

Growth Centres Biodiversity Certification

Assessment of Consistency between the Relevant Biodiversity Measures of the Biodiversity Certification Order and Marsden Park Precinct

September 2013

1. Introduction

In December 2007 an order conferring biodiversity certification on *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* was made by the Minister for the Environment under section 126G of the *Threatened Species Conservation Act 1995* (TSC Act).

In July 2008, the Minister's certification was validated by the *Threatened Species Conservation Amendment (Special Provisions) Act 2008* which was subsequently incorporated into Part 7 of Schedule 7 of the TSC Act. The amendment gives the Minister for the Environment the power to suspend or revoke the certification if any of its conditions, termed Relevant Biodiversity Measures (RBMs), are not complied with.

The RBMs applying to the certification have remained unaltered since gazettal of the original order and require (among other things) the permanent protection of 2000 hectares of high quality vegetation within the Growth Centres.

This report has been prepared to fulfil the requirement of RBM 35 for an assessment of the consistency of proposed precinct plans with the biodiversity certification and the RBMs.

This report has been prepared in a table format and addresses all RBMs that are relevant to precinct planning. It is noted that many of the RBMs are not specific to precinct planning and have therefore not been included in the report.

A complete copy of the relevant biodiversity measures can be found on the Office of Environment and Heritage's website at <http://www.environment.nsw.gov.au/biocertification/notcert.htm>

Where the report indicates that precinct planning is inconsistent with the biodiversity certification, full justification for the inconsistency is required to be provided as part of the ecological assessment for the 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.

- **Additional High Conservation Value Vegetation (AHCVV)** means areas of vegetation which were found during groundtruthing which would otherwise meet the definition of Existing Native Vegetation but was not originally identified as “vegetation” on maps 4 and 5 of the draft Growth Centres Conservation Plan.
- **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 existing native vegetation means any one or more of the following:
 - a) cutting down, felling, thinning, logging or removing existing native vegetation in whole or in part,
 - b) killing, destroying, poisoning, ringbarking, uprooting or burning existing native vegetation in whole or in part.
- **Existing Native Vegetation (ENV)** means areas of indigenous trees (including any sapling) that:
 - a) had 10% or greater over storey canopy cover present,
 - b) were equal to or greater than 0.5 ha in area, and
 - c) were identified as “vegetation” on maps 4 and 5 of the draft Growth Centres Conservation Plan.
- **Council** means Blacktown City Council.
- **DECC** means the Department of Environment and Climate Change (which is now the Office of Environment and Heritage).
- **ENV** means Existing Native Vegetation.
- **GCC** means the Growth Centres Commission constituted under the *Growth Centres (Development Corporations) Act 1974* (which is now the Department of Planning and Infrastructure).
- **Growth Centres SEPP** means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- **Minister** means the Minister administering the TSC Act.
- **Non-certified Area** means an area marked as a non-certified area on a biodiversity certification map.

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Marsden Park Precinct

- *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 relevant biodiversity measures of the Biodiversity Certification Order and the Marsden Park Precinct.

	Relevant Biodiversity Measure	Marsden Park Precinct - Comment	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act	Justification
General				
4	Copies of all final reports, maps, reviews, plans and monitoring data referred to in the conditions of biodiversity certification must be held by the GCC and made publicly available, either on request and/or by a mechanism that is broadly publicly accessible. This does not apply to material that is commercially sensitive or contains sensitive information regarding the location of threatened species, populations or ecological communities or their habitat.	All information required by the RBMs for the Marsden Park Precinct will be made available on the Department website.	Yes	The following information was publicly exhibited: <ul style="list-style-type: none"> this report in accordance with RBM 35; The Marsden Park Ecological Report which provides results of the groundtruthing of ENV for the purposes of RBM 13. <p>Refer to Post-Exhibition Report for details of exhibition.</p>
Native vegetation to be retained within the Growth Centres				
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.	To retain parity with the 2000 hectares of ENV to be conserved in the Growth Centres, 450 hectares of ENV should be retained in the Marsden Park Precinct.	Yes	There are 457.44 hectares of validated ENV within the Precinct in both certified and non-certified lands. <p>The Precinct Plan (Annex B) will result in the protection of 456.28 hectares of ENV and counted towards the 2000 hectares required to be protected under the biodiversity certification. The ENV to be retained is shown in Annex A.</p> <p>The protection of ENV in the Precinct Plan will be achieved</p>

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Marsden Park Precinct

	Relevant Biodiversity Measure	Marsden Park Precinct - Comment	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act	Justification										
				<p>via the following zones:</p> <table border="1" data-bbox="1599 408 1933 1062"> <thead> <tr> <th data-bbox="1599 408 1776 437">Zone</th> <th data-bbox="1776 408 1933 437">Hectares</th> </tr> </thead> <tbody> <tr> <td data-bbox="1599 437 1776 871">Environment Conservation (Shanes Park) and Public Recreation - Regional (private landholdings identified for acquisition or already acquired) as currently zoning under the GC SEPP (see below))</td> <td data-bbox="1776 437 1933 871">432.05</td> </tr> <tr> <td data-bbox="1599 871 1776 954">E2 Environmental Conservation</td> <td data-bbox="1776 871 1933 954">12.96</td> </tr> <tr> <td data-bbox="1599 954 1776 1034">RE1 Public Open Space</td> <td data-bbox="1776 954 1933 1034">11.27</td> </tr> <tr> <td data-bbox="1599 1034 1776 1062">Total</td> <td data-bbox="1776 1034 1933 1062">456.28</td> </tr> </tbody> </table> <p>The SEPP will include clauses as described below:</p> <ul style="list-style-type: none"> • Development Controls – Existing Native Vegetation – this clause will prohibit the clearing of ENV as mapped on the Native Vegetation Protection map. • Development in Zone E2 – any development consent for development on land 	Zone	Hectares	Environment Conservation (Shanes Park) and Public Recreation - Regional (private landholdings identified for acquisition or already acquired) as currently zoning under the GC SEPP (see below))	432.05	E2 Environmental Conservation	12.96	RE1 Public Open Space	11.27	Total	456.28
Zone	Hectares													
Environment Conservation (Shanes Park) and Public Recreation - Regional (private landholdings identified for acquisition or already acquired) as currently zoning under the GC SEPP (see below))	432.05													
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RE1 Public Open Space	11.27													
Total	456.28													

