

BioBanking

Biodiversity Banking and Offsets Scheme

Part 7A of the *Threatened Species Conservation Act 1995*

BioBanking statement

Statement ID 70

Annexure A: maps

Map 1: Biobanking statement site (14/05/2018)

Map 2: Vegetation Zones (14/05/2018)

Map 3: Credit retirement stages (23/08/2017)

Accredited assessor's ID

0199

Accredited assessor's name

Lindsay Holmes

BioBanking credit calculator version

Version 4.0



Office of
Environment
& Heritage

Section 1: BioBanking statement issued to

Name	K Morris Management P/L and David Greene Properties
ABN	57 161 227 265
Address	395 Thirlmere Way NSW
Postcode	2572

Section 2: Development site

Address	5, 35 and 45 Marion St Thirlmere		
Lot and DP	Lot 2 DP 1188841, Lots 54, 56, 58 & 60 DP 21549		
Local Government Area	Wollondilly		
Site reference	Easting: 276700 AMG zone: 56	Northing: 6212200 Reference system: GDA 94	
Maps	Map 1: Biobanking statement site (14/05/2018) Map 2: Vegetation Zones (14/05/2018) Map 3: Credit retirement stages (23/08/2017)		
Brief description of development	<p>The proposed development is a residential subdivision development located at 5, 35 and 45 Marion Street, Thirlmere (Map 1). The development site is within the East Thirlmere Precinct in the Wollondilly LGA.</p> <p>The land is zoned as R2 residential development. The proposed sub-division provides for 118 lots and an internal road.</p> <p>The overall development site is 9.38 hectares. The native vegetation on the site includes 7.16 hectares of Narrow-leaved Ironbark - Broad-leaved Ironbark - Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion (PCT 1395/BVT HN556). This Plant Community Type is part of the Shale-Sandstone Transition Forest, a community listed as a critically endangered ecological community (CEEC) under the <i>Threatened Species Conservation Act</i> (TSC Act). The remaining 2.22 hectares is substantially exotic vegetation.</p> <p>Native vegetation on the proposed development site has been substantially modified by past land management practices including grazing, under-scrubbing and clearing.</p>		

Section 3

I, the Director of Conservation Programs as the delegate of the Chief Executive of the Office of Environment and Heritage issue this BioBanking statement on the basis that the development specified above, combined with the credit retirement requirements and on-site measures set out in section 4 of this statement, will improve or maintain biodiversity values in accordance with section 127ZL of the Threatened Species Conservation Act 1995. This determination is made on the basis of an assessment of the impact of the development on biodiversity values in accordance with the BioBanking Assessment Methodology.



Sonya Errington
Director Conservation Programs
Office of Environment and Heritage
Date 14.8.18

Schedule 1

Conditions relating to on-site measures

1. The development to which this BioBanking Statement applies, as described in Section 2, must be undertaken in accordance with the following on-site measures:
 - 1.1 Undertake a hollow-bearing tree assessment across the entire site and identify all trees containing hollows that may house fauna.
 - 1.2 An Ecological Management Plan (EMP) is to be prepared and included in the CEMP. The EMP must outline measures for the staged removal of vegetation from the development site to mitigate impacts on fauna. Staged removal is to include clearing of understorey vegetation and non-hollow-bearing trees in Stage 1 and removal of hollow-bearing trees in Stage 2. There is to be a minimum of 24 to 48 hours between Stage 1 and Stage 2. Tree felling is to be attended by a suitably equipped and experienced ecologist to catch and release displaced fauna. The ecologist will work in conjunction with the machinery operator to identify the most benign method of dislodging fauna and for felling trees. Any fauna rescued during vegetation clearance is to be assessed for injuries and, if unharmed, subsequently released into suitable nearby habitat. This may require holding fauna until dusk for release in accordance with relevant animal ethics licensing and standards.
 - 1.3 All hollow-bearing trees are to be sectionally dismantled in the presence of a fauna ecologist. Sections may be reused as ground refugia or re-erected into suitable tree species within nearby bushland in the riparian zone of Redbank Creek.
 - 1.4 If any fauna are injured during vegetation clearing they are to be taken promptly for treatment to a nearby veterinarian or wildlife carer.
 - 1.5 Flora species that are part of the Shale-Sandstone Transition Forest ecological community are to be used for any future street-scaping
 - 1.6 Sediment and erosion control measures should be implemented prior to works commencing within the development site (e.g. silt fences, sediment traps), to protect terrestrial and aquatic habitats downstream. These should conform to relevant guidelines, be maintained throughout the construction period and be carefully removed following the completion of works.

