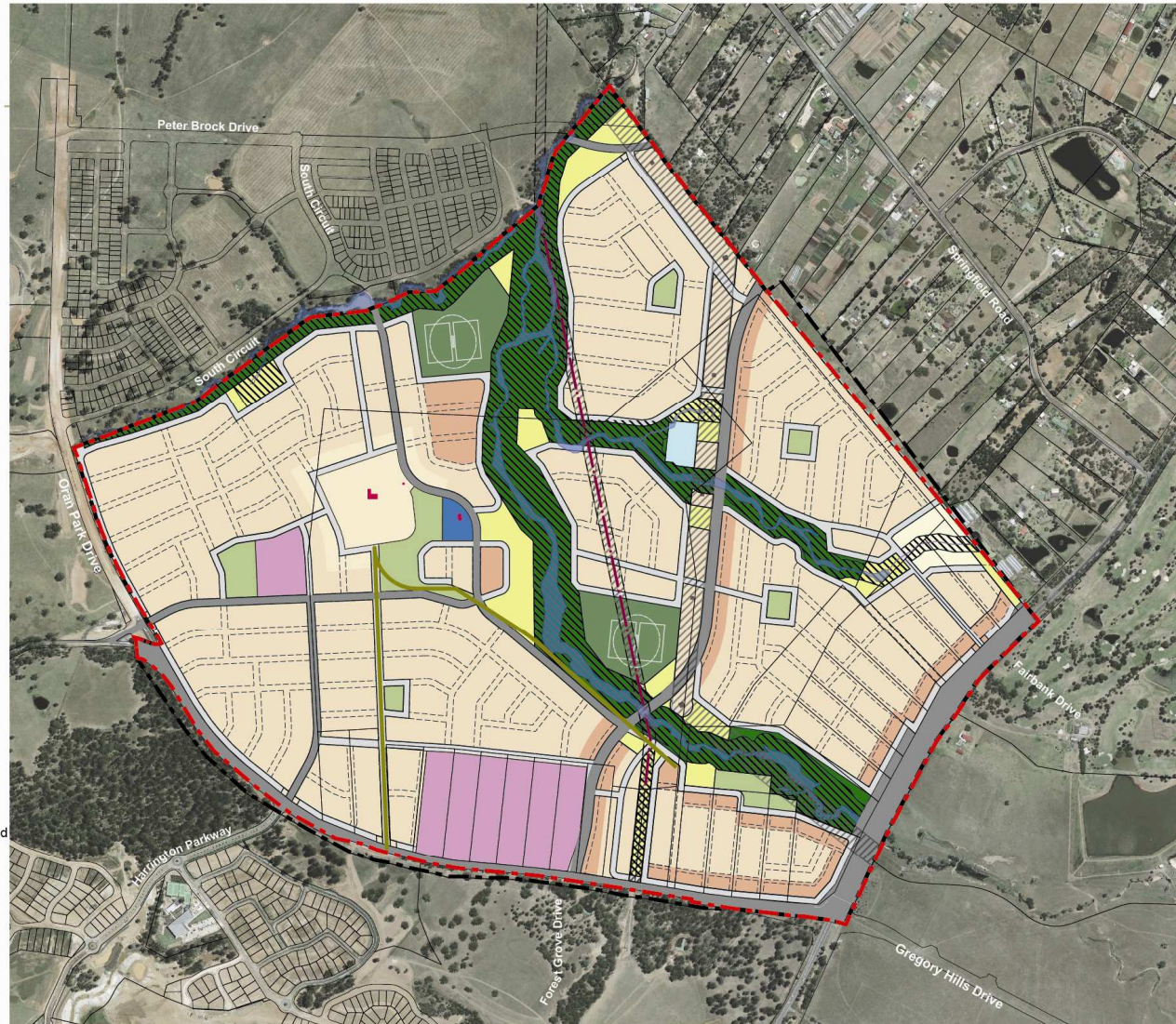
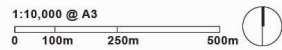
Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Catherine Fields (Part) Precinct



