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Leppington Civic Centre – Biodiversity Assessment (SSD99319962)

Leppington (1) 88 Development

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I David Bonjer, confirm this Biodiversity Report addresses the requirement of SEAR No. 16 Biodiversity and relevant State and local legislation, policies, and guidelines including the NSW Biodiversity Conservation Act. I further confirm that none of the information contained in the Biodiversity Report is false or misleading.



ACKNOWLEDGEMENTS

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Template 2.8.1

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Abbreviations

Abbreviation	Description
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
BOS	Biodiversity Offset Scheme
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DCP	Development Control Plan
DPE	Department of Planning and Environment
ELA	Eco Logical Australia
ENV	Existing Native Vegetation
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
FM Act	<i>Fisheries Management Act 1994</i>
LGA	Local Government Area
MNES	Matters of National Environmental Significance
PCT	Plant Community Type
SIS	Species Impact Statement
TEC	Threatened Ecological Community
TSC Act	<i>Threatened Species Conservation Act 1995 (now repealed)</i>
Western Parkland City SEPP	<i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021</i>
WM Act	<i>Water Management Act 2000</i>
WSUD	Water Sensitive Urban Design

1. Introduction

1.1. Project description

This Biodiversity Report has been prepared by Eco Logical Australia on behalf of Leppington (1) 88 Development Pty Ltd (**the Applicant**) to address the project-specific Secretary's Environmental Assessment Requirements (SEARs) issued the proposed State Significant Development Application (SSDA) SSD-99319962. The development is located at 173-183 Rickard Road, Leppington (the Site) and is located within the South West Growth Area (**SWGA**) within the Camden Local Government Area (**LGA**).

The project seeks detailed development consent for the construction of a mixed-use development to deliver Leppington Civic Centre, comprising shop top housing to support residential development and commercial land uses at 173-183 Rickard Road, Leppington.

Specifically, the SSDA seeks consent for:

- Demolition and earthworks to prepare the site for future development.
- Delivery of new roads and approximately 6,500 sqm of open space.
- Delivery of 8 residential buildings to accommodate a total of 1493 units, comprising of:
 - Build to Sell Apartments: 864
 - Build to Rent Apartments: 412
 - Affordable Apartments 217 (representing circa 15% of total residential yield)
- Delivery of a 156-key hotel (non-residential).
- Approximately 40,500 sqm of non-residential Gross Floor Area (GFA).
- Loading and car parking facilities on the lower ground and basement levels.

The proposed development is supported by concurrent rezoning application to seek amendments to Appendix 5 Camden Growth Centres Precinct Plan within the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* pursuant to the concurrent rezoning process through the Housing Delivery Authority (**HDA**) planning pathway. This concurrent rezoning will provide the rezoning and variations to development standards required to facilitate the delivery of the Leppington Civic Centre and Leppington Town Centre, generally in accordance with the Leppington Town Centre State-Assessed Rezoning Proposal (**SARP**).

Table 1 SEARS

SEARS Item	Report Reference
16. Biodiversity - Unless a waiver has been granted, provide a Biodiversity Development Assessment Report (BDAR) that assesses any biodiversity impacts associated with the development in accordance with the Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method 2020. - OR - If the development is on biodiversity certified land, provide information to identify the site (using associated mapping) and demonstrate the proposed development is consistent with the relevant biodiversity measures conferred by the biodiversity certification.	The site is located on biodiversity certified land. See Figure 3 in Chapter 1. Consistency with the relevant biodiversity measures is provided in Chapter 4 of this report.

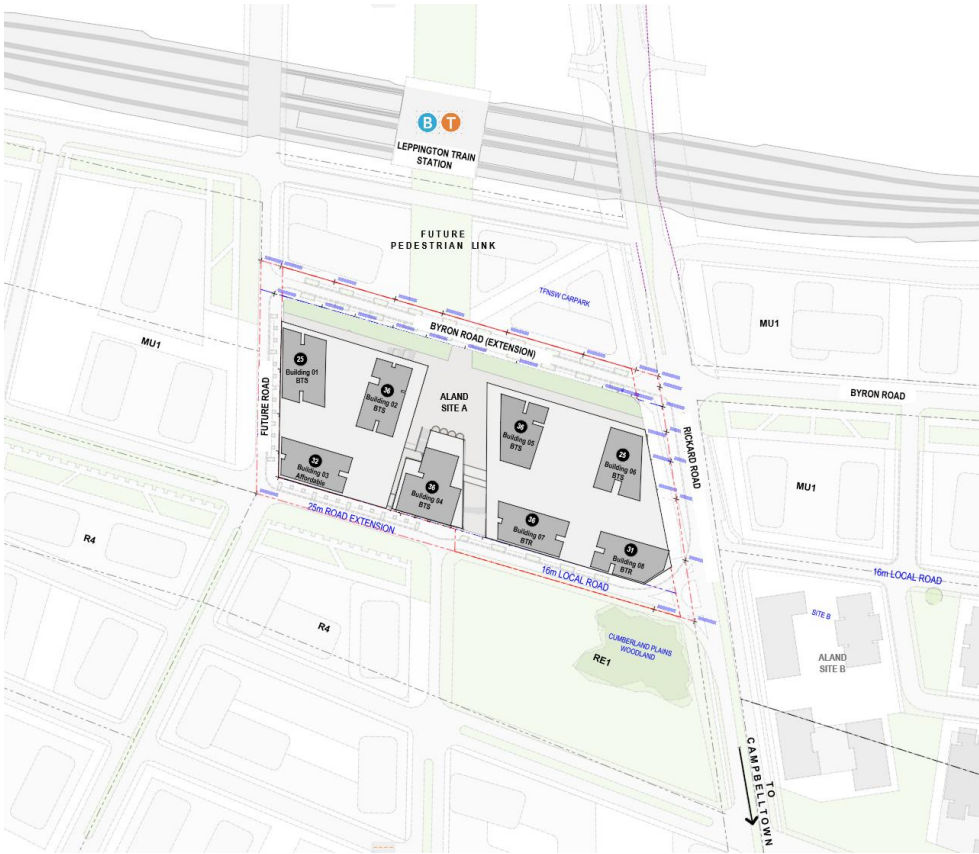


Figure 1: Proposed works



Figure 2 Proposed tree planting

2. Statutory Framework

Table 2 summarises the relevant legislation and policies that apply to the development.

