Blacktown City Council

Growth Centres Strategic Assessment Program

Assessment of Consistency between the Commitments of the Strategic Assessment Program and Schofields West (Part) Precinct

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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.

This report only covers the sections of the future West Schofields Precinct that lies within the Townson Road Study Area. This area was released by the NSW Government in May 2013. The zoning of the land within the remainder of the West Schofields Precinct which lie north of the Townson Road Study Area will be assessed at a later date and retains its current zoning. As such, the portion of the West Schofields Precinct which occurs outside the Townson Road study area has been excluded from this report.

All calculations of vegetation areas (extents) listed in Table 1 below refer only to the Townson Road study area component of the West Schofields 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 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 Schofields West (Part) Precinct.

	Commitment	Townson Road Study Area – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
Review 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
Threatened Ecological Communities				
4	Retention and protection of a minimum 998 ha of CPW within the Growth Centres, including 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 Management endorsed by DECCW; • the zoning and vegetation clearing controls under the Growth Centres	Townson Road Study Area contains 26.0 Ha of CPW which meets the definition of the community under the EPBC Act. Of this 2.4 Ha is located on Flood Prone Land Non-certified land currently supports 2.6 Ha of Condition A (Good quality) CPW and certified land currently supports 23.4 Ha of Condition A CPW.	Yes	a) A total of 6.7 Ha of validated ENV as defined under the order is to be protected and retained under the Schofields West (Part) Precinct Plan (Annex B and C). This includes 6.3 Ha of field validated ENV in non-certified lands and 0.4 Ha of field validated ENV in currently certified lands. b) One environmental conservation area has been proposed as part of the ILP

	Commitment	Townson Road Study Area – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
	SEPP; and • the Growth Centres Conservation Fund which provides funding to acquire the land. 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. 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.			protecting a total of 6.3 Ha of non-certified CPW and a further 0.4 Ha in currently certified lands. This areas will be protected though zoning provisions in the SEPP. c) and d) not applicable e) 6.7 Ha of CPW will retained in non-certified lands (Refer to Anex D which highlights areas of CPW in non-certified areas which will not be retained and location of proposed offsets. Including ENV in certified areas) The principle protection mechanism is the SEPP which prohibits clearing of existing native vegetation as shown on the Native Vegetation Protection Map (Annex C).
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** a) Assessment of the HMV CPW in accordance with RBM 14		Not applicable	Not within the West Schofields Precinct/ Townson Road study area

	Commitment	Townson Road Study Area – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
	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 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. • 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. 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).		Not Applicable	No SSTF has been found within the study area.

	Commitment	Townson Road Study Area – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
	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.			
Additional conservation actions within the Growth Centres – plants				
11 & 12	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: ***Species*** *Acacia pubescens* ***Required action*** Known populations at Kemps Creek and Austral – as shown in red hatching on the **Biodiversity Certification maps**: • 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.	*Dillwynia tenuifolia* *Pultenaea parviflora* Retention and protection of habitat supporting the four important populations of *Dillwynia tenuifolia* and *Pultenaea parviflora* 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			*a), b) and c)Dillwynia tenuifolia* has been recorded in the study area, however the four locations for this species listed under the Strategic Assessment are not within the Townson Road Study Area. *Dillwynia tenuifolia* was also delisted under the EPBC Act in

	Commitment		Townson Road Study Area – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
		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 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).			August 2011 *Pultenaea parviflora* has not been recorded within the study area. The four locations for this species listed under the Strategic Assessment are not within the Townson Road Study Area.
27	*Pimelea spicata*	Potential populations at Denham Court Road within the East Leppington Precinct - as		Not Applicable	Species not found within the study area. Species specific

	Commitment		Townson Road Study Area – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
		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**.			requirements do not affect this precinct/study area.
17. 18. and 19. 23. 24. and 25.	*Grevillea parviflora subsp. parviflora* *Persoonia nutans*	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 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**		Not Applicable	Species not found within the study area. Species specific requirements do not affect this precinct/study area.

	Commitment		Townson Road Study Area – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
		of the area of suitable habitat for the species to the satisfaction of the **DECCW**.			
20.	*Micromyrtus minutiflora*	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; • 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		Not Applicable	Species not found within the study area. Species specific requirements do not affect this precinct/study area.