CATHERINE FIELDS (PART) PRECINCT
INDICATIVE LAYOUT PLAN

19 July 2013

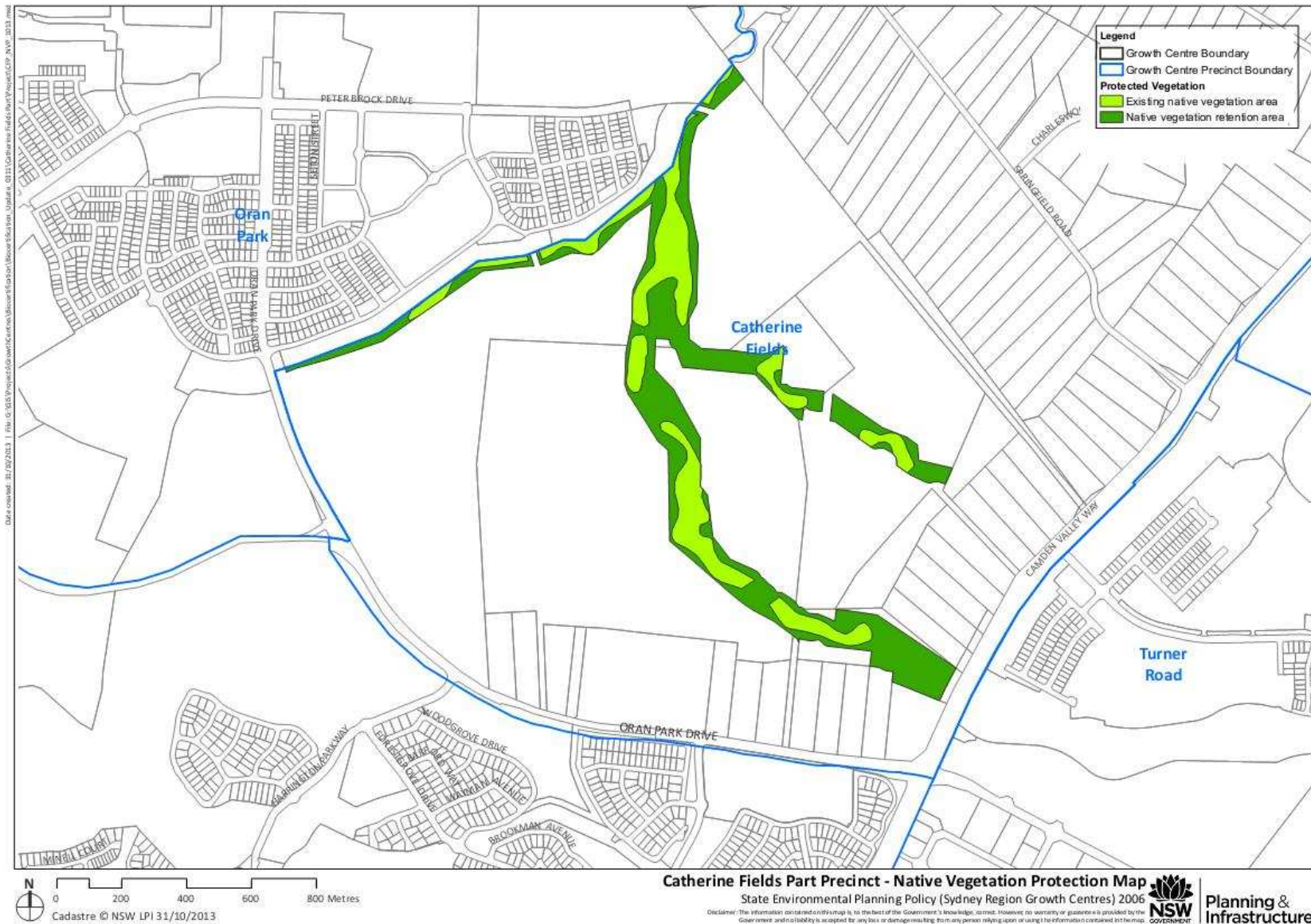
- Part Precinct Boundary
- Land to which Precinct Plan applies
- Low to Medium Density Residential
- Low Density Residential
- Very Low Density Residential
- Environmental Living
- Indicative School Location
- Neighbourhood Centre
- Parks
- Sporting Fields
- Environmental Conservation
- Electricity Substation
- Drainage
- Riparian Corridor
- Major Road
- Key Local Road
- Potential Local Road Network
- Historic Driveway
- Transmission Easement
- Transmission Line to be Undergrounded
- Oran Park House, Silo & Coach House
- Creek (Existing Top of Bank)



