Department of Planning, Housing and Infrastructure

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Growth Centres Biodiversity Certification

Assessment of Consistency between the Relevant Biodiversity Measures of the Biodiversity Certification Order and Riverstone East Stage 3 Precinct

May 2025

Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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1. Introduction

In December 2007 an order conferring biodiversity certification on *State Environmental Planning Policy (Sydney Region Growth Centres)* 2006 (now the *State Environmental Planning Policy (Precincts – Central River City)* 2021) 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.

An assessment of consistency with the North West Growth Centres Biodiversity Certification Order associated with the draft Indicative Layout Plan (ILP) for the Riverstone East Precinct is provided in the Biodiversity and Riparian Corridors Assessment Report prepared by Umwelt (September 2023). The final ILP for the Riverstone East Precinct meets the conditions outlined in the North West Growth Centres Biocertification Order as outlined in this assessment of consistency with the Biodiversity Certification Order (Table 1).

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, Housing and Infrastructure).

- Growth Centres SEPP means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006, now known as the State Environmental Planning Policy (Precincts Central River City) 2021
- 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.
- 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. Riverstone East Precinct Stage 3 Assessment of Consistency with Bio-Certification Order

Assessment of consistency between the relevant requirements of the Sydney Region Growth Centres Bio-certification Order and the Final ILP and zoning for Riverstone East Precinct Stage 3 is presented in Table 1 below.

Relevant maps referred to in this assessment are attached in **Appendix A**. This consistency assessment is to be read in conjunction with the Biodiversity and Riparian Corridors Assessment Report prepared by Umwelt (September 2023).

Table 1: Assessment of consistency between the commitments of the Bio-certification Order and the Riverstone East Precinct Stage 3

Commitment ID	Relevant Biodiversity Measure (RBM)	Current status within Riverstone East Precinct Stage 3	Consistency with Commitment	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 Riverstone East Precinct was publicly exhibited from 26 November 2008 to 6 February 2009. Since exhibition, the assessment of consistency (this report) has been updated and will (along with relevant supporting technical studies and maps) be publicly available	Yes	This consistency report will be publicly available following gazettal of the Riverstone East ILP.

Commitment ID	Relevant Biodiversity Measure (RBM)	Current status within Riverstone East Precinct Stage 3	Consistency with Commitment	Justification
		following gazettal of the Riverstone East ILP. following gazettal of the Riverstone East ILP.		
Native vegeta	ation to be retained within the Growth Centres			
6	A minimum of 2000 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.	The draft Growth Centres Conservation Plan (2007) identifies 14.56 ha of ENV in Riverstone to be retained or otherwise offset within the Precinct to maintain parity with the broader 2000 ha requirement. 4.3 hectares of ENV was to be retained for Stage 1 to meet the requirements of the draft Conservation Plan. A total of 6.6 ha of validated ENV was to be protected and retained using SP2 and RE1 zones, and inclusion on the Native	Yes	A total of 13.48 ha of ENV in non-certified land is to be protected under the Riverstone East Precinct Plan over Stages 1, 2 and 3. The final Riverstone East Precinct ILP maintains this quantum of ENV on non-certified land across stages 1, 2 and 3. The principal protection mechanism is clause 6.5 of the State Environmental Planning Policy (Precincts – Central River City) 2021, which prohibits clearing of ENV as shown on the Native

Commitment ID	Relevant Biodiversity Measure (RBM)	Current status within Riverstone East Precinct Stage 3	Consistency with Commitment	Justification
		Vegetation Protection Map, which exceeds the area to be retained by 2.3 hectares. 0.2 hectares of noncertified ENV was cleared to allow for the upgrade of a road crossing over First Ponds Creek, at Oak Street / Gordon Street. This was to be offset by the retention of 3.7 hectares of field validated certified ENV within the SP2 and RE1 zones. Within Stage 2, 3.2 hectares of ENV was required to be retained to meet the requirements of the draft Conservation Plan. A total of 1.7 hectares of validated ENV was be protected and retained using SP2 and RE1 zones,		Vegetation Protection Areas Map. Stage 1 retained 6.6 ha of ENV and Stage 2 retained a total of 1.7 ha. A total of 5.18 ha ENV is retained on non-certified land in Stage 3 which does not meet the target of 14.56 ha for Riverstone in accordance with the draft Growth Centres Conservation Plan.