	Commitment		Townson Road Study Area – Comment Precinct manager is required to do the following	Consistent with Commitment	Justification
		SEPP.			
22.	*Persoonia hirsuta*	Potential habitat at North Kellyville – as shown in red hatching on the **Biodiversity Certification maps**: • 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 study area. Species specific requirements do not affect this precinct/study area.
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 • 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 study area. Species specific requirements do not affect this precinct/study area.
	Note: On completion of the above actions the **Minister** may decide that it is appropriate to amend the boundaries of the area subject to biodiversity certification, in accordance with condition 3.				

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:			This study area has the potential for the Grey-headed Flying Fox to occur on site. Protection of ENV (6.7 Ha including 6.3 Ha in currently non-certified lands and 0.4 Ha in currently certified lands) within the E2 Environmental Conservation Zone will protect existing potential habitat for the Grey-headed Flying Fox.	Yes	A total of 6.7 Ha of validated ENV as defined under the order is to be protected and retained within the Study Area. This includes 6.3 Ha in currently non-certified lands and 0.4 Ha in currently certified lands. The draft Conservation Plan identifies 6.7 Ha of ENV in non-certified lands to be retained within the Study Area to maintain parity with the 2000Ha requirement. Following field validation, it was found a total of 0.4 Ha of mapped non-certified ENV was not there or fragmented to below 0.5 Ha and no longer meets the definition of ENV. In addition, 0.04 Ha of ENV will be lost for essential infrastructure. 6.3 Ha of non-certified field validated ENV will be retained and protected within the Environmental Conservation zone. An additional 0.4 Ha of currently certified ENV will be retained within the E2 Environmental Conservation zone and protected by the mechanism in the SEPP which prohibits clearing of existing native vegetation. A total of 6.7 Ha of ENV will be
	Species	***Required action***			
32.	*Swift Parrot*	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.			
34. and 35.	*Green and Golden Bell Frog*	Potential population at Riverstone – as shown in red hatching on the **Biodiversity Certification maps**: 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 development controls for major creeks and flood prone areas.			retained across the Precinct (6.3 on currently non-certified land, 0.4 Ha on currently 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.	*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.			
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 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 Schofields West (Part) Precinct with the Strategic Assessment and the applicable commitments.

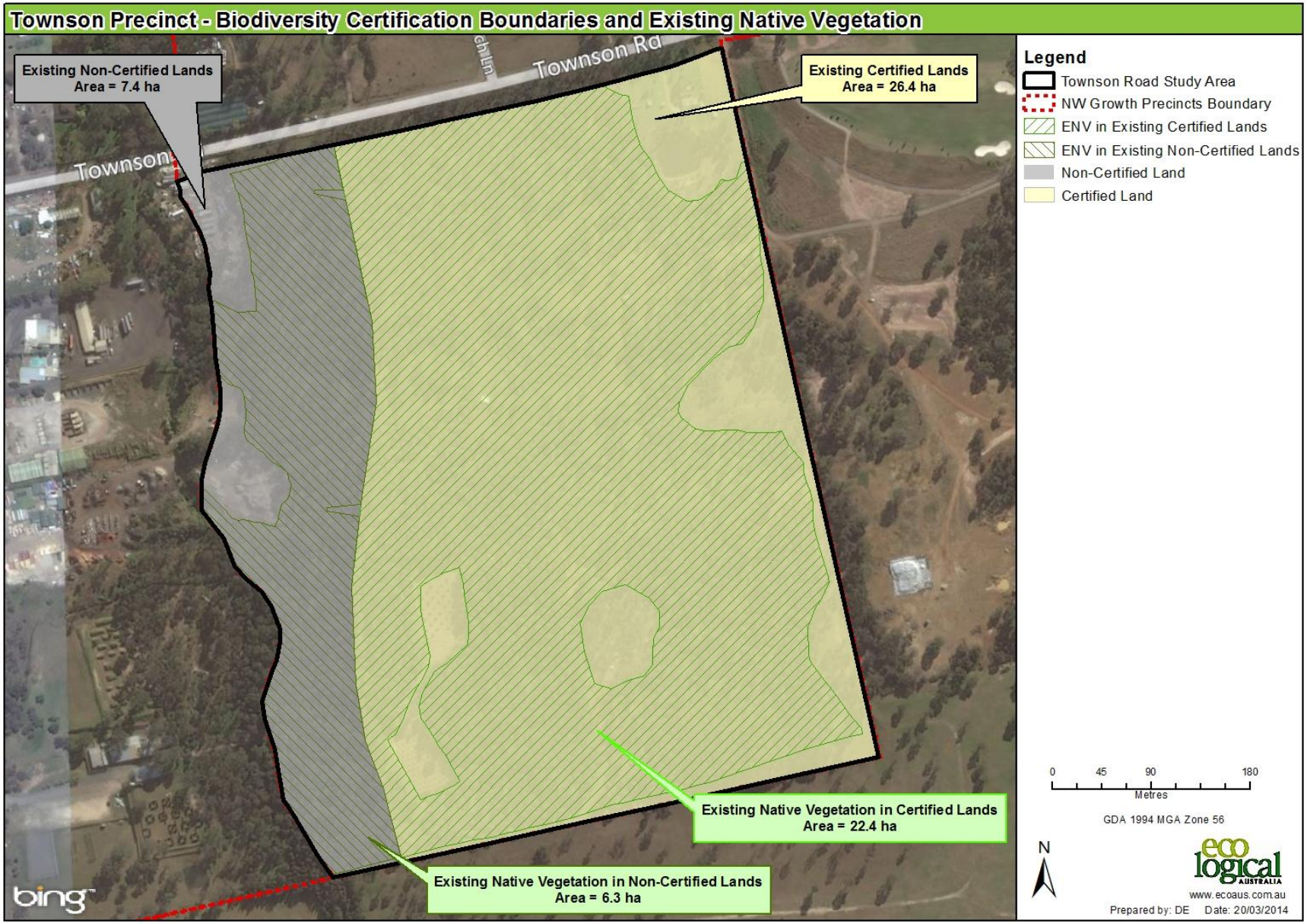
It is concluded that the Schofields West (Part) Precinct (Townson Road Study Area) is consistent with the Strategic Assessment of the Growth Centres SEPP, as follows:

- A total of 6.7 Ha of field validated ENV will be protected in the Precinct, which is equivalent to the 6.7 Ha target for the Precinct/Study Area identified in the Draft Conservation Plan;
- The loss and fragmentation of 0.04 Ha of validated non-certified ENV is due to the future need to provide drainage basin outlets to Bells Creek. This loss has been offset by the retention of an additional 0.4 Ha of field validated certified ENV within the Public Recreation zone and supported by the relevant ENV clauses within the amended SEPP;
- The 6.7 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 Schofields West (Part) Precinct

Townson Precinct - EPBC CPW
Townson Rd
Townson Rd
Orchin Ln
Legend
Townson Road Study Area
EPBC CPW (Condition A)
0
45
90
180
Metres
GDA 1994 MGA Zone 56
N
www.ecoaus.com.au
Prepared by: DE Date: 20/03/2014
bing


Townson Precinct - Biodiversity Certification Boundaries and Existing Native Vegetation
Existing Non-Certified Lands
Area = 7.4 ha
Existing Certified Lands
Area = 26.4 ha
Townson Rd
Townson
Existing Native Vegetation in Certified Lands
Area = 22.4 ha
Existing Native Vegetation in Non-Certified Lands
Area = 6.3 ha
bing
Legend
Townson Road Study Area
NW Growth Precincts Boundary
ENV in Existing Certified Lands
ENV in Existing Non-Certified Lands
Non-Certified Land
Certified Land
0 45 90 180
Metres
GDA 1994 MGA Zone 56
N
eco logical AUSTRALIA
www.ecoaus.com.au
Prepared by: DE Date: 20/03/2014