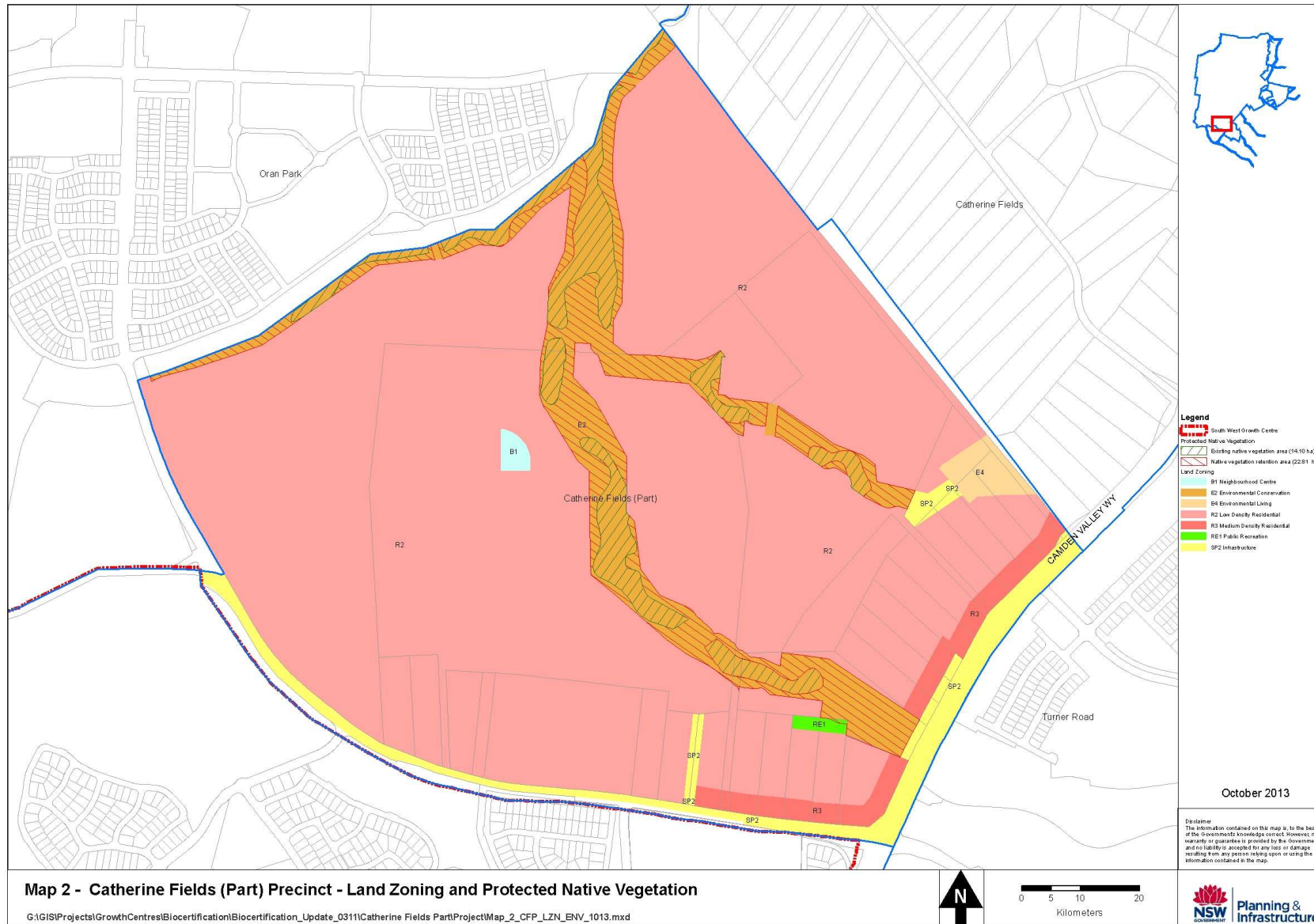
Annex C

**Proposed Protection Measures for Catherine Fields (Part) Precinct
(including Native Vegetation Protection Map and Zoning Plan)**

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Catherine Fields (Part) Precinct



Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Catherine Fields (Part) Precinct



Annex D

Proposed Offsets Areas Catherine Fields (Part) Precinct

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Catherine Fields (Part) Precinct