Commitment ID	Relevant Biodiversity Measure (RBM)	Current status within Riverstone East Precinct Stage 3	Consistency with Commitment	Justification
		and inclusion on the Native Vegetation Protection Map. This represents a shortfall of the ENV target, however, will be offset by the additional ENV to be protected within Stage 1 (which provided an additional 2.3ha).		
Retention of 6	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.	A small area of ENV in non- certified land will be impacted by the proposed works outlined in the ILP.	Yes	A total of 6.83 ha of ENV was identified on non-certified land. 5.18 ha will be retained and 1.15 ha will be impacted under the proposed land use zoning in the final ILP.
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:			An additional 13.51 ha of ENV on certified land will be retained to offset this minor reduction within the Stage 3 precinct area. The patches of retained ENV are located

Commitment ID	Relevant Biodiversity Measure (RBM)	Current status within Riverstone East Precinct Stage 3	Consistency with Commitment	Justification
	 (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 noncertified 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 			within the following land use zones; Rouse Hill Regional Park, Open space (Natural Bushland), Open Space (Passive), Open Space (Junction Road and Associated Land).

Commitment ID	Relevant Biodiversity Measure (RBM)	Current status within Riverstone East Precinct Stage 3	Consistency with Commitment	Justification
	limited to any approvals, and associated conditions of such approvals, that may be required under the Rivers and Foreshores Improvement Act 1948 and Water Management Act 2000), 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.			
9	N/A			
Retention of e	existing native vegetation shown in areas marked with red hato	ching		
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.	Two areas of land subject to this condition are located in the Riverstone East Precinct Stage 3. Boundary amendments are proposed to align with cadastral boundaries and to facilitate more efficient	Yes	A total of 6.83 ha of ENV was identified in non- certified land. Of this total, 5.18 ha will be retained and 1.15 ha will be impacted by the proposed land use zoning outlined in the Final ILP and subsequent future development.

Commitment ID	Relevant Biodiversity Measure (RBM)	Current status within Riverstone East Precinct Stage 3	Consistency with Commitment	Justification
		urban development on		An additional 13.51 ha of ENV
		adjoining lands.		in biodiversity certified land will be retained to offset this.
Ground truthi	ng 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.	As outlined in the Biodiversity and Riparian Assessment prepared by Umwelt (September 2023), the mapping of ENV in the Riverstone East Precinct generally corresponds with the findings of additional investigations done for precinct planning. Some minor amendments have been made to account for	Yes	Minor amendments have been made to the ENV mapping to account for clearing of vegetation since 2015. Eco Logical (2015) mapped 60.27 ha of ENV in the Stage 3 precinct boundary, with 7.53 ha in non-certified land (Table 5.1 of the Biodiversity and Riparian Assessment, Umwelt September 2023). The revised mapping
		areas cleared since 2015.		identified 52.75 ha of verified ENV in the Stage 3 precinct boundary, with 6.83 ha of ENV in non-certified land (Table 5.1). The mapping resulted in a reduction of

Commitment ID	Relevant Biodiversity Measure (RBM)	Current status within Riverstone East Precinct Stage 3	Consistency with Commitment	Justification
				7.52 ha of ENV within the Stage 3 precinct boundary.
Additional co	nservation actions within the Growth Centres – native vegetati	on		
Conditions 14, 15 & 16	N/A			
Additional co	nservation actions within the Growth Centres – plants			
17	N/A			
Additional co	nservation 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:	Since exhibition, additional targeted surveys have been undertaken on land to which this condition	Yes	The area of black hatching shown on the biodiversity certification maps is located outside of the Stage 3
Species Green and Golden Bell Frog	Required action Potential population at Riverstone – as shown in black hatching on the biodiversity certification maps: Option 1 • survey to confirm the presence of the species	applies to determine the presence of the Green and Golden Bell Frog. The survey identified the species within the subject lands and identified areas of habitat for protection, in accordance with Option 1.		precinct boundary. As such, this condition is not applicable to this assessment. Consultation with EES was carried out 24 May 2023 with regard to additional survey and assessment within the