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	Relevant Biodiversity Measure	Marsden Park Precinct - Comment	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act	Justification
				<p>zoned E2 will require preparation of a Vegetation Management Plan.</p> <ul style="list-style-type: none"> Subdivision of land adjoining E2 must ensure that appropriate arrangements have been made for the revegetation and rehabilitation of land zoned E2. <p>Land to be zoned E2 and E3 is to remain in private ownership.</p> <p>Land to be zoned RE1 is to be acquired by Council. ENV within the RE1 zone will be protected by the SEPP clauses and relevant maps.</p> <p>Shanes Park is currently zoned Environment Conservation under Part 3 of the Growth Centres SEPP. Adjacent landholdings zoned Public Recreation-Regional also under Part 3 of the Growth Centres SEPP are privately owned and identified for acquisition, apart from two properties that have been acquired. No change to the current zoning is proposed by the Precinct Plan. The Air Services Australia site at Shanes Park is owned by the Commonwealth and it is intended that ownership and future management will ultimately be transferred to the</p>

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Marsden Park Precinct

	Relevant Biodiversity Measure	Marsden Park Precinct - Comment	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act	Justification								
				<p>State and the site will be reserved under the NPWS Act as a national park. Areas of Additional High Conservation Value vegetation within Shanes Park (see table below) have been identified via aerial mapping but have not been field validated.</p> <p>Field validation has identified 82.03 ha of Additional High Conservation Value vegetation (AHCVV) as follows:</p> <table border="1" data-bbox="1599 759 1933 1334"> <thead> <tr> <th>Zone</th> <th>Hectares</th> </tr> </thead> <tbody> <tr> <td>Environment Conservation (Shanes Park) and Public Recreation - Regional (private landholdings identified for acquisition or already acquired) as currently zoning under the GC SEPP (see above)</td> <td>59.31</td> </tr> <tr> <td>E2 Environmental Conservation</td> <td>22.72</td> </tr> <tr> <td>Total</td> <td>82.03</td> </tr> </tbody> </table> <p>In total there will be 538.31 hectares of vegetation (ENV)</p>	Zone	Hectares	Environment Conservation (Shanes Park) and Public Recreation - Regional (private landholdings identified for acquisition or already acquired) as currently zoning under the GC SEPP (see above)	59.31	E2 Environmental Conservation	22.72	Total	82.03
Zone	Hectares											
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Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Marsden Park Precinct

	Relevant Biodiversity Measure	Marsden Park Precinct - Comment	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act	Justification
				and AHCVV) being protected in the precinct.
Retention of existing native vegetation during precinct planning				
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.	<p>The Precinct Plan requires the clearing of non-certified ENV to allow for the provision of infrastructure as follows:</p> <ul style="list-style-type: none"> • 0.365 hectares to provide a trunk drainage channel on land to be zoned RE1, directly north east of (and contiguous with) Shanes Park; • 0.785 hectares to allow for a road crossing across the riparian corridor of the eastern channel of Little Creek; • 0.07 hectares to allow for a drainage basin adjacent to Bells Creek. 	Yes	A total of 1.16 hectares of ENV is proposed to be cleared from non-certified areas to facilitate essential drainage infrastructure.
8	<p>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:</p> <p>(a) the protection of an equal or greater area of existing native vegetation elsewhere in the Growth Centres; and/or</p>	<ul style="list-style-type: none"> • Refer to RBM 7. • 6.74 hectares of ENV on certified land is proposed to be zoned RE1 Public Recreation and made non-certified. 	Yes	The protection of 6.74 hectares of ENV on certified land will directly offset the loss of ENV from non-certified areas and ensure that the minimum 450 ha target to be protected within the Precinct, established under the Conservation Plan will be

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Marsden Park Precinct

	Relevant Biodiversity Measure	Marsden Park Precinct - Comment	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act	Justification
	<p>(b) the revegetation and/or restoration of an area of land elsewhere in the Growth Centres, subject to satisfying the following,</p> <p>(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,</p> <p>(ii) the revegetated and/or restored areas will be protected,</p> <p>(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),</p> <p>(iv) areas subject to revegetation and/or restoration must be of a suitable boundary configuration and design to support long-term management,</p> <p>(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>),</p> <p>(vi) revegetation and/or restoration will be undertaken by suitably qualified and experienced persons using indigenous plant stock, and</p> <p>(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.</p>	<ul style="list-style-type: none"> The Precinct plan does not require revegetation in order to meet its conservation needs. 		<p>achieved.</p> <p>Changes to the non-certified areas are also proposed under the Precinct Plan (Annex D).</p>
9	<p>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</p>	<p>The Precinct plan does not require revegetation in order to meet its</p>	<p>Not Applicable</p>	

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	Relevant Biodiversity Measure	Marsden Park Precinct - Comment	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act	Justification
	restoration required under condition 8b (iii) by 3. Note: for example, if 9 hectares of revegetation is undertaken then 3 hectares may be counted.	conservation targets.		
Retention of existing native vegetation shown in areas marked with red hatching				
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 .	The red hatched area applies to the Air Services Australia site (Shanes Park) and the adjoining Public Recreation-Regional zoned land, however no clearing is proposed within this area.	Yes	
Ground-truthing of existing native vegetation				
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.	Groundtruthing of ENV has been undertaken. Whilst the original mapping identified 480.84 hectares of ENV in Marsden Park, groundtruthing shows that 15.46 hectares of this no longer meets the definition of ENV. Whilst it is difficult to say with absolute certainty, it appears that a small portion of this loss is due to clearing (1.11 hectares), and the remainder is due to the accuracy of the original mapping (22.34ha). Groundtruthing also identified 115.99 hectares	Yes	Ground-truthing has validated a total of 457.44 hectares of ENV within the Precinct of which 456.28 hectares will be protected . 6.74 hectares of this is located on certified land and will be protected by an RE1 Public Recreation zone while the balance is on non-certified land and largely within the Shanes Park Conservation Area. The map in Annex A displays results of ground-truthing. For the purposes of conditions 7 to 8 and 11 to 12, only validated ENV has been calculated. Areas of ENV that will be protected are also shown in Annex A .