Table 2: Statutory framework and relevance to this study

Legislation / Policy	Relevance
Commonwealth	
<i>Environment Protection & Biodiversity Conservation Act 1999</i> (EPBC Act)	On 28 February 2012, the Commonwealth Minister for the Environment announced the program of development related activities within the Growth Centres that had been approved under the Growth Centres Strategic Assessment. Specifically, <i>“All actions associated with the development of the Western Sydney Growth Centres as described in the Sydney Region Growth Centres Strategic Assessment Program Report (Nov 2010) have been assessed at the strategic level and approved in regard to their impact on the following matters of national environmental significance (MNES):</i> <i>World Heritage Properties</i> <i>National Heritage Places,</i> <i>Wetlands of International Importance,</i> <i>Listed threatened species, populations and communities, and</i> <i>Listed migratory species.”</i> This approval means that the Commonwealth is satisfied that the conservation and development outcomes that will be achieved through development of the Growth Centres Precincts will satisfy their requirements for environmental protection under the EPBC Act. Therefore, provided development activity proceeds in accordance with the Growth Centres requirements (such as the Biodiversity Certification Order, the Western Parkland City SEPP, and Development Control Plans (DCPs) and Growth Centres Development Code), then there is no requirement to assess the impact of development activities on MNES and hence no requirement for referral of activities to the Commonwealth. The requirement for assessment and approval of threatened species and endangered ecological communities and the other MNES issues listed above under the EPBC Act has now been ‘turned off’ by the approval of the Strategic Assessment.
State	
<i>Biodiversity Conservation Act 2016</i> (BC Act)	The BC Act aims to protect and encourage the recovery of threatened species, populations and communities listed under the Act. The subject site is located entirely on biodiversity certified land under Part 8 of the BC Act. The effect of biodiversity certification is that any development or activity requiring consent (Under Part 4 and 5 of the EP&A Act) is automatically ‘development that is not likely to significantly affect threatened species’. This certification removes the need to address threatened species considerations and the test of significance (s.7.3 of the BC Act), including the preparation of Species Impact Statements (SIS) for Part 5 activities or triggering the Biodiversity Offset Scheme (BOS) for Part 4 developments.
Environmental Planning Instruments and Other Policies	
<i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021</i>	Appendix 5 Camden Growth Centres Precinct Plan (clause 6.3) prohibits a consent authority from approving development which will result in the clearing of Existing Native Vegetation as defined and mapped in the SEPP. Site A contains no mapped ENV and therefore these controls are not relevant to the development.

Legislation / Policy	Relevance
<i>Camden Growth Centres DCP 2023</i>	Section 2.3.5 of this DCP has controls to help conserve native vegetation and trees within the precinct.

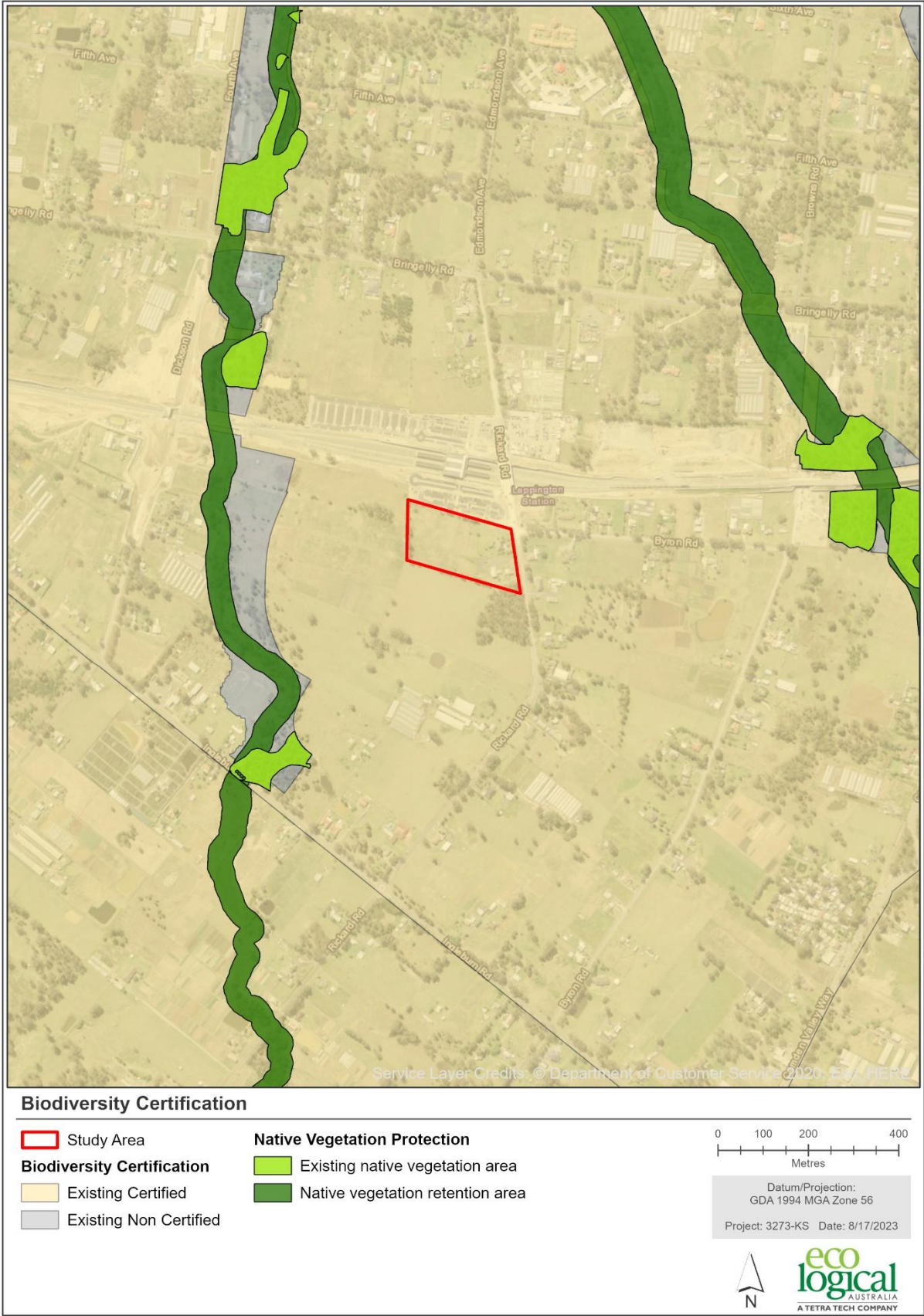


Figure 3: Biodiversity certified lands under Chapter 8 of the NSW Biodiversity Conservation Act 2016