Annex B

Proposed Indicative Layout Plan for Schofields West (Part) Precinct

Townson Precinct - Indicative Site Layout
Townson Rd
Townson Rd
Legend
Townson Road Study Area
NW Growth Precincts Boundary
Shared Cycleway Boundary
Creekline
Drainage Basin/Infrastructure
Riparian Corridor
Conservation Area
Local Road
Low Density Residential
Recreation Area
0 45 90 180
Metres
GDA 1994 MGA Zone 56
N
eco logical AUSTRALIA
www.ecoaus.com.au
Prepared by: DE Date: 24/03/2014
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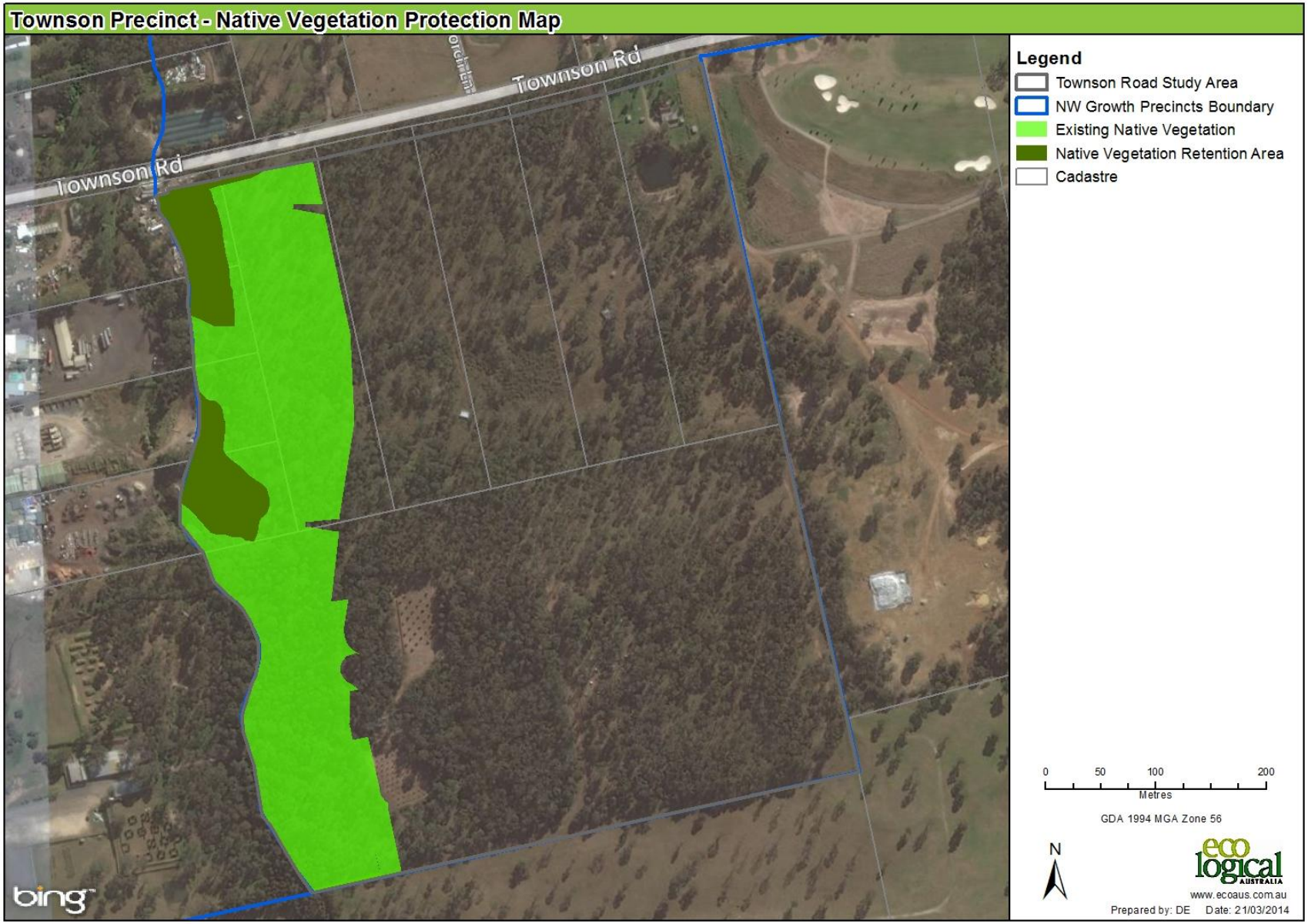
Annex C

Proposed Protection Measures for Schofields West (Part) Precinct (including Native Vegetation Protection Map and Zoning Plan)