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	Relevant Biodiversity Measure	Marsden Park Precinct - Comment	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act	Justification
		<p>of native vegetation that meets criteria A and B of the ENV definition, but was not mapped in the Growth Centres Conservation Plan and therefore was not counted as ENV. 82.03 hectares of this will be protected via Environment Conservation, Public Recreation - Regional, E2, E3 and RE1 zones.</p> <p>It should be noted that groundtruthing has not been undertaken within the Shanes Park area as the existing Environment Conservation and Public Recreation Regional zoning under Part 3 of the GC SEPP were not subject to proposed change. However, further detailed aerial mapping was undertaken post-exhibition to improve the spatial accuracy of ENV mapping.</p>		
Additional conservation actions within the Growth Centres – native vegetation				
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 .	The area with blue hatching adjacent to Shanes Park was assessed and found to be Shale Gravel Transition Forest which is listed as an EEC. It is contiguous with	Yes	This area (6.74ha) is proposed to be zoned RE1 and will remain in public ownership (to be acquired by Council for passive recreational purposes). ENV on that land will be afforded protection through the controls

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	Relevant Biodiversity Measure	Marsden Park Precinct - Comment	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act	Justification		
		Shanes Park and is approximately 6.8 hectares in size with canopy cover greater than 10%.		discussed in this report.		
15	The assessment referred to in condition 14 must examine whether the areas meet the criteria specified in Schedule 3.	The blue hatched area adjoining Shanes Park precinct meets all of the criteria in Schedule 3 of the Certification Order.	Yes	The 6.74 ha of vegetation covered by the blue hatching will be protected via an RE1 zoning and a Plan of Management with the exception of 0.365 hectares of ENV in this location which will be removed to allow for trunk drainage (refer to RBM 6).		
16	Based on the outcomes of the assessment the DECC 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 .	Consultation has been undertaken with OEH on the status of the subject land (refer to RBM 14). OEH will provide report accordingly.	Yes	Refer to the status of this land as proposed by the Precinct Plan, in RBM 14. The area of ENV in the blue hatched area to be protected by the precinct plan is proposed to remain as non-certified on the subject land maps.		
Additional conservation actions within the Growth Centres – plants						
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 border="0"> <tr> <td style="vertical-align: top;">Species <i>Acacia pubescens</i></td> <td style="vertical-align: top;">Required action Potential populations at Cross Street, Kemps Creek and Thirty-second Avenue, Austral – as shown in black 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 </td> </tr> </table>	Species <i>Acacia pubescens</i>	Required action Potential populations at Cross Street, Kemps Creek and Thirty-second Avenue, Austral – as shown in black 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 	These RBMs do not apply to Marsden Park.	Not Applicable	
Species <i>Acacia pubescens</i>	Required action Potential populations at Cross Street, Kemps Creek and Thirty-second Avenue, Austral – as shown in black 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 					

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	Relevant Biodiversity Measure	Marsden Park Precinct - Comment	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act	Justification
	<p>protection of the area of suitable habitat for the species to the satisfaction of the DECC.</p> <p><i>Pimelea spicata</i> Potential populations at Denham Court Road - as shown in black hatching on the biodiversity certification maps:</p> <ul style="list-style-type: none"> • 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. <p><i>Persoonia hirsuta</i> Potential populations at North Kellyville – as shown in black hatching on the biodiversity certification maps:</p> <ul style="list-style-type: none"> • survey to confirm the presence of the species, and • if the species is present, provide for the protection of the area of suitable habitat for the species to the satisfaction of the DECC. <p><i>Leucopogon fletcheri</i> Known population at North Kellyville - as shown in black hatching on the biodiversity certification maps:</p> <ul style="list-style-type: none"> • survey to confirm the extent of the population, and • provide for the protection of the population to the satisfaction of the DECC. 			

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Marsden Park Precinct

	Relevant Biodiversity Measure	Marsden Park Precinct - Comment	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act	Justification
	<p><i>Darwinia biflora</i> <i>Hibbertia superans</i> <i>Epacris purpurascens</i> <i>var purpurascens</i> <i>Eucalyptus sp</i> "Cattai"</p> <p>Known populations at North Kellyville - as shown in black hatching on the biodiversity certification maps:</p> <ul style="list-style-type: none"> • survey to confirm the extent of the populations, and • provide for the protection of the population to the satisfaction of the DECC. <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				
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:	This condition does not apply to Marsden Park	Not Applicable	

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	Relevant Biodiversity Measure	Marsden Park Precinct - Comment	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act	Justification
	<p>Species Green and Golden Bell Frog</p> <p>Required action Potential population at Riverstone – as shown in black hatching on the biodiversity certification maps:</p> <p><i>Option 1</i></p> <ul style="list-style-type: none"> 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. <p><i>Option 2</i></p> <ul style="list-style-type: none"> if the species is present at Riverstone but cannot be adequately protected to the satisfaction of the DECC, then: <ol style="list-style-type: none"> undertake targeted survey to confirm the presence of the species elsewhere in the Growth Centres, and 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. <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>	precinct		
Additional conservation actions within the Growth Centres – development sites				
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:	Section 2.3.4 of the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 refers to RBM 19(a).	Yes	RBM 19(b) will be incorporated into section 2.3.4 of the Blacktown City Council Growth Centre Precincts Development Control Plan 2010.

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	Relevant Biodiversity Measure	Marsden Park Precinct - Comment	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act	Justification
	<p>(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</p> <p>(b) top soil from development sites that contain known or potential native seed bank.</p> <p>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.</p>	RBM 19(b) will be incorporated into section 2.3.4 of the Blacktown City Council Growth Centre Precincts Development Control Plan 2010.		
Future precinct plans				
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 draft precinct plans.	This assessment of consistency has been prepared to satisfy this RBM. This report will be made publicly available with the full precinct planning package.	Yes	This assessment addresses all RBMs applicable to the planning for Marsden Park precinct.
Future threatened species listings or discoveries				
36	<p>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 Growth Centres Commission must (as soon as practicable) provide advice to the DECC on whether:</p> <p>(a) the species, population or ecological community is known or likely to be present in the Growth Centres;</p> <p>(b) it was considered during the preparation of the draft Growth Centres Conservation Plan by the GCC; and</p> <p>(c) whether the SEPP, and related measures, provides adequate protection for the species, population or ecological community.</p>	<p>The Department has reviewed Preliminary determinations in the Biodiversity Certification Annual Report.</p> <p>A preliminary determination to list the Pittwater and Wagstaff Spotted Gum Forest in the Sydney Basin Bioregion (EEC) has been made. This community does not occur in the Marsden Park Precinct.</p>	Yes	No Preliminary Determinations have been made that are relevant to the Marsden Park precinct

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	Relevant Biodiversity Measure	Marsden Park Precinct - Comment	Consistent with RBMs and Part 7 of Schedule 7 of the TSC Act	Justification
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.	As the Pittwater and Wagstaff Spotted Gum Forest community does not occur in the Marsden Park Precinct, this RBM is not applicable.	Not applicable	

3. Conclusion

This report has undertaken an assessment of the consistency of the Marsden Park Precinct Plan with the Biodiversity Certification and the applicable **relevant biodiversity measures**.