3. Methodology

3.1. Literature Review and Database Search

A review of readily available databases pertaining to the ecology and environmental features of the study area and surrounding area, and existing vegetation mapping was conducted to identify records of threatened species, populations and communities and their potential habitat. Databases and vegetation mapping that were reviewed included:

- BioNet (Atlas of NSW Wildlife) database search (10 km) threatened species, populations and ecological communities listed under the BC Act (accessed August 2022).
- EPBC Act Protected Matters Search Tool (5 km) for threatened and migratory species, populations and ecological communities listed under the Commonwealth EPBC Act (Department of Climate Change, Energy, the Environment and Water (DCCEEW) 2022)
- Aerial mapping and vegetation mapping (DPE 2022b) to assess the extent of vegetation including mapped threatened ecological communities (TECs) listed under the BC Act and / or EPBC Act.
- Aerial photography (NearMap) of the study area and surrounds were also used to investigate the extent of vegetation cover and landscape features including IBRA region and subregion.
- Western Parkland City SEPP mapping
- Soil Landscapes (Hazelton 1990)
- Hydroline spatial data
- Planning framework including the SEPP (Precincts – Western parkland City) 2021 and the Camden Growth Centres DCP

3.2. Field survey

Field survey was conducted by ELA ecologist Michael Gregor on 19 August 2022. The study area was traversed using the random meander method (Cropper 1993) to verify the presence of native vegetation, threatened ecological communities, and threatened species and/or their habitat. Where the boundaries of vegetation communities differed from existing vegetation mapping, these were recorded using Avenza Maps on a smart phone.

All vegetation within the study area was mapped and all native vegetation was assigned to a best fit Plant Community Type (PCT). Exotic cover and planted native vegetation were not assigned to a PCT. The best fit PCT was determined by reviewing the previous vegetation mapping, noting all flora species present, the geographical location and the landform. General notes on species composition and condition were also taken.

Bird species and other fauna were recorded opportunistically. Targeted surveys were not undertaken for any threatened species.

This assessment was not intended to provide an inventory of all species present across the study area but instead an overall assessment of the terrestrial and aquatic ecological values of the study area with particular emphasis on threatened species, endangered ecological communities, and key fauna habitat features. It is important to note that some species may not have been detected in the study area during the inspection as they may be cryptic or seasonal and only detectable during flowering or during

breeding. In this case the likelihood of their occurrence in the study area has been assessed based on the presence of potential habitat.

4. Existing Environment

4.1. Landscape Features

The majority of the study area has previously been cleared for residential or agricultural purposes. Vegetation within the study area consisted largely of cleared areas of exotic pasture. Remnant native vegetation was present in fragmented, degraded patches.

1.1.1 IBRA Bioregion and Subregion

The subject site is located within the Sydney Basin IBRA Bioregion and the Cumberland Subregion.

1.1.2 Habitat Connectivity

Soils within the Cumberland Subregion are generally fertile compared to surrounding Hawkesbury Sandstone landscapes, which has resulted in extensive clearing of native vegetation for agriculture and more recently, urban development. Because of this, approximately 13% of the pre-1970 extent of native vegetation in the Cumberland Subregion remains intact and in good condition (DECCW, 2011). Remaining vegetation is generally highly fragmented, which larger patches restricted to reserves, riparian corridors, and areas not suitable for agriculture. Within the study area, degraded native vegetation is present in fragmented patches. Biodiversity connectivity remains to the west of the study area along the riparian corridor of Kemps Creek.

4.1.1. Watercourses

There are no mapped watercourses within the study area. Tributaries of Kemps Creek are located to the west of the study area (Figure 4).

4.2. Vegetation Communities

The field survey confirmed the presence of one PCT within the study area, it was divided into two condition classes (Figure 5):

- *PCT 3320 Cumberland Shale Plains Woodland* (disturbed)
- *PCT 3320 Cumberland Shale Plains Woodland* (canopy only)

The study area includes areas of exotic dominated and planted native vegetation which cannot be assigned a PCT. These have been mapped as 'Exotic' (planted and gardens) or 'Planted Native'. The study area also includes cleared/developed areas devoid of vegetation, mapped as 'Built'. A description of each PCT and condition zone is provided below in Table 3, as well as a justification for each condition assigned.

PCT 3320 Cumberland Shale Plains Woodland is associated with the TEC *Cumberland Plain Woodland in the Sydney Basin Bioregion* listed under both the BC Act and Commonwealth EPBC Act as critically endangered. Given the range of conditions of this PCT within the study area, not all occurrences conform with the definition of their associated TEC listing. Therefore, the TEC status for each PCT/condition zone combination is addressed following the description, including justification as to why it does or does not conform to the associated TEC.

Table 3: Summary of vegetation communities within the study area

PCT	Condition	TEC	Description	BC Act	EPBC Act	Photo
PCT 3320	Disturbed	Cumberland Plain Woodland	Within the study area, PCT 3320 (disturbed) occurs in small fragmented patches (Figure 5). PCT 3320 (disturbed) within the study area was characterised by a canopy (20% cover) dominated by <i>Eucalyptus tereticornis</i> (Forest Red Gum) and <i>E.moluccana</i> (Grey Box) along with a sparse mid-storey (5-10% cover) of mixed native and exotic species. The native species in the mid-story included <i>Acacia implexa</i> (Hickory Wattle), <i>Bursaria spinosa</i> (Blackthorn), and <i>Indigofera australis</i> (Australian indigo) and the exotic species included <i>Lycium ferocissimum</i> (African Boxthorn) and <i>Ligustrum lucidum</i> (Large-leaved Privet). The cover of native species in the ground layer in these areas was around 10-20% with the following species common: <i>Themeda triandra</i> (Kangeroo Grass), <i>Einadia hastata</i> (Berry Saltbush), <i>Microlaena stipoides</i> var. <i>stipoides</i> (Weeping Grass) and <i>Dichondra repens</i> (Kidney Weed). The cover of exotic species in the ground layer of these areas was over 50% with the following species common: <i>Cynodon dactylon</i> (Common Couch), <i>Cirsium vulgare</i> (Spear Thistle), <i>Paspalum dilatatum</i> (Paspalum), <i>Senecio madagascariensis</i> (Fireweed), <i>Thunbergia alata</i> (Black-eyed Susan) and <i>Sida rhombifolia</i> (Paddy's Lucerne). PCT 3320 is associated with Cumberland Plain Woodland, which occurs on soils derived from Wianamatta Shale across the Cumberland Plain in Western Sydney. The dominant tree species include <i>Eucalyptus moluccana</i> (Grey Box), <i>E. tereticornis</i> (Forest Red Gum) with <i>E. crebra</i>	Yes	No Native Canopy Cover >10%. Perennial understorey vegetation <50% native species. Perennial understorey native vegetation cover <30%.	