Townson Precinct - Native Vegetation Protection Map
Townson Rd
Townson Rd
Legend
Townson Road Study Area
NW Growth Precincts Boundary
Existing Native Vegetation
Native Vegetation Retention Area
Cadastre
0
50
100
200
Metres
GDA 1994 MGA Zone 56
N
www.ecoaus.com.au
Prepared by: DE Date: 21/03/2014
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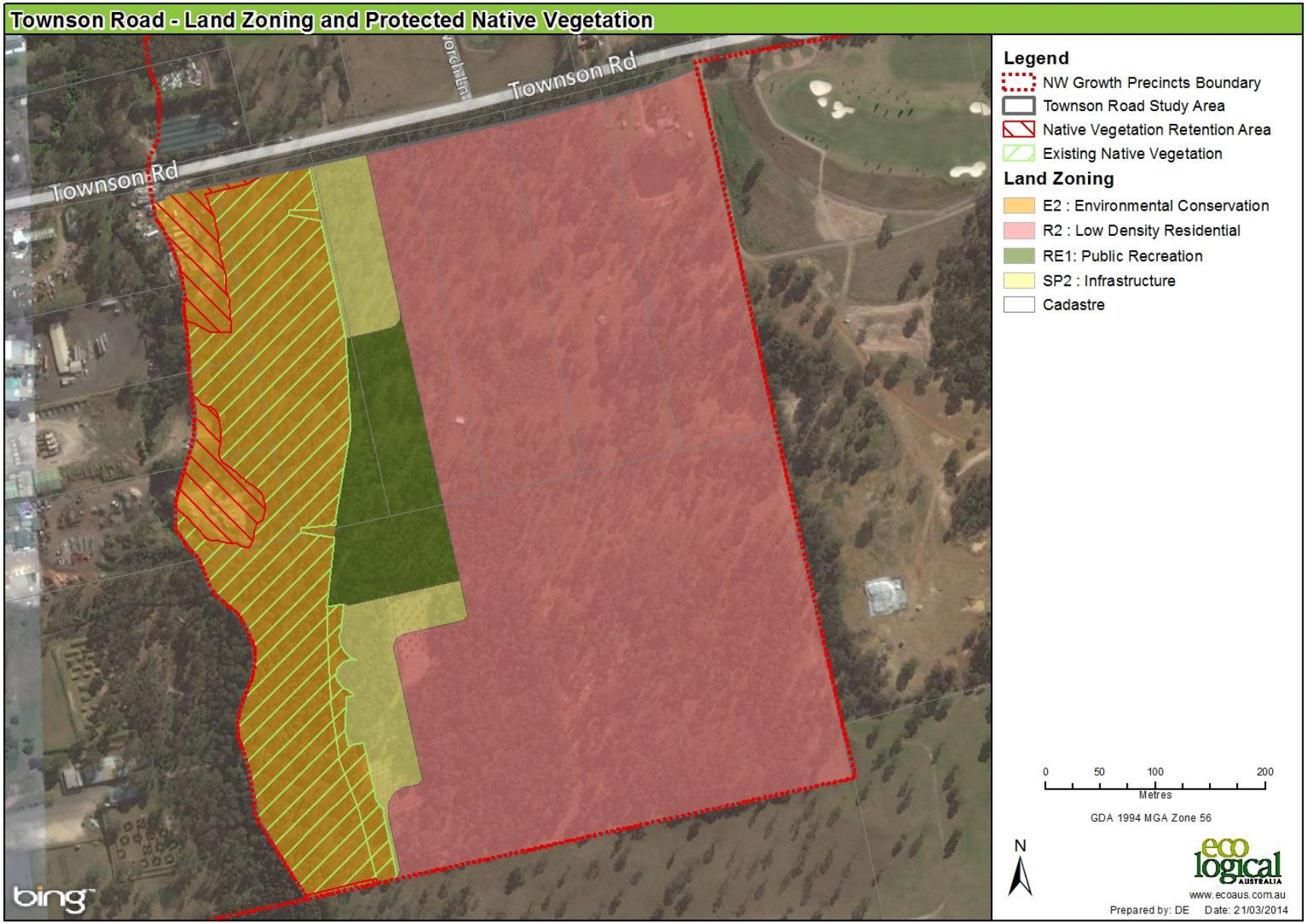
Townson Road - Land Zoning and Protected Native Vegetation
Townson Rd
Townson Rd
Legend
NW Growth Precincts Boundary
Townson Road Study Area
Native Vegetation Retention Area
Existing Native Vegetation
Land Zoning
E2 : Environmental Conservation
R2 : Low Density Residential
RE1: Public Recreation
SP2 : Infrastructure
Cadastre
0 50 100 200
Metres
GDA 1994 MGA Zone 56
N
www.ecoaus.com.au
Prepared by: DE Date: 21/03/2014