It is concluded that the Marsden Park Precinct Plan is consistent with the Biodiversity Certification of the **Growth Centres SEPP**, as follows:

- 456.28 hectares of ENV will be protected by the Precinct Plan, and will count towards the 2000 hectare target, in accordance with RBM 6. This is 6.28 hectares more than the target amount identified for the Precinct by the draft Conservation Plan for the Biodiversity Certification. The proposed zoning of protected ENV is explained below.
- A further 82.03 hectares of Additional High Conservation Value vegetation will also be protected in the Environment Conservation Zone (existing), Public Recreation – Regional Zone (existing) under Part 3 of the Growth Centres SEPP and E2 Environmental Conservation zone under the Marsden Park Precinct Plan.
- The majority of non-certified ENV will be protected by the Precinct Plan. 1.16 hectares of ENV on non-certified land is required to be cleared to enable the delivery of essential infrastructure (0.365 hectares to allow for a trunk drainage channel directly north of the Shanes Park Conservation Area, and 0.785 hectares in various parcels to facilitate drainage infrastructure and a road crossing across Little Creek).
- 6.74 hectares of certified ENV will be protected by the Precinct Plan to offset clearing of 1.16 hectares of ENV in non-certified areas.
- The SEPP amendment will provide a clause that prevents the **clearing** of ENV (and areas of AHCVV) in certain areas (principally in the non-certified land) as shown on the Native Vegetation Protection Map (**Annex C**).
- The 456.28 hectares of ENV will be protected via the E2 Environmental Conservation and RE1 Public Recreation zones, as described below (**Annex B**).

Land use zones have been selected based on advice from the OEH in relation to appropriate zoning of land containing ENV, and with consideration of other land use planning factors, including the future ownership, acquisition and use of land in accordance with the draft Precinct Plan and the EP&A Act. While the use of the E2 Environmental Conservation zone is preferred by OEH, in many cases it is not possible to apply this zoning to land containing ENV because of restrictions on the ability of **Council** to acquire the land under section 94 of the EP&A Act. In accordance with the hierarchy of land use zones preferred by OEH, land use zones have been applied to ENV that is proposed to be protected as follows:

- Where ENV to be protected is within existing large land holdings (and the area of ENV comprises only small parts of the total area of land in the one ownership) the E2 Environmental Conservation zone has been applied. This land is not proposed to be acquired by a public authority. The application of the E2 Environmental Conservation zone to land that is to remain in private ownership is consistent with OEH requirements for the protection of ENV.

- Within flood affected land along South Creek and Little Creek, existing rural properties that partly contain ENV are proposed to have a “split” zoning, with the land containing ENV zoned E2 Environmental Conservation and the remainder of the property zoned for a purpose that enables some commercial return either through limited subdivision or construction of a dwelling, or continued agricultural production. Generally, where the existing rural lot is partly within and partly outside the 100 year ARI flood extent, a combination of either E3 Environmental Management, RU6 Transition or R2 Low Density Residential with an E2 Environmental Conservation zone (for the land that contains ENV), has been used. This approach applies to land in the west and north of the Precinct which contain patches of ENV on large land holdings in private ownership, as well as in the east along Bells Creek. This enables limited subdivision and construction of dwellings on relatively large lots consistent with the flooding and vegetation constraints on the land. The ability to further subdivide this land is limited, with minimum lot size controls established to limit further subdivision of land that contains ENV and is flood prone. In these situations, the land that contains ENV is anticipated to remain in private ownership.
- Where land that contains ENV is to be acquired as part of a larger acquisition for a public purpose (usually for public recreation) the RE1 Public Recreation zone has been used. This approach has generally been applied to two parcels of land on the western and eastern sides of the transmission easement, with the western portion of land being contiguous with Shanes Park. **Council** has agreed to acquire these parcels of land for passive recreational purposes, with protection and retention of the non-certified and certified ENV, respectively.

Proposed biodiversity certification map

To reflect the outcomes of the Precinct Plan and ensure the protection of ENV, amendments are proposed to the boundaries of certified and non-certified land as shown on the biodiversity certification map (referred to as the subject lands map) (**see Annex D**).

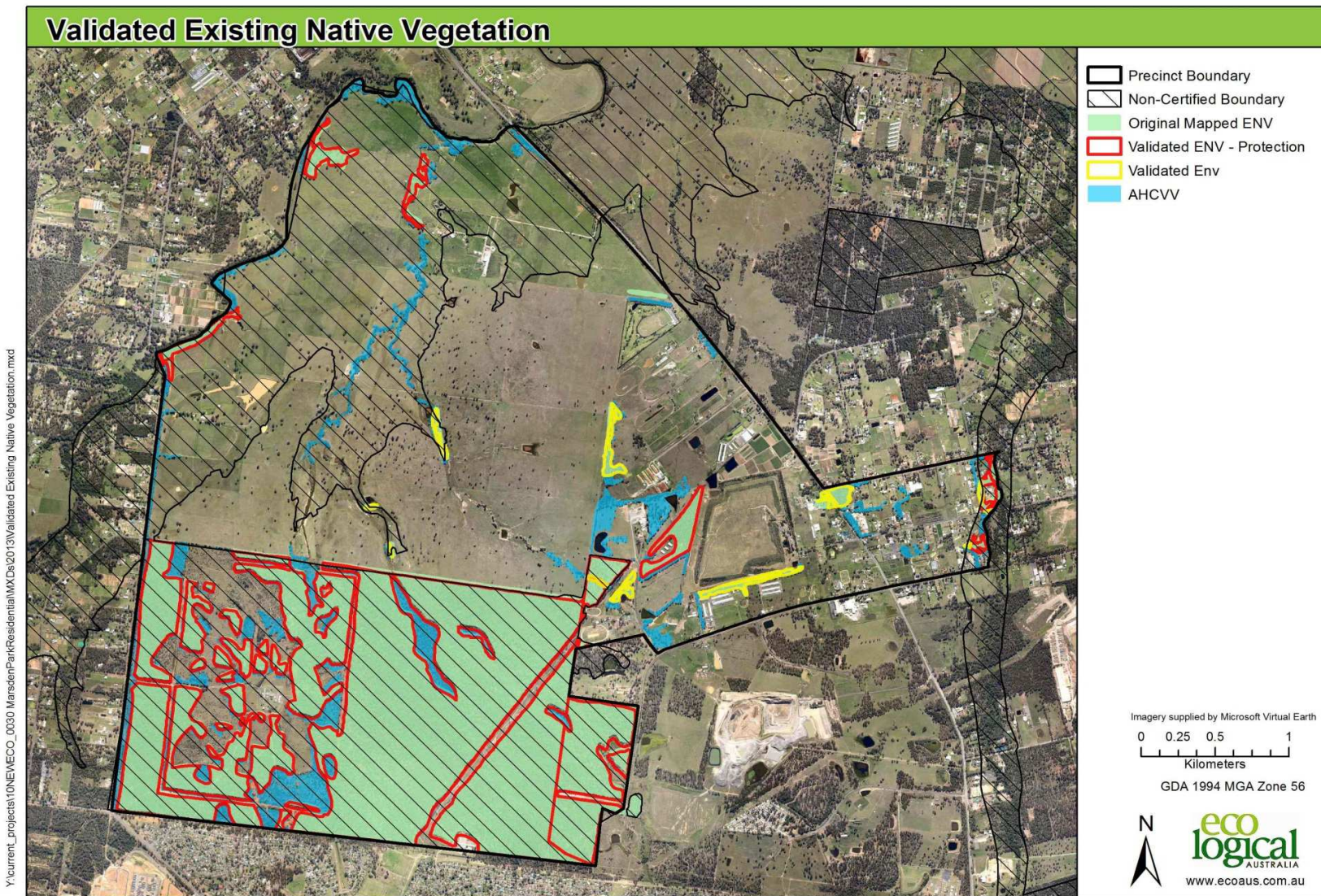
The new boundaries of the non-certified lands are proposed to reflect the boundaries of the:

- protected ENV and AHCVV (as mapped as ‘Existing Native Vegetation’ on the Native Vegetation Protection Map – see Annex C) and Native Vegetation Retention areas on the NVP Map; and
- E2 and RE1 zoned land.

Annex A

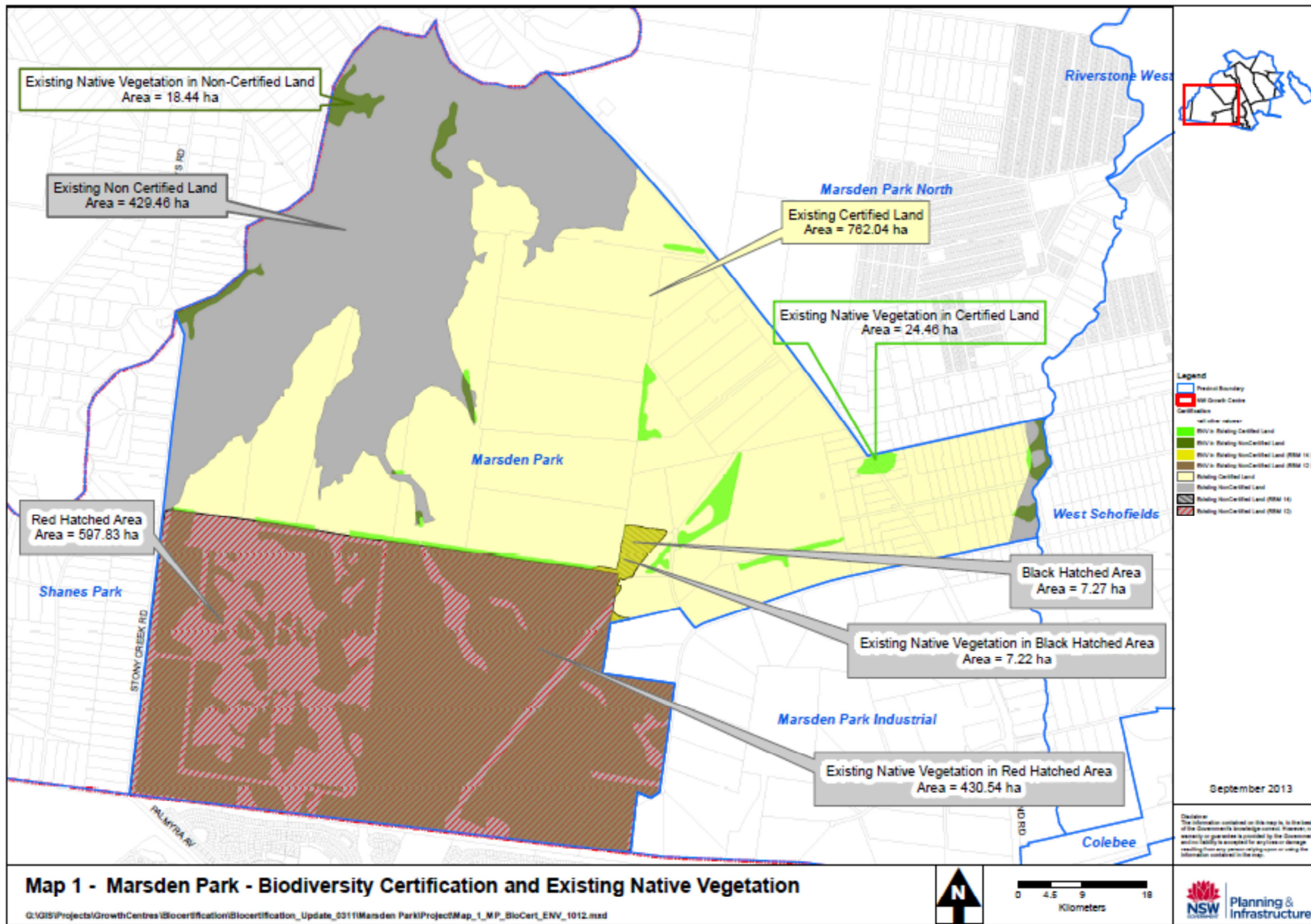
Biodiversity Certification Map and ENV calculations for Marsden Park Precinct

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Marsden Park Precinct



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Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Marsden Park Precinct



Calculations of ENV within the Marsden Park Precinct

Results of field validation for Existing Native Vegetation & AHCVV

Reference	Item	Area (ha)
A	Area of mapped ENV in non-certified areas (as per Conservation Plan)	450
B	Area of validated ENV in non-certified areas	450.70
C	Area of validated ENV in certified areas	6.74
D	Total area of validated ENV in the precinct	457.44
E	Total area of validated AHCVV in precinct	82.03