PCT	Condition	TEC	Description	BC Act	EPBC Act	Photo
			(Narrow-leaved Ironbark), <i>E. eugenioides</i> (Thin-leaved Stringybark) and <i>Corymbia maculata</i> (Spotted Gum) occurring less frequently. Under the BC Act, the Final Determination for Cumberland Plain Woodland provides additional information to aid recognition of this community. The occurrences of PCT 3320 (disturbed) within the study area meet the Final Determination definition of Cumberland Plain Woodland (NSW Scientific Committee 2014) for the following reasons: • The patches occur at around 310 m elevation, which is within the described range of up to 350 m • The landform pattern where the patches are found matches that described in the Final Determination of <i>flat to undulating or hilly terrain</i> • The species composition within all strata of the patches overlaps well with the assemblage of species detailed in the Final Determination as being characteristic of Cumberland Plain Woodland. Under the EPBC Act, a patch of vegetation must meet condition thresholds for it to be considered Cumberland Plain Woodland. These criteria are based on the percent cover of native canopy and ground layer as well as the patch size (Appendix A). The patches mapped as PCT 3320 (disturbed) within the study area do not meet the patch-size criteria, i.e., greater than 0.5 ha and, therefore,			

PCT	Condition	TEC	Description	BC Act	EPBC Act	Photo
			does not represent the Cumberland Plain Woodland TEC, as defined by the EPBC Act.			
PCT 3320	Canopy Only	Cumberland Plain Woodland	PCT 3320 (canopy only) occurs in the study area and was characterised by a tree canopy consisting of isolated <i>E. tereticornis</i> (Forest Red Gum) and <i>E.moluccana</i> (Grey Box) and lower occurrences of <i>E.crebra</i> (Narrow-leaved Ironbark). The mid-story of these patches was completely absent. The ground layer was completely exotic including the following species: <i>Cenchrus clandestinus</i> (Kikuyu Grass), <i>Bromus catharticus</i> (Prairie Grass) and <i>Senecio madagascariensis</i> (Fireweed). Under the BC Act, the Final Determination for Cumberland Plain Woodland provides additional information to aid recognition of this community. The occurrences of PCT 3320 (canopy only) within the study area meet the Final Determination definition of Cumberland Plain Woodland (NSW Scientific Committee 2014) for the following reasons: • The patches occur at around 310 m elevation, which is within the described range of up to 350 m • The landform pattern where the patches are found matches that described in the Final Determination of <i>flat to undulating or hilly terrain</i> • The species composition within the canopy of the patches overlaps well with the assemblage of species detailed in the Final Determination as	Yes	No Canopy contains a mix of species typical of this community as listed in BC Act Final Determination and EPBC Act Conservation Advice. Patch sizes generally <0.5 ha. Perennial understorey vegetation cover <30%.	

PCT	Condition	TEC	Description	BC Act	EPBC Act	Photo
			being characteristic of Cumberland Plain Woodland. Under the EPBC Act, a patch of vegetation must meet condition thresholds for it to be considered Cumberland Plain Woodland. These criteria are based on the percent cover of native canopy and ground layer as well as the patch size (Appendix A). The patches mapped as PCT 3320 (canopy only) within the study area do not meet the patch-size criteria, i.e., greater than 0.5 ha and, therefore, does not represent this TEC, as defined by the EPBC Act.			
N/A (Native Planted)	N/A	N/A	Native species have been planted within the adjacent car park on Lot 1//1200957 (Figure 5), which does not form part of the study area. However, this vegetation was surveyed and this vegetation marginally hangs over the study area. The plantings here are in heavily mulched garden beds along the perimeter and in small islands within the car park. The species planted here includes <i>Eucalyptus sp</i>, <i>Themeda triandra</i> (Kangaroo Grass), <i>Lomandra longifolia</i> (Spiked-mat Rush), <i>Hardenburgia violacea</i> (False Sarsparilla), <i>Dianella caerulea</i> (Blue Flax-lily), <i>Indigofera australis</i> (Australian indigo), <i>Imperata cylindrica</i> (Cogon Grass), <i>Acacia decurrens</i> (Green Wattle) and <i>Acacia parramattensis</i> (Parramatta Wattle).	N/A	N/A	

PCT	Condition	TEC	Description	BC Act	EPBC Act	Photo
N/A (Exotic Planted)	N/A	N/A	The exotic planted vegetation occurs in the study area around the built housing areas (Figure 5). This included species such as <i>Jacaranda mimosifolia</i> (Jacaranda), <i>Archontophoenix cunninghamiana</i> (Bangalow Palm), <i>Syzygium smithii</i> (Lily Pilly), <i>Agapanthus praecox</i> (African Lily) and <i>Pinus sp.</i>	N/A	N/A	
N/A (Exotic Grasses)	N/A	N/A	The exotic grass occurs in portions of the study area that have been cleared (Figure 5). These areas had no canopy or mid-storey, and the ground layer was dominated by exotic pasture and weed species such as <i>Cenchrus clandestinus</i> (Kikuyu Grass), <i>Bromus catharticus</i> (Prairie Grass), <i>Eragrostis curvula</i> (African Lovegrass), <i>Bidens pilosa</i> (Cobblers Pegs), <i>Paspalum dilatatum</i> (Paspalum), <i>Setaria parviflora</i> (Pigeon Grass), <i>Sida rhombifolia</i> (Paddy's lucerne) and <i>Senecio madagascariensis</i> (Fireweed).	N/A	N/A	