Commitment ID	Relevant Biodiversity Measure (RBM)	Current status within Riverstone East Precinct Stage 3	Consistency with Commitment	Justification
	 if the species is present, provide protection of the area of suitable habitat for the species to the satisfaction of the DECC. Option 2 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 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. 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. 			Stage 3 precinct area, with specific reference to Green and Golden Bell Frog. EES confirmed at the time that no further survey or assessment was required. As such, detailed surveys for the GGBF have not been undertaken the stage 3 precinct area. Habitat may occur within the chain of ponds and farm dams in the non-certified land to be rezoned as Rouse Hill Regional Park on the ILP. Suitable habitat comprises vegetated (predominantly Typha), pooled sections of creek lines and vegetated flood plain features that retain water after heavy rain and following flood event. Impacts to these habitat types as a result of future

Commitment ID	Relevant Biodiversity Measure (RBM)	Current status within Riverstone East Precinct Stage 3	Consistency with Commitment	Justification
				development would require assessment under the EPBC Act and BC Act, with the hierarchy of avoid, minimise and offset applied to all assessments.
Additional co	nservation actions within the Growth Centres – development s	ites		
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 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.	Relevant provisions have been included in the Blacktown Growth Centre Precincts Development Control Plan.	Yes	Relevant provisions have been included in the Blacktown Growth Centre Precincts DCP.

Commitment ID	Relevant Biodiversity Measure (RBM)	Current status within Riverstone East Precinct Stage 3	Consistency with Commitment	Justification
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.	An assessment of consistency will be prepared and publicly exhibited with the full precinct planning package.	Yes	This assessment updates the assessment that was publicly exhibited and addresses all RBMs applicable to the planning for the Riverstone East Precinct.
Future threat	ened species listings or discoveries		!	
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 Department of Planning 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 c) whether the SEPP, and related measures, provides adequate protection for the species, population or ecological community.	A Gap Analysis (Umwelt 2023) was undertaken as part of the precinct plan package. The Gap Analysis included a likelihood of occurrence assessment for threatened biota predicted or known to occur in the locality. This assessment included all new species listed after the previous assessment undertaken in 2015 (Eco Logical 2015). No threatened biota listed after this date are	Yes	All new species listed under the BC Act and EPBC Act have been considered as part the Biodiversity and Riparian Assessment undertaken by Umwelt (September 2023) and Gap Analysis (Umwelt, March 2023). It was considered unlikely that any new species listed under the BC Act or EPBC Act are likely to occur in the Stage 3 precinct area.

Commitment ID	Relevant Biodiversity Measure (RBM)	Current status within Riverstone East Precinct Stage 3	Consistency with Commitment	Justification
		considered likely to occur in precinct.		
37	N/A			