Summary of impacts, offsets and areas of ENV to be protected

Reference	Item	Area (ha)
A	Area of mapped ENV in non-certified areas (as per Conservation Plan)	450
B	Area of validated ENV in non-certified areas	450.70
C	Impacts: Validated non-certified ENV to be cleared (area to become certified)	1.16
D	Offsets: Validated certified ENV to be used as offset (area to become non-certified)	6.74
E	Total area of ENV to be protected in non-certified areas (E = B-C+D)	456.28
F	Area of additional high conservation value vegetation (AHCVV) to be protected	82.03
H	Total area of ENV/AHCVV to be protected (H = F+G)	538.31

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Marsden Park Precinct

MARSDEN PARK PRECINCT - BIODIVERSITY CERTIFICATION - ASSESSMENT OF EXISTING NATIVE VEGETATION								
	ILP category	Sporting field, Local park	Local Infrastructure (Water Mgt, Roads)	Environmental Management	Environmental Conservation	Shanes Park	Total ENV	
	Final zone	RE1	SP2	E3	E2	Env Cons and Public Rec-Reg	All figures are in hectares	
A	Validated ENV on certified land	6.74	0.00	0.00	0.00	0.00	6.74	
	Validated ENV on non-certified land	5.69	0.00	0.00	12.96	432.05	450.70	
	SUBTOTAL Validated ENV	12.43	0.00	0.00	12.96	432.05	457.44	
B	AHCVV	0.00	0.00	0.00	22.72	59.31	82.03	
	SUBTOTAL AHCVV	0.00	0.00	0.00	22.72	59.31	82.03	
C	ENV on non-certified land to be removed for infrastructure purposes (to be zoned SP2)	0.00	1.16	0.00	0.00	0.00	1.16	
	SUBTOTAL ENV on non-certified land to be removed for infrastructure purposes	0.00	1.16	0.00	0.00	0.00	1.16	
D	TOTAL Validated ENV to be protected on non-certified land (D=A-C) Total reflects 1.16ha to be removed for SP2 infrastructure purposes, as listed in Row 'C'	11.27	0.00	0.00	12.96	432.05	456.28	
E	TOTAL Validated ENV and AHCVV to be protected on non-certified land (E=B+D)	11.27	0.00	0.00	35.68	491.36	538.31	
							ENV Precinct target to be protected under Conservation Plan:	450

Notes

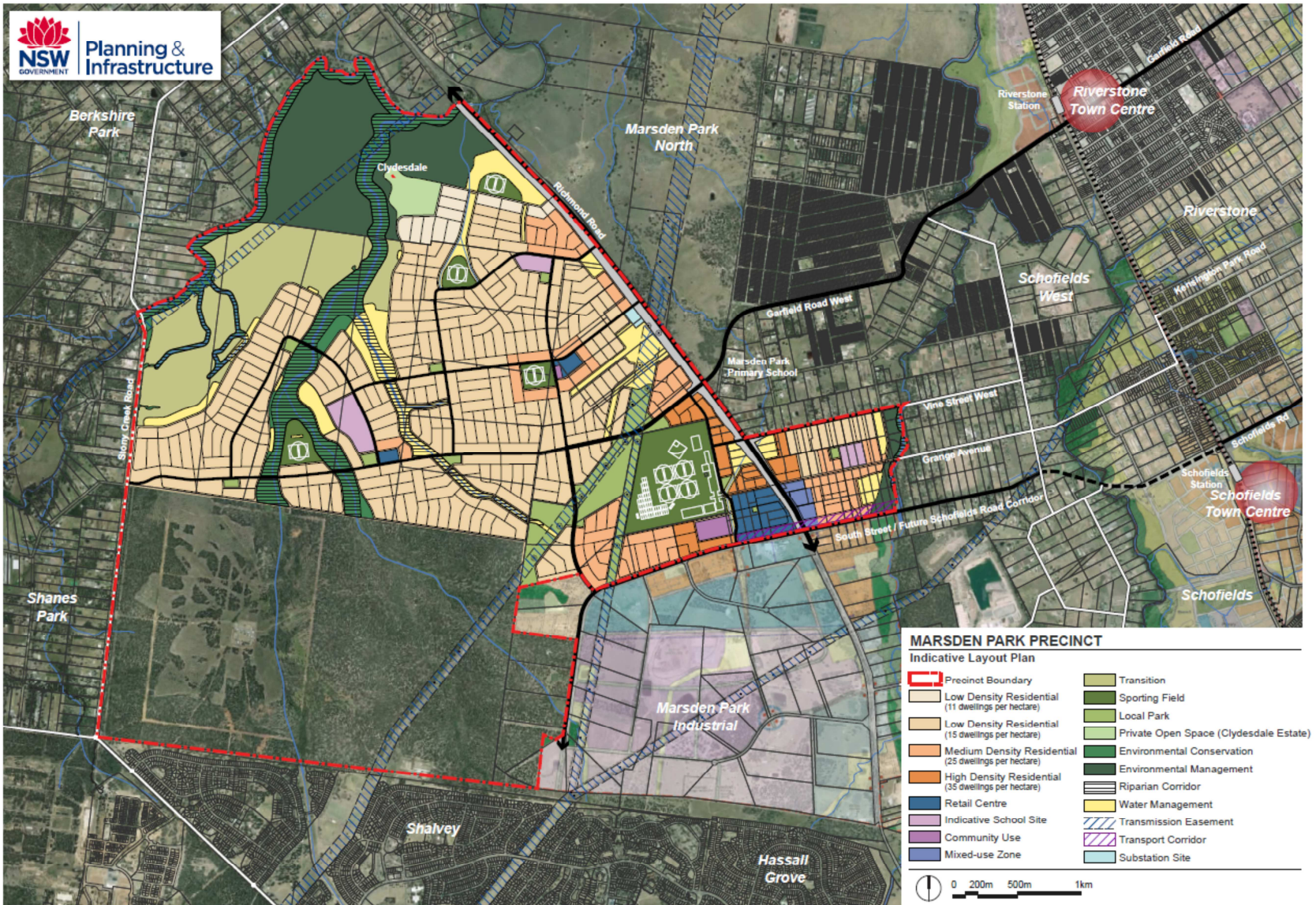
6.74ha of ENV on RE1 land currently on certified land will be protected and become non-certified.