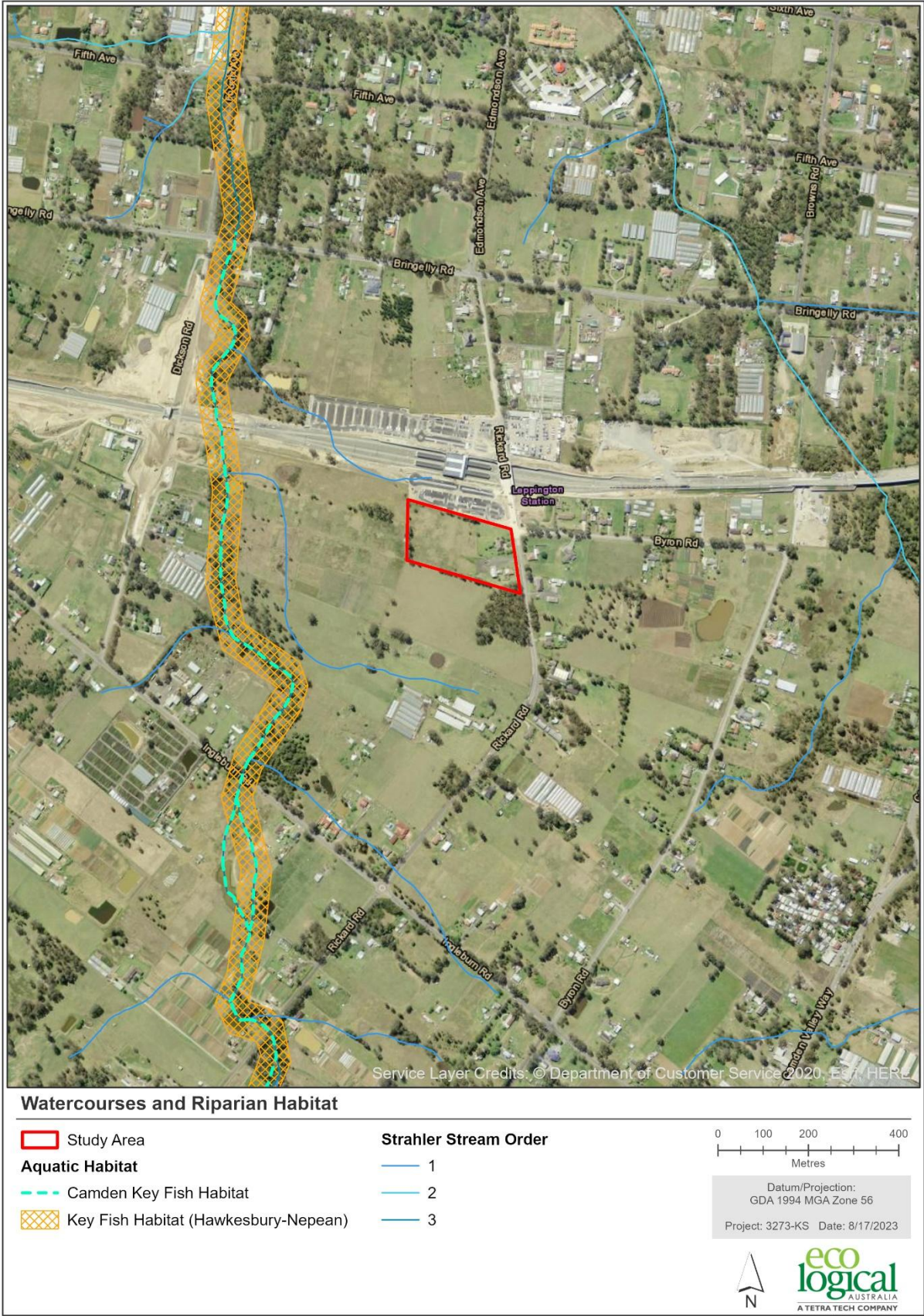


Figure 4: Mapped watercourses in the vicinity of the study area



Figure 5: Validated Vegetation Communities

4.3. Threatened Species and Their Habitat

4.3.1. Habitat Assessment

Fauna habitat features recorded in the study area is listed in Table 4 below.

Table 4: Habitat features identified within the study area

Habitat feature	Associated species	Presence
Large expanse of native vegetation	Birds, microchiropteran bats (microbats), megachiropteran bats (fruit bats), arboreal mammals and reptiles	Connected to a 0.5 ha patch of woodland to the south of 2//812366
Nectar producing species	Arboreal mammals/birds and fruit bats	Yes, throughout all the properties
Hollow-bearing trees	Microbats, birds, mammals, amphibians, reptile	Not observed during the field survey
Coarse woody debris (fallen logs)	Terrestrial mammals, reptiles, invertebrates	Not observed during the field survey
Leaf litter	Reptiles, amphibians, invertebrates	Present in the PCT 3320 (disturbed) areas
Water body	Amphibians, reptiles, microbats	Not observed during the field survey
Rocky outcrops	Microbats, reptiles	Not observed during the field survey
Mistletoe	Arboreal mammals/birds and fruit bats	Not observed during the field survey
Winter flowering species	Winter migratory birds, arboreal mammals and megachiropteran bats (fruit bats)	Yes, throughout all the properties

4.3.2. Threatened Flora

No threatened flora species were identified opportunistically. However, threatened flora species associated with native vegetation identified within the study area and recorded within 10 km of the study area were identified as having the potential to occur within the study area. These species are presented in Table 5 and Figure 6.

Table 5: Threatened flora species with the potential to occur in the study area

Scientific name	Common name	BC Act Status	EPBC Act Status	Habitat features present within the study area
<i>Acacia pubescens</i>	Downy Wattle	V	V	Woodland
<i>Grevillea juniperina subsp. juniperina</i>	Juniper-leaved Grevillea	V	-	Woodland
<i>Pimelea spicata</i>	Spiked Rice-flower	E	E	Woodland

V = VULNERABLE, E = ENDANGERED, E1 = ENDANGERED, - = NOT LISTED.

A list of threatened fauna species with the potential to occur within the study area was compiled based on habitat features identified within the study area during field survey and records within the study area or within 10 km of the study area. These species, and the habitat features relevant to them, are presented in and Table 6 and Figure 6.

Table 6: Threatened fauna species with the potential to occur in the study area

Scientific name	Common name	BC Act Status	EPBC Act Status	Habitat features present within the study area
<i>Meridolum corneovirens</i>	Cumberland Plain Land Snail	E	-	Leaf litter
<i>Pteropus poliocephalus</i>	Grey-headed Flying Fox	V	V	Foraging habitat
<i>Micronomus norfolkensis</i>	Eastern Coastal Free-tailed Bat	V	-	Foraging habitat
<i>Miniopterus orianae oceanensis</i>	Large Bent-winged Bat	V	-	Foraging habitat
<i>Daphoenositta chrysoptera</i>	Varied Sittella	V	-	Woodland

V = VULNERABLE, E = ENDANGERED, - = NOT LISTED.