Section 4

Conditions applicable to this BioBanking Statement

The conditions as set out in Schedule 1 and Schedule 2 are applicable to this BioBanking Statement.

Schedule 2

Credit retirement conditions

General

- 2.1 The credits set out in Table 1 below must be retired to ensure that the development to which this BioBanking Statement relates improves or maintains biodiversity values.

Ecosystem credit retirement conditions

- 2.2 The specified number of ecosystem credits in Table 1 must be retired to offset the impacts of the development on the Narrow-leaved Ironbark - Broad-leaved Ironbark - Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion (HN556/ PCT 1359), plant community type indicated on Map 2 in Annexure A to this statement (**Map 2**). The ecosystem credits must be in respect of any one or more of the plant community types within the IBRA subregions listed in Table 1.

Table 1 Ecosystem credits required for the Narrow-leaved Ironbark - Broad-leaved Ironbark - Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion (HN556/ PCT 1359), plant community type indicated on Map 2

Number of ecosystem credits	258
IBRA sub-region	Narrow-leaved Ironbark - Broad-leaved Ironbark - Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion
Plant community type(s) that can be used to offset the impacts from development	Narrow-leaved Ironbark - Broad-leaved Ironbark - Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion (HN556/PCT1395)

Species credit retirement conditions

- 2.3 Nil

Staging of credit retirement

Stage A

- 2.4 Prior to the commencement of any works within the area identified as "Stage A" on Map 3 of Annexure A:
- (a) 62 ecosystem credits identified in Table 1 must be retired in accordance with condition 2.2 to offset the impacts of the development on Narrow-leaved Ironbark - Broad-leaved Ironbark - Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion (HN556/PCT1395) plant community type.

Prior to the commencement of any works credit retirement reports must be submitted to the General Manager, Wollondilly Shire Council to demonstrate retirement of credits in accordance with conditions 2.1 – 2.2.

Stage B

- 2.5 Prior to the commencement of any works within the area identified as "Stage B" on Map 3 of Annexure A:

- (a) 48 ecosystem credits identified in Table 1 must be retired in accordance with condition 2.2 to offset the impacts of the development on Narrow-leaved Ironbark - Broad-leaved Ironbark - Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion (HN556/PCT1395) plant community type.

Prior to the commencement of any works credit retirement reports must be submitted to the General Manager, Wollondilly Shire Council to demonstrate retirement of credits in accordance with conditions 2.1 – 2.2.

Stage C

2.6 Prior to the commencement of any works within the area identified as “Stage C” on Map 3 of Annexure A:

- (a) 33 ecosystem credits identified in Table 1 must be retired in accordance with condition 2.2 to offset the impacts of the development on Narrow-leaved Ironbark - Broad-leaved Ironbark - Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion (HN556/PCT1395) plant community type.

Prior to the commencement of any works credit retirement reports must be submitted to the General Manager, Wollondilly Shire Council to demonstrate retirement of credits in accordance with conditions 2.1 – 2.2

Stage D

2.7 Prior to the commencement of any works within the area identified as “Stage D” on Map 3 of Annexure A:

- (a) 55 ecosystem credits identified in Table 1 must be retired in accordance with condition 2.2 to offset the impacts of the development on Narrow-leaved Ironbark - Broad-leaved Ironbark - Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion (HN556/PCT1395) plant community type.

Prior to the commencement of any works credit retirement reports must be submitted to the General Manager, Wollondilly Shire Council to demonstrate retirement of credits in accordance with conditions 2.1 – 2.2.

Stage E

2.8 Prior to the commencement of any works within the area identified as “Stage E” on Map 3 of Annexure A:

- (a) 60 ecosystem credits identified in Table 1 must be retired in accordance with condition 2.2 to offset the impacts of the development on Narrow-leaved Ironbark - Broad-leaved Ironbark - Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion (HN556/PCT1395) plant community type.