Updated: 24 September, 2013

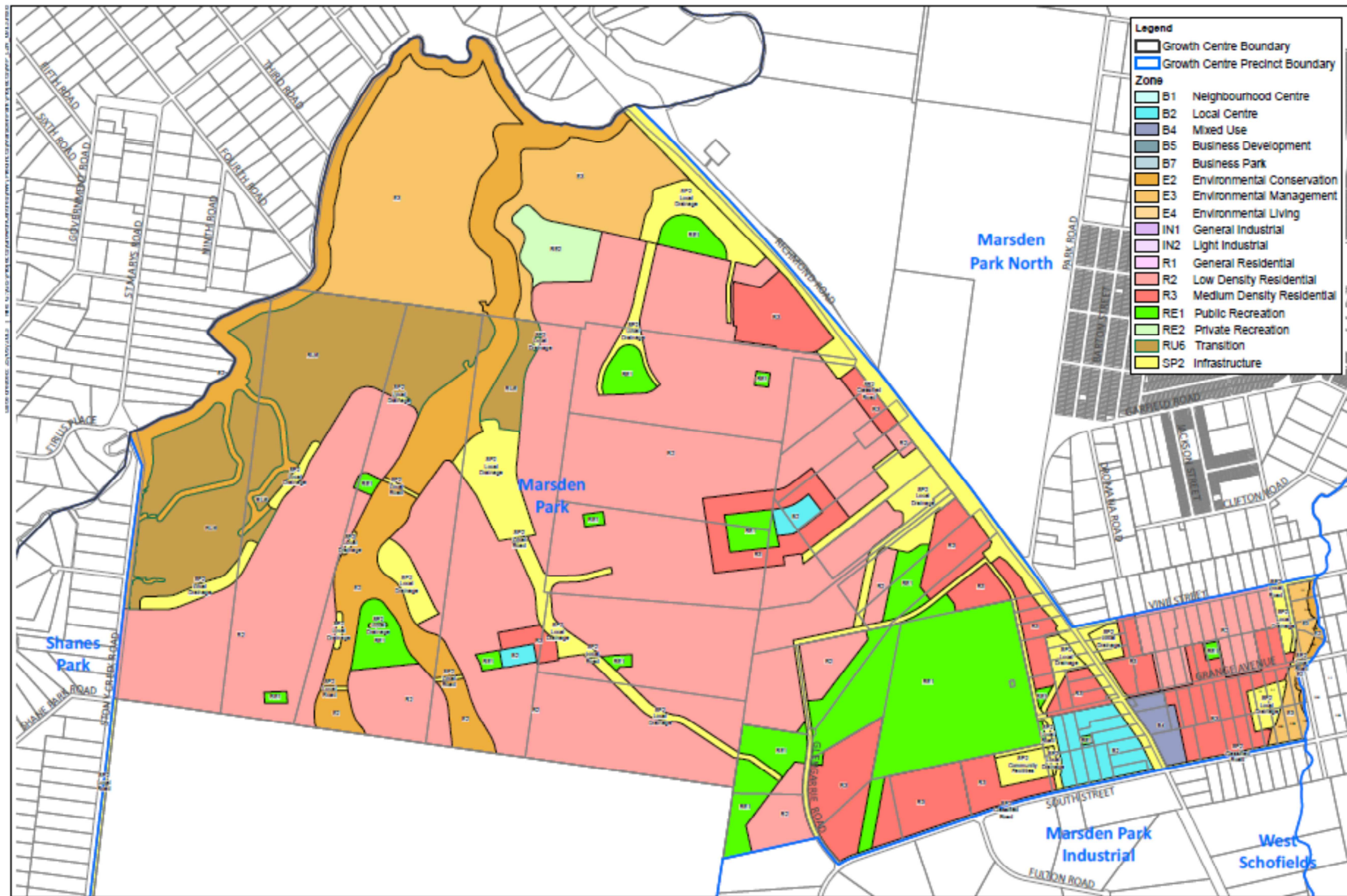
Annex B

Indicative Layout Plan and Zoning Map for Marsden Park Precinct

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Marsden Park Precinct



Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Marsden Park Precinct



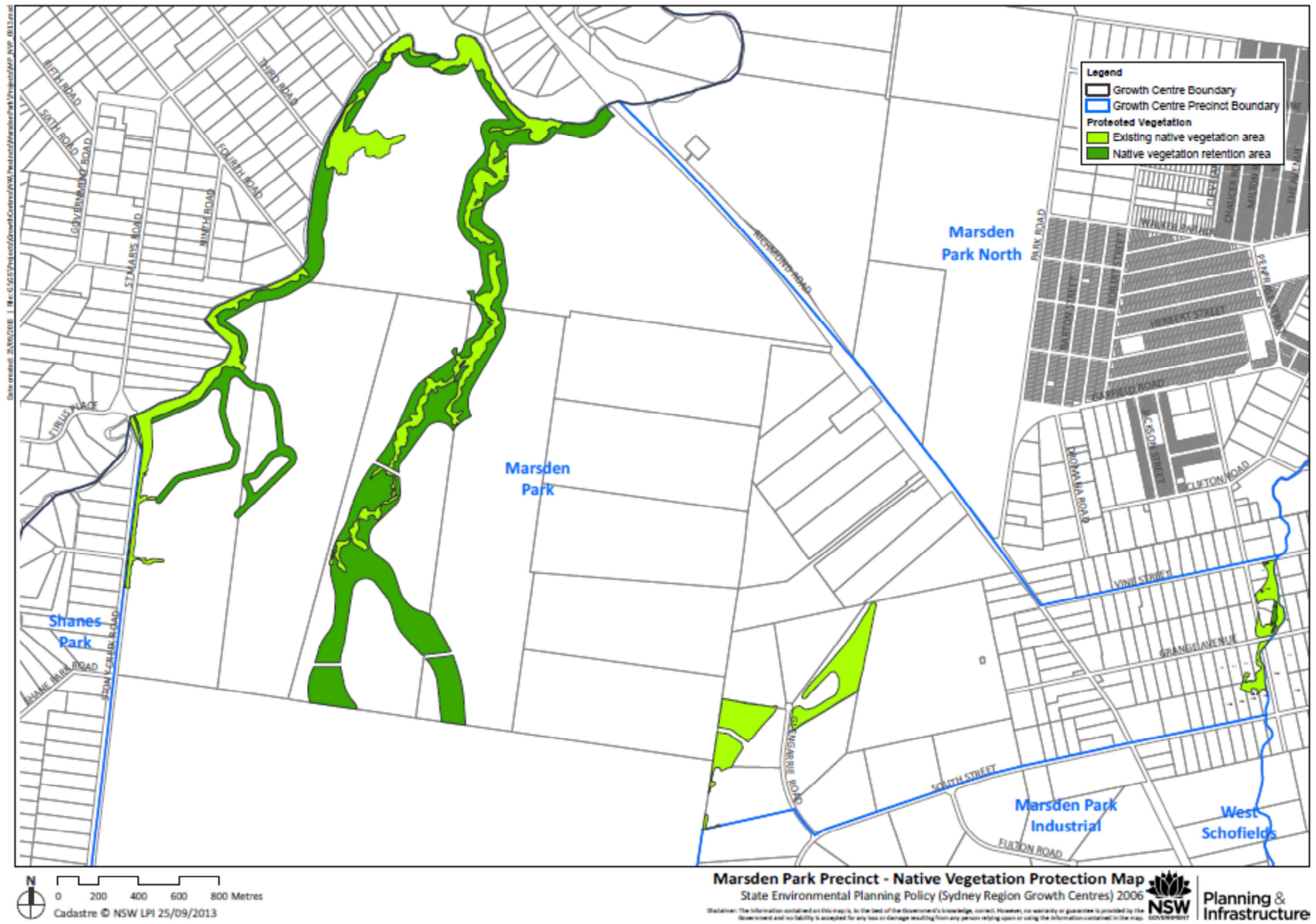
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0 200 400 600 800 Metres
Cadastre © NSW LPI 25/09/2013