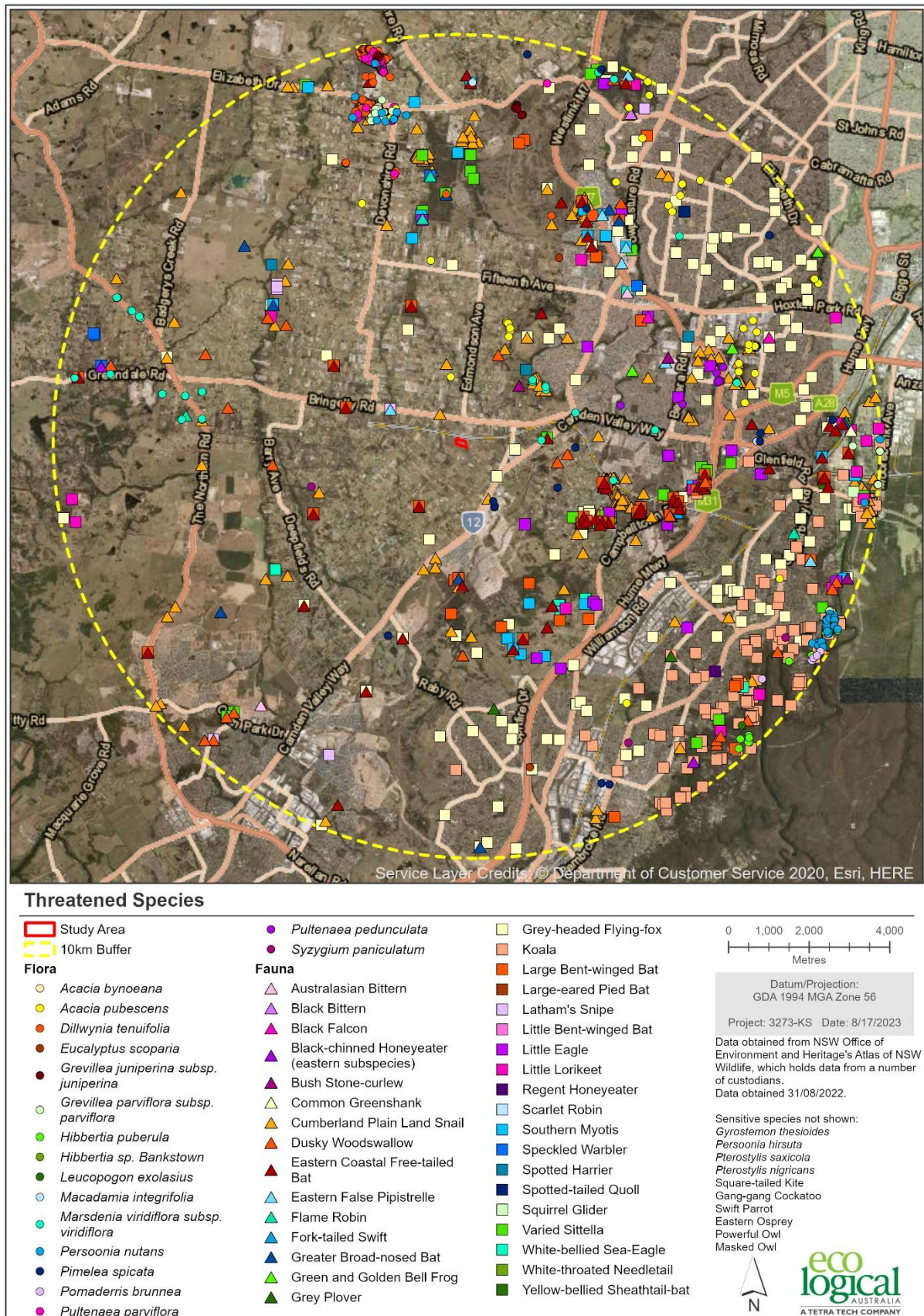


Figure 6: Threatened flora and fauna species identified within 10 km of the study area (NSW BioNet 2022)

5. Impact Assessment

5.1. Summary of impacts

As described in the sections above, the site contains one PCT (3320) in two conditions classes: canopy only and disturbed. The development footprint as shown in Figure 7 will require the removal of all vegetation on site, as confirmed by the Arboricultural Impact Assessment (Arbor Express 2026). The site does not contain hollow bearing trees.



Figure 7 Development footprint in relation to vegetation

5.2. Consistency with Biodiversity Conservation Act

The site is biodiversity certified under Part 8 of the BC Act and therefore no further assessment of biodiversity impacts is required under Part 7 of the BC Act.

As required by the SEARs, below is a table demonstrating consistency with the Relevant Biodiversity Measures in the Order to Confer Biodiversity Certification.

Table 7 Consistency with Relevant Biodiversity Measures

Relevant Biodiversity Measure	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act
6 A minimum of 2,000 hectares of existing native vegetation must be retained and protected within the Growth Centres, either within the certified areas and/or the non-certified areas, subject to conditions 7 to 13 below.	Yes. The subject site is entirely biodiversity certified. The Growth Centres Biodiversity Certification did not identify any Existing Native Vegetation to be protected within the subject site.
7 During the precinct planning process, the GCC may determine to make areas of existing native vegetation within the non-certified areas available for development if the clearance of such vegetation is considered necessary for either the provision of essential infrastructure and/or to meet the required Development Parameters specified in the Growth Centres Development Code.	Yes No Existing Native Vegetation has been mapped on the subject site.

Relevant Biodiversity Measure	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act
8 In making a determination under condition 7, the GCC must demonstrate by way of information provided during the public exhibition of the precinct plan (where that exhibition occurs after this order takes effect) that the clearing of any existing native vegetation in the non-certified areas will be offset by: (a) the protection of an equal or greater area of existing native vegetation elsewhere in the Growth Centres; and/or (b) the revegetation and/or restoration of an area of land elsewhere in the Growth Centres, subject to satisfying the following, (i) that the clearance of existing native vegetation in the non-certified areas will not affect the capacity to achieve overall improvement or maintenance of biodiversity values for threatened species, populations and ecological communities and their habitats, (ii) the revegetated and/or restored areas will be protected, (iii) the extent of revegetation and/or restoration compared to clearing of existing native vegetation must be undertaken at a ratio of at least 3:1 (to reflect the greater ecological risks relative to retaining existing native vegetation), (iv) areas subject to revegetation and/or restoration must be of a suitable boundary configuration and design to support long-term management, (v) revegetation and/or restoration of the proposed areas would not be undertaken under another scheme or regulatory requirement already in operation at the time that the clearing is approved (this includes but is not limited to any approvals, and associated conditions of such approvals, that may be required under the <i>Rivers and Foreshores Improvement Act 1948</i> and <i>Water Management Act 2000</i>), (vi) revegetation and/or restoration will be undertaken by suitably qualified and experienced persons using indigenous plant stock, and (vii) sufficient resources will be made available to undertake the revegetation and/or restoration and any necessary follow-up maintenance and monitoring for a minimum period of 5 years following the commencement of the revegetation and/or restoration.	N/A
9 Revegetation and/or restoration may be partly counted towards meeting the overall requirement to protect 2,000 hectares of existing vegetation required in condition 6. The amount that may be counted shall be calculated by dividing the total area of revegetation and/or restoration required under condition 8b (iii) by 3. Note: for example, if 9 hectares of revegetation is undertaken then 3 hectares may be counted.	N/A