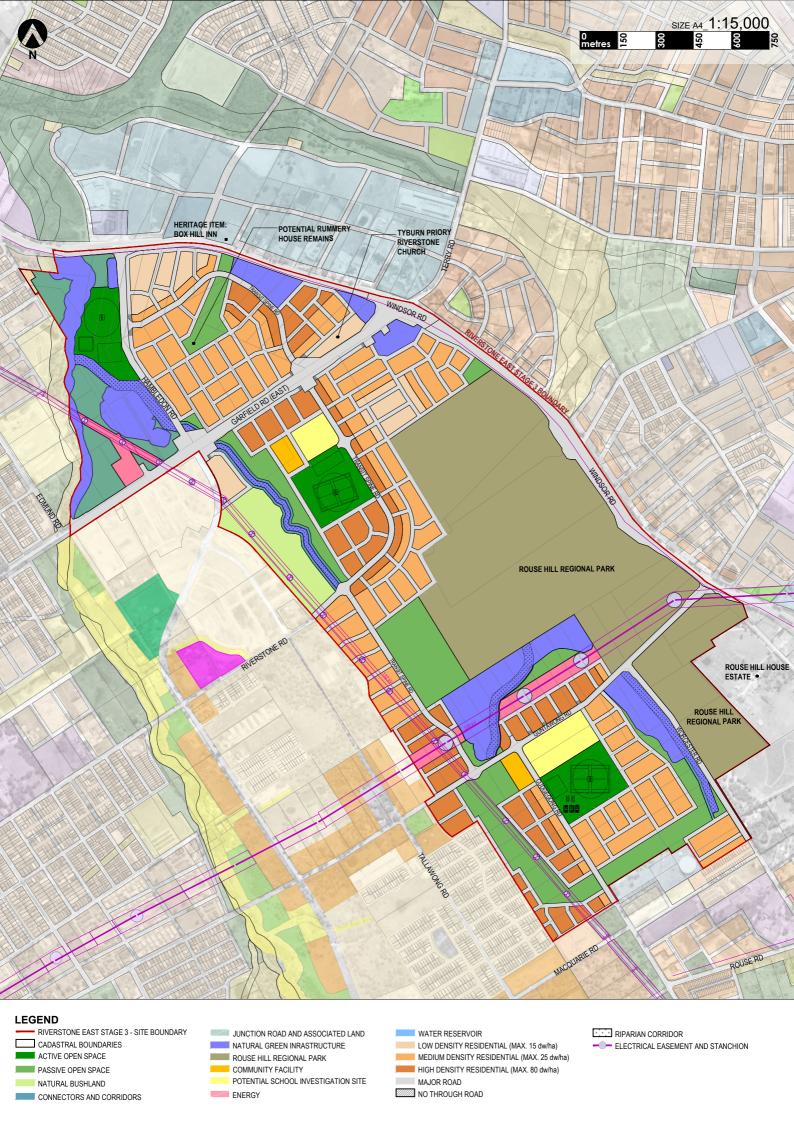
Conclusion

This report has undertaken an assessment of the consistency of Riverstone East Stage 3 Precinct Plan with the biodiversity certification and the applicable relevant biodiversity measures.

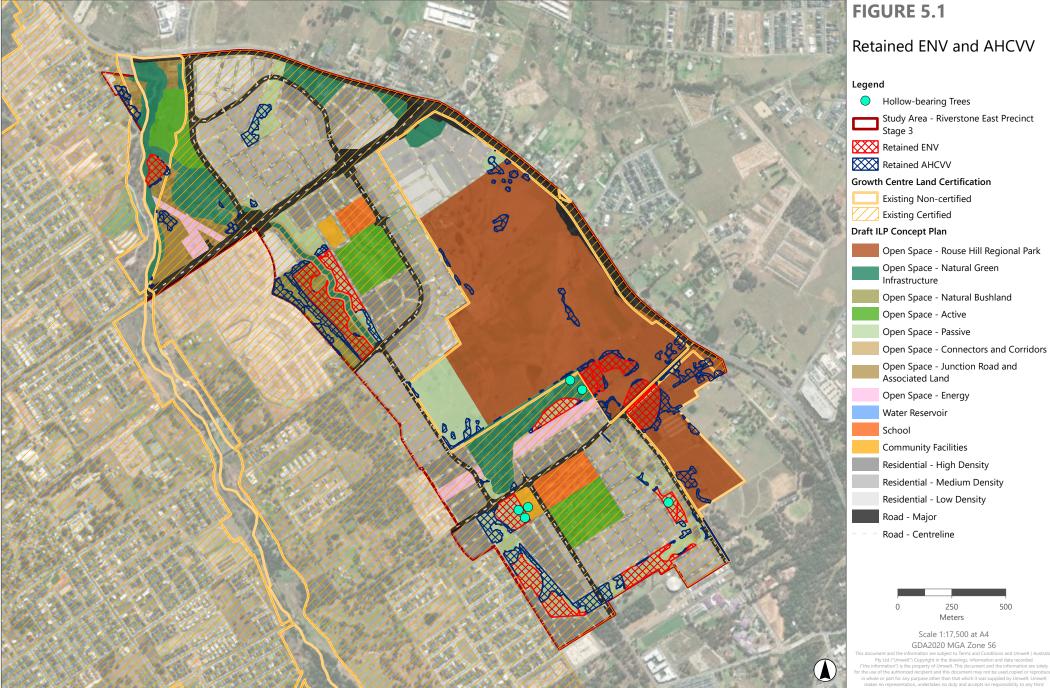
It is concluded that the Riverstone East Stage 3 Precinct Plan is consistent with the biodiversity certification of the Central River City SEPP, as follows:

- Existing Native Vegetation (ENV) Protection: A total of 13.48 hectares of ENV in non-certified land is to be protected under the Riverstone East Precinct Plan across Stages 1 (6.6ha), 2 (1.7ha), and 3 (5.18ha). This does not meet the target of 14.56 ha for Riverstone in accordance with the draft Growth Centres Conservation Plan.
- Certified Zones Protection: Additional areas of native vegetation in certified zones, such as reserves and parks, are protected and publicly owned. For example, 13.51 hectares of ENV on certified land will be retained to offset minor reductions in non-certified areas
- Exceeding Requirements and Offsetting Clearing: Anticipated clearing of some non-certified ENV due to infrastructure projects is offset by protecting equivalent areas within certified lands. For example, a total of 6.83 ha of ENV was identified in non-certified land within the Stage 3 precinct. Of this total, 5.18 will be retained and 1.15 ha will be impacted by the proposed land use zoning outlined in the Final ILP and subsequent future development. An additional 13.51 ha of ENV in biodiversity certified land will be retained to offset this
- Unmapped ENV: Vegetation that meets the definition of ENV but was not previously mapped is also protected. Minor amendments have been made to the ENV mapping to account for areas cleared since 2015
- Controls for protecting ENV: Relevant provisions have been included in the Blacktown Growth Centre Precincts Development Control Plan.
- Clearing Prohibition: The Precinct Plan includes provisions to prohibit the clearing of ENV, with boundary adjustments to include all
 protected areas.

Appendix A









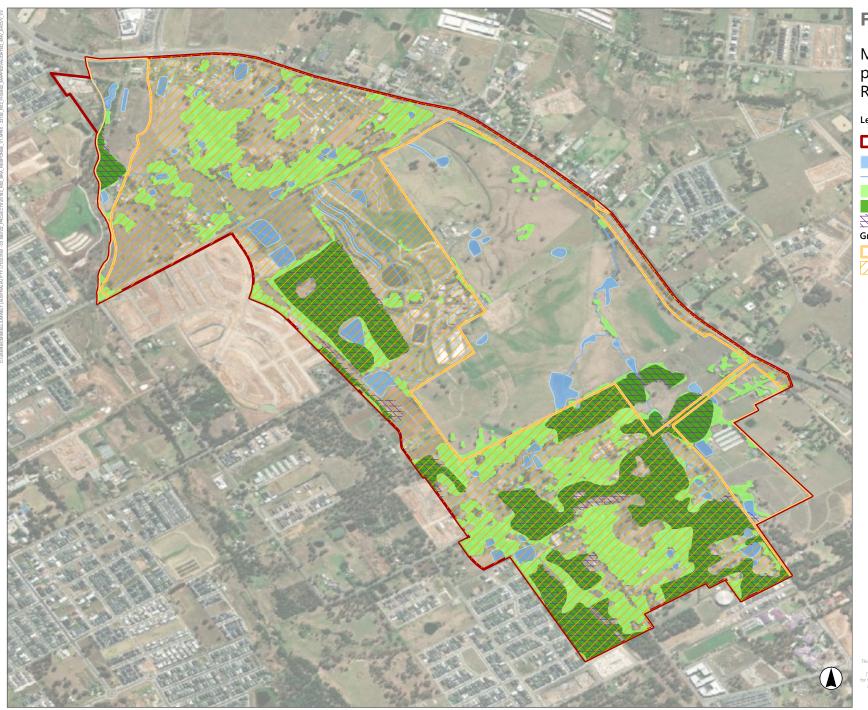


FIGURE 4.2

Mapped and Validated ENV plus AHCVV within the Riverstone East Precinct

Legend



Watercourses Area

Watercourses

Validated AHCVV (Umwelt)

Validated ENV (Umwelt)

Growth Centres ENV (original)

Growth Centre Land Certification

Existing Non-certified

Existing Certified

0 250 50 Meters

> Scale 1:17,500 at A4 GDA2020

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State Environmental Planning Policy (Sydney Region Growth Centres) 2006