Marsden Park Precinct - Land Zoning Map
 State Environmental Planning Policy (Sydney Region Growth Centres) 2006
Disclaimer: The information contained on this map is, to the best of the Government's knowledge, correct. However, no warranty or guarantee is provided by the Government and no liability is accepted for any loss or damage resulting from any person relying upon or using the information contained in the map.
NSW Planning & Infrastructure

Annex C

Proposed Protection Measures Plan for Marsden Park Precinct

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Marsden Park Precinct



Annex D

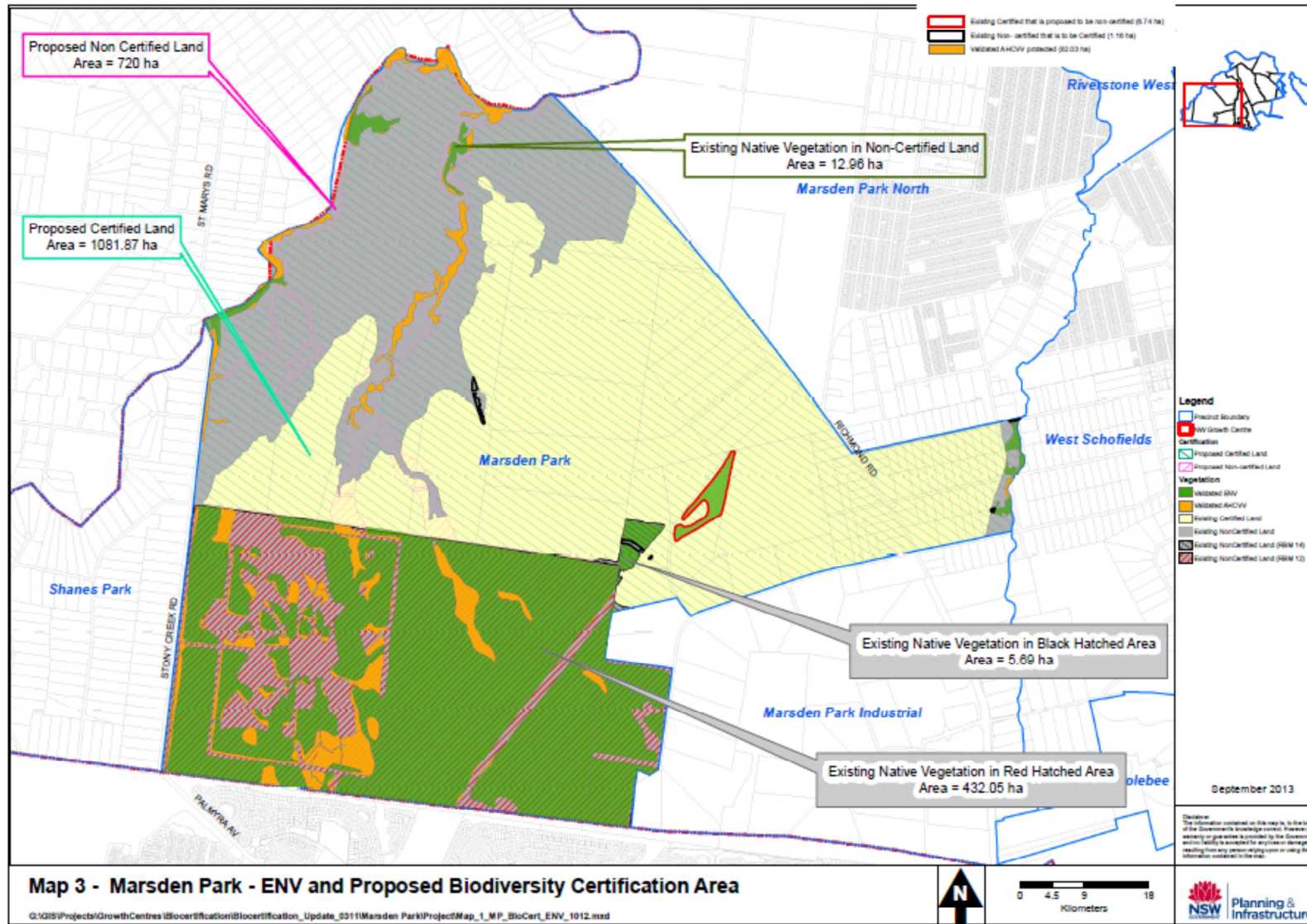
Proposed Amendments to Biodiversity Certification Map

Comparison of existing and proposed certified/non-certified land

The following table outlines the current and proposed certified and non-certified areas. The increase of 5.2 hectares follows a boundary realignment on the western side, to align with the centre line of South Creek.

	Current Area (ha)	Proposed Area (ha)
Certified Land	762.04	1081.87
Non Certified Land	1034.56	720
Total Precinct Area	1796.6	1801.8

Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Marsden Park Precinct



Assessment of consistency between Relevant Biodiversity Measures of the Biodiversity Certification Order and Marsden Park Precinct