Relevant Biodiversity Measure		Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act				
12	Notwithstanding any other conditions of biodiversity certification, in the lands marked by a red hatching on the biodiversity certification maps existing native vegetation must not be cleared unless it is in accordance with a plan of management or unless such clearance has been agreed to by the DECC .	N/A No land marked with red hatching on the biodiversity certification maps is within the subject land.				
13	If new information becomes available after the biodiversity certification order took effect that demonstrates that the vegetation within an area does not otherwise meet the definition of existing native vegetation , then for the purposes of conditions 7 to 8 and condition 11 to 12 only the area of confirmed existing native vegetation shall be considered.	N/A No ENV was mapped in the subject site.				
14	During or before the preparation of the relevant precinct plan(s) under the Growth Centres Development Code, a further detailed assessment must be undertaken of the areas adjoining or proximate to the Shanes Park Air Services Australia site marked in blue hatching on the biodiversity certification maps .	N/A The subject site does not adjoin Shanes Park Air Services Australia site.				
15	The assessment referred to in condition 14 must examine whether the areas meet the criteria specified in Schedule 3.	N/A				
16	Based on the outcomes of the assessment the EES shall provide advice to the Minister on whether the areas should be included within the certified areas or the non-certified areas shown on the biodiversity certification maps .	N/A				
17	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: <table><tr><th>Species</th><th>Required action</th></tr><tr><td>Acacia pubescens</td><td>Potential populations at Cross Street, Kemps Creek and Thirty-second Avenue, Austral – as shown in black 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 area of suitable habitat for the species to the satisfaction of the DECC.</td></tr></table>	Species	Required action	Acacia pubescens	Potential populations at Cross Street, Kemps Creek and Thirty-second Avenue, Austral – as shown in black 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 area of suitable habitat for the species to the satisfaction of the DECC.	N/A The subject site is not relevant to any of the areas listed below.
Species	Required action					
Acacia pubescens	Potential populations at Cross Street, Kemps Creek and Thirty-second Avenue, Austral – as shown in black 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 area of suitable habitat for the species to the satisfaction of the DECC.					

Relevant Biodiversity Measure		Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act
<i>Pimelea spicata</i>	Potential populations at Denham Court Road - as shown in black hatching on the biodiversity certification maps: survey to confirm the presence of species, and if the species is present, provide for the protection of the area of suitable habitat for the species to the satisfaction of the DECC.	
<i>Persoonia hirsuta</i>	Potential populations at North Kellyville – as shown in black 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 area of suitable habitat for the species to the satisfaction of the DECC.	
<i>Leucopogon fletcheri</i>	Known population at North Kellyville - as shown in black hatching on the biodiversity certification maps: survey to confirm the extent of the population, and provide for the protection of the population to the satisfaction of the DECC.	
<i>Darwinia biflora</i> <i>Hibbertia superans</i> <i>Epacris purpurascens</i> var <i>purpurascens</i> <i>Eucalyptus</i> sp "Cattai"	Known populations at North Kellyville - as shown in black hatching on the biodiversity certification maps: survey to confirm the extent of the populations, and provide for the protection of the population to the satisfaction of the DECC.	
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.		

- 18 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:

N/A

Relevant Biodiversity Measure		Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act
Species Green and Golden Bell Frog Required action Potential population at Riverstone – as shown in black hatching on the biodiversity certification maps: <i>Option 1</i> - survey to confirm the presence of the species, and - if the species is present, provide protection of the area of suitable habitat for the species to the satisfaction of the DECC. <i>Option 2</i> - if the species is present at Riverstone but cannot be adequately protected to the satisfaction of the DECC, then: a) undertake targeted survey to confirm the presence of the species elsewhere in the Growth Centres, and b) if the species is present elsewhere in the Growth Centres, provide for the protection of an area(s) of suitable habitat for the species to the satisfaction of the DECC.		The subject site is not relevant to any of the areas listed in this conditions.
19 Within twelve months of the biodiversity certification order taking effect, the GCC (in consultation with the DECC) must put in place procedures so that all future precinct plans (excluding any plans that were publicly exhibited before the biodiversity certification order took effect), where practicable, provide for the appropriate re-use of: (a) native plants (including but not limited to seed collection) and the re-location of native animals from development sites, prior to development commencing; and (b) top soil from development sites that contain known or potential native seed bank. For the purposes of condition 19a and 19b appropriate uses may include, but are not limited to, application in revegetation or restoration works and landscaping in the Growth Centres.		The Camden Growth Centres DCP contains controls for seed collection in section 2.3.5. The development does not include areas for revegetation where native seed could be re-used. The site does not include hollow-bearing trees which may contain fauna. Relocation of fauna is therefore not required.

Relevant Biodiversity Measure	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act
35 During the preparation of future precinct plans (excluding any precinct plans already publicly exhibited before this order took effect) the GCC must undertake and make publicly available an assessment of the consistency of the proposed precinct plan with the conditions of biodiversity certification. This may occur during or before any public exhibition of future precinct plans.	The Leppington Precinct plan is currently under revision. To the best of our knowledge the Precinct Plan does not require any biodiversity protection measures.
36 Where a preliminary determination is made under the Act to list a species, population or ecological community, and that species, population or ecological community may or is known to occur within the Growth Centres, then the GCC must (as soon as practicable) provide advice to the DECC on whether: (a) the species, population or ecological community is known or likely to be present in the Growth Centres; (b) it was considered during the preparation of the draft Growth Centres Conservation Plan by the GCC; and (c) whether the SEPP, and related measures, provides adequate protection for the species, population or ecological community.	This condition is a matter for DCCEEW.
37 Based on the information provided in accordance with condition 36, and any other relevant matters, the DECC shall advise the Minister on whether to formally review, maintain, modify, suspend or revoke the biodiversity certification of the SEPP if the species, population or ecological community is listed under the Act.	- This condition is a matter for DCCEEW.

5.3. Consistency with SEPP (Precincts – Western Parkland City) 2021

Appendix 5 Camden Growth Centres Precinct Plan (clause 6.3) prohibits a consent authority from approving development which will result in the clearing of Existing Native Vegetation as defined and mapped in the SEPP. Site A contains no mapped ENV and therefore the development is consistent with this part of the SEPP.