North West Growth Centre Native Vegetation Protection Map -Sheet NVP_004

LEGEND

Protected Vegetation

Existing native vegetation area

Native vegetation retention area

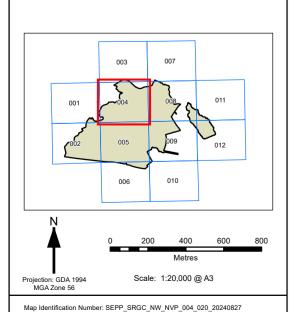
Growth Centre Boundaries

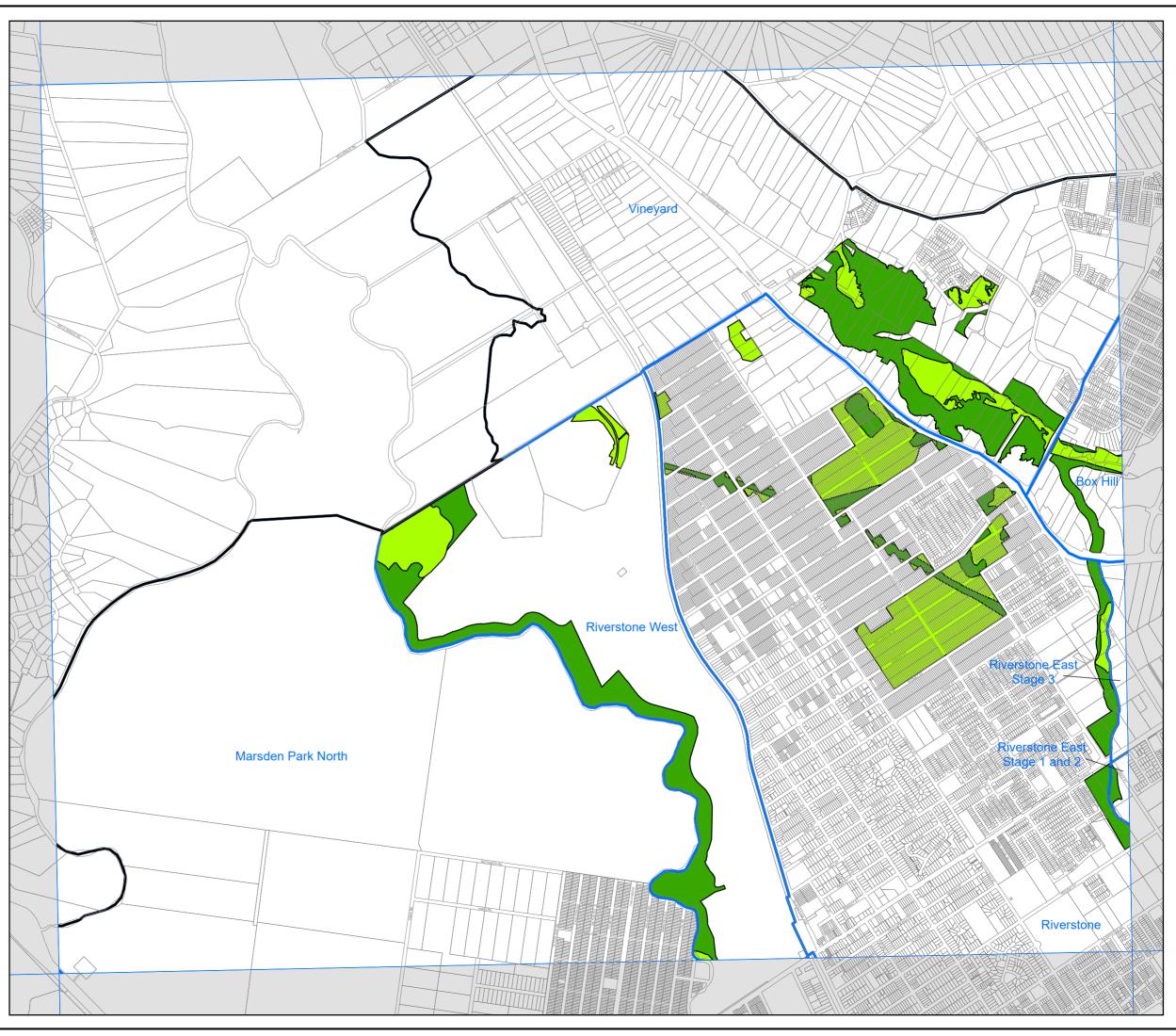
North West Growth Centre Boundary

North West Growth Centre Precinct Boundary

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North West Growth Centre Native Vegetation Protection Map -Sheet NVP_008