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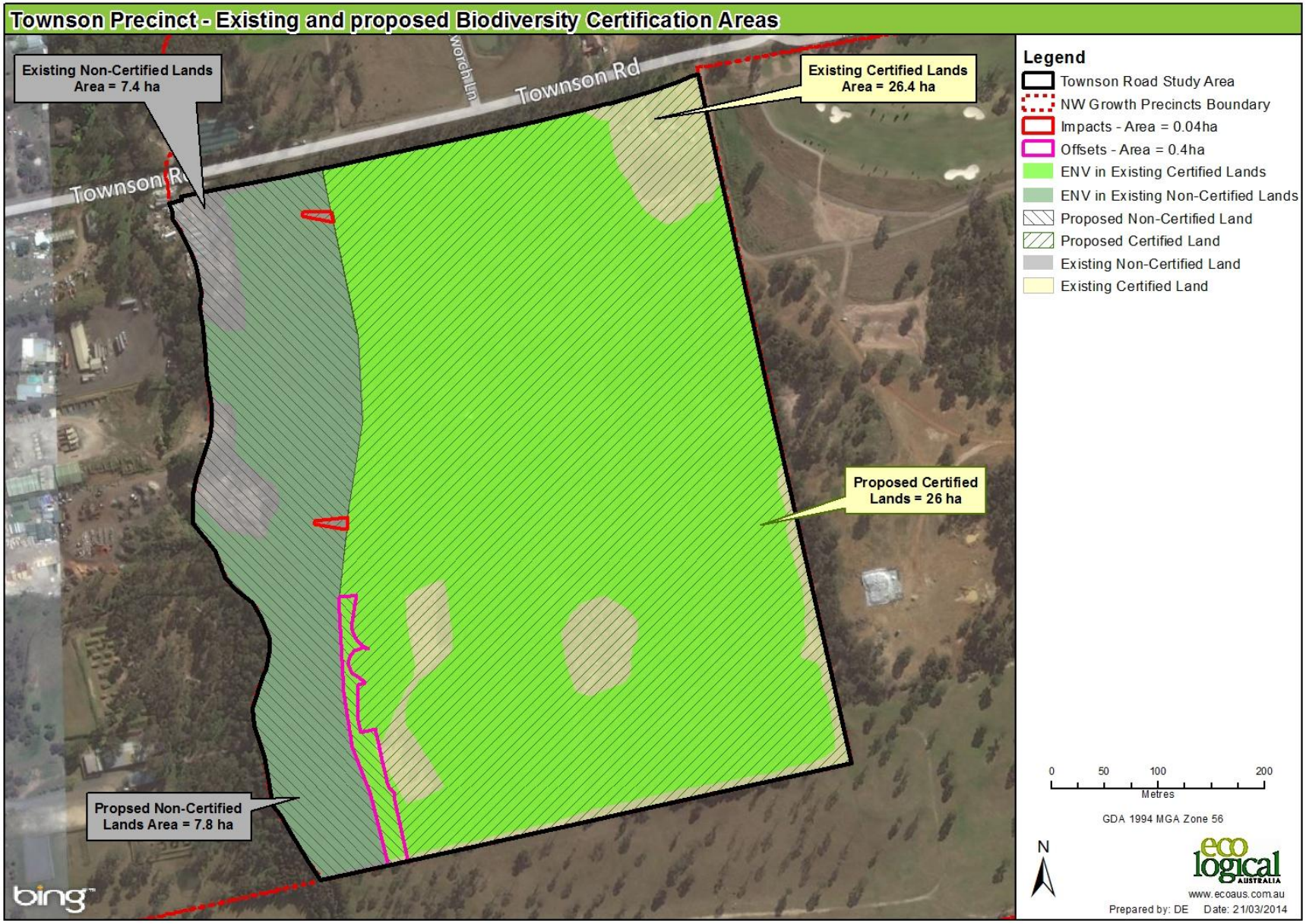
Annex D

Proposed Offsets Areas Schofields West (Part) Precinct


Townson Precinct - Existing and proposed Biodiversity Certification Areas
Existing Non-Certified Lands Area = 7.4 ha
Existing Certified Lands Area = 26.4 ha
Proposed Certified Lands = 26 ha
Propsed Non-Certified Lands Area = 7.8 ha
Townson Rd
Worchin Ln
Legend
Townson Road Study Area
NW Growth Precincts Boundary
Impacts - Area = 0.04ha
Offsets - Area = 0.4ha
ENV in Existing Certified Lands
ENV in Existing Non-Certified Lands
Proposed Non-Certified Land
Proposed Certified Land
Existing Non-Certified Land
Existing Certified Land
0 50 100 200
Metres
GDA 1994 MGA Zone 56
N
www.ecoaus.com.au
Prepared by: DE Date: 21/03/2014