5.4. Consistency with Camden Growth Centres DCP

Section 2.3.5 of the DCP provides controls for native vegetation and ecology. The controls provide for the retention of trees where possible via planning of development to incorporate trees into areas such as road reserves and private and communal open space.

Table 8 Camden Growth Centres DCP (2023) Section 2.3.5

Control	Response
1. Native trees and other vegetation are to be retained where possible by careful planning of development (particularly at the subdivision stage) to incorporate trees into areas such as road reserves and private or communal open space.	Design was unable to retain any trees
2. When assessing an application that proposes removal of a tree or trees, Council will consider whether the tree or trees: • Form(s) a prominent part of the streetscape or the landscape character of the locality. • Is of historic or cultural significance or is/are registered on any Council register of significant trees. • Is prominent due to its height, size, position or age • Is a locally indigenous. • Provides visual screening • Is part of an important habitat for wildlife • Is part of a larger vegetation remnant or is in a Riparian Protection Area. • Can be effectively treated by applying appropriate remedial treatment such as pruning of branches, pruning of roots and removal of deadwood or by other appropriate action as recommended by an arborist. • Is listed under the provisions of the Threatened Species Conservation Act 1995 (Listed as a threatened species, is habitat of a threatened species or is part of a threatened ecological community). • Is unsafe.	See Arboricultural Impact Assessment (Arbor Safe 2026) The trees on site do not form part of a wildlife corridor, although they may be used as stepping stone habitat. The vegetation does not form part of a larger remnant or riparian protection area. The vegetation forms part of threatened ecological community, but due to the strategic biodiversity certification, assessment of impacts to biodiversity values is not required.
3. All existing indigenous trees shall be retained or replaced where removal is unavoidable. Where approval is given to remove trees, appropriate replacement planting using similar species will be required.	Design was unable to retain any trees.
4. The design of a development should demonstrate that existing street trees will be retained to the greatest practical extent.	Design was unable to retain any trees.
5. Buildings are to be set back a minimum of 3 metres from existing trees that are to be retained.	Design was unable to retain any trees.
6. The design and location of access driveways should wherever possible be located to avoid or minimise removal of existing street trees.	Design was unable to retain any trees.
7. Council may consider alternative street cross section designs where the typical cross section would result in removal of existing street trees that could otherwise be retained.	
8. Where practical, prior to development commencing, applicants are to: • provide for the appropriate re-use of native plants and topsoil that contains known or potential native seed bank; and • relocate native animals from development sites. Applicants must refer to OEH's Policy on the Translocation of Threatened Fauna in NSW	Conditions of consent may require seed collection prior to tree removal. The site did not contain hollow bearing trees and relocation of fauna is unlikely to be required.

Control	Response
9. Within land that is in the Environmental Protection Overlay, as shown on the Indicative Layout Plan in the relevant Precinct Schedule, all native vegetation is to be retained and rehabilitated, except where clearing is required for essential infrastructure such as roads and drainage and where that clearing is consistent with the Growth Centres Biodiversity Certification and the Growth Centres Strategic Assessment Program	Overlay does not apply to the site.
10. Within land that is in a Riparian Protection Area (refer to the Riparian Protection Areas Figure in the relevant Precinct Schedule) native vegetation is to be conserved and managed in accordance with the Guidelines for riparian corridors on waterfront land prepared by the NSW Office of Water (available at www.water.nsw.gov.au).	The Riparian Protection Area does not apply to the site.
11. Development on land that adjoins land zoned E2 Environmental Conservation is to ensure that there are no significant detrimental impacts to the native vegetation and ecological values of the E2 zone.	The land does not adjoin C2 (formerly E2) zoned land.
12. All subdivision design and bulk earthworks are to consider the need to minimise weed dispersion and to eradicate weeds on site. If Council believes that a significant weed risk exists, a Weed Eradication and Management Plan outlining weed control measures during and after construction is to be submitted with the subdivision DA.	All vegetation from the site will be removed, including weeds.
13. A landscape plan is to be submitted with all subdivision development applications, identifying: • all existing trees on the development site and those that are proposed to be removed or retained; • the proposed means of protecting trees to be retained during both construction of subdivision works and construction of buildings; • proposed landscaping including the locations and species of trees, shrubs and ground cover to be planted as part of subdivision works; • the relationship of the proposed landscaping to native vegetation that is to be retained within public land, including factors such as the potential for weed or exotic species invasion and the contribution of the proposed landscaping to the creation of habitat values and ecological linkages throughout the Precinct; and • How bushfire risk has been managed, including requirements for Asset Protection Zones and how these relate to the proposed landscaping.	See Landscape Plan
14. The selection of trees and other landscaping plants is to consider: • The prescribed trees in Appendix C; • The use of locally indigenous species where available; • Bushfire risk; • Contribution to the management of soil salinity, groundwater levels and soil erosion; • Items of environmental heritage, heritage conservation areas, historic road alignments and significant view lines.	See Landscape Plan
15. For the purposes of clause 5.9 of the relevant Precinct Plan, prescribed trees include: • Trees taller than the minimum height and greater than the minimum trunk diameter specified in Appendix C, and • Tree species listed in Appendix C.	

6. Conclusion

Site A Leppington is located entirely on biodiversity certified land. Therefore, development Under Part 4 and 5 of the EP&A Act is automatically ‘development that is not likely to significantly affect threatened species’. Biodiversity certification removes the need to address threatened species considerations and the test of significance (s.7.3 of the BC Act), including the preparation of Species Impact Statements (SIS) for Part 5 activities or triggering the Biodiversity Offset Scheme (BOS) for Part 4 developments. Biodiversity certification under the Sydney Region Growth Centres program also removes the need for assessment of MNES under the EPBC Act.

7. References

Arbor Safe (2026) 173-183 Rickard Road Arboricultural Impact Assessment

Department of Planning and Environment (DPE) 2022a. *The Cumberland Plan Conservation Plan – A Conservation Plan for Western Sydney to 2056.*

Department of Planning and Environment (DPE) 2022b. *State Vegetation Type Map.* NSW Government.

Government Architect NSW, 2020. *Greener Places – An Urban Green Infrastructure Design Framework for New South Wales.*

Government Architects NSW, 2020. *Draft Greener Places Design Guide.*

Stuart Noble Associates (2026) Landscape Plan 173-183 Rickard Road, Leppington NSW

Appendix A EPBC Act Condition Thresholds for Cumberland Plain Woodland

Flowchart of key diagnostic features and condition thresholds to identify the Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest ecological community