LEGEND

Protected Vegetation

Existing native vegetation area

Native vegetation retention area

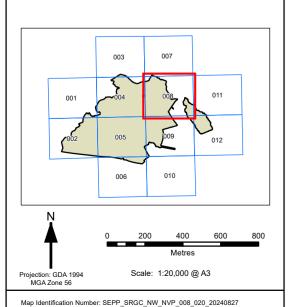
Growth Centre Boundaries

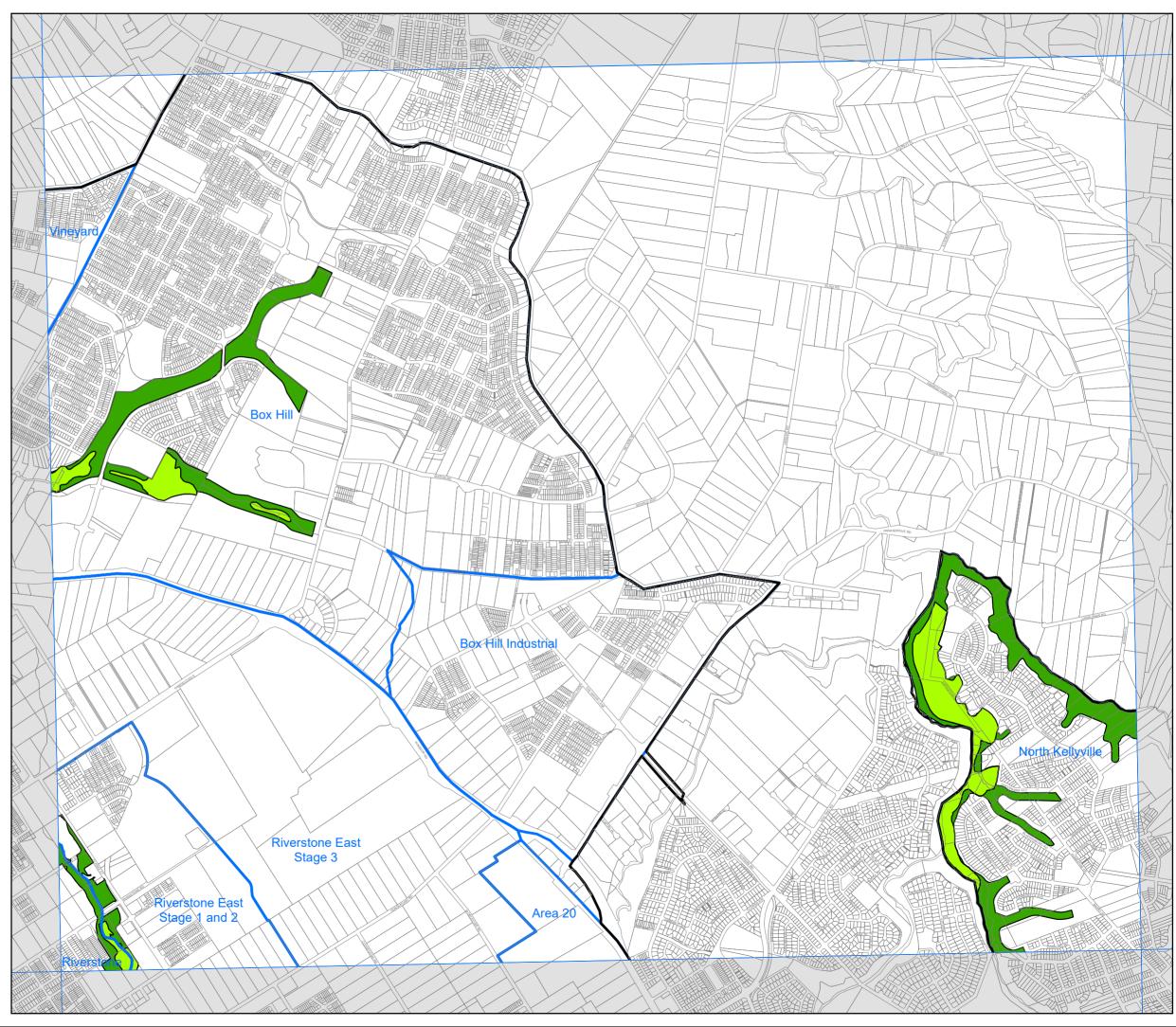
North West Growth Centre Boundary

North West Growth Centre Precinct Boundary

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State Environmental Planning Policy (Sydney Region Growth Centres) 2006

North West Growth Centre Native Vegetation Protection Map -Sheet NVP_009

LEGEND

Protected Vegetation

Existing native vegetation area

Native vegetation retention area

Growth Centre Boundaries

North West Growth Centre Boundary

North West Growth Centre Precinct Boundary

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