Prior to the commencement of any works credit retirement reports must be submitted to the General Manager, Wollondilly Shire Council to demonstrate retirement of credits in accordance with conditions 2.1 – 2.2.

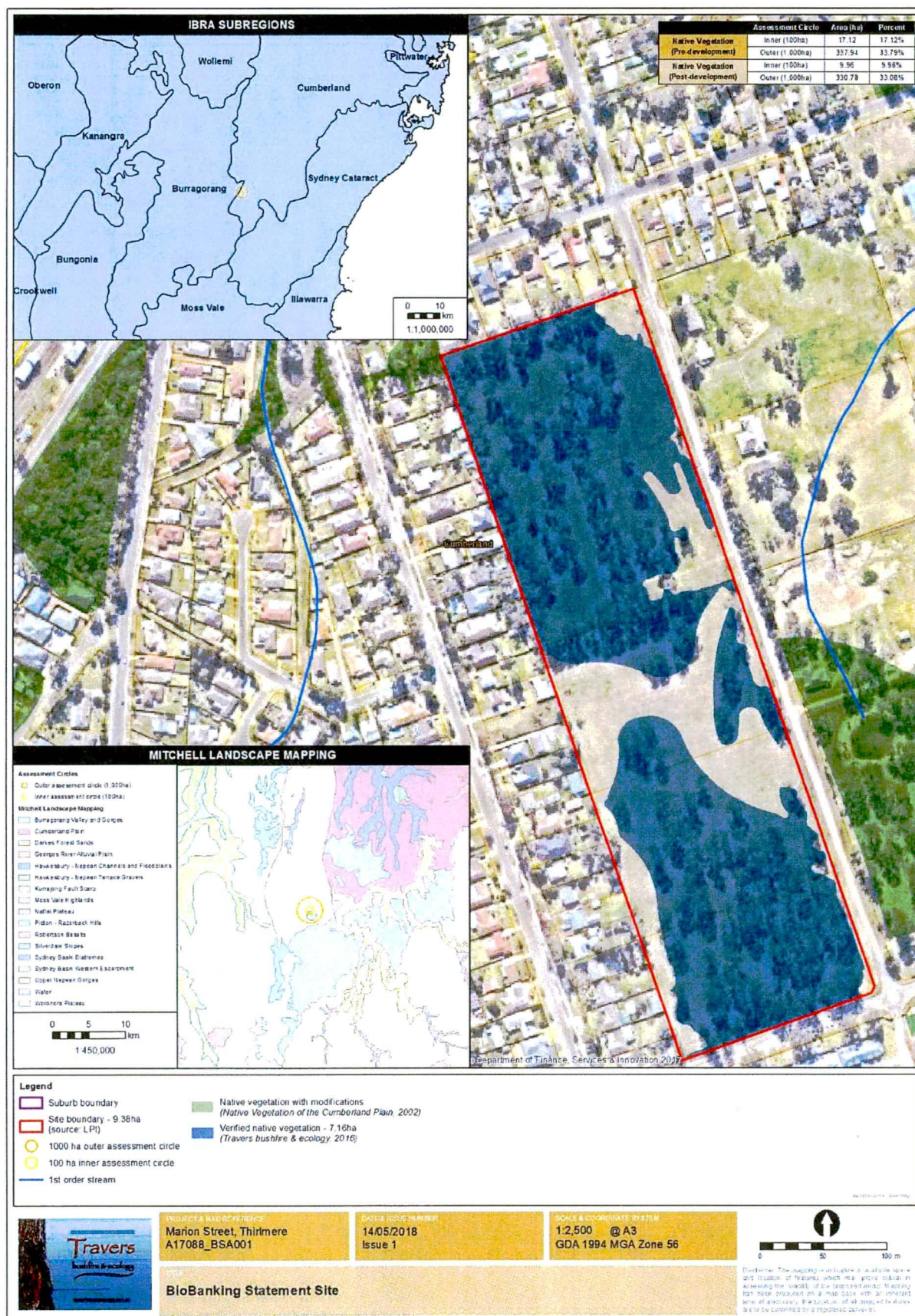
ANNEXURE A

Map 1: Biobanking statement site (14/05/2018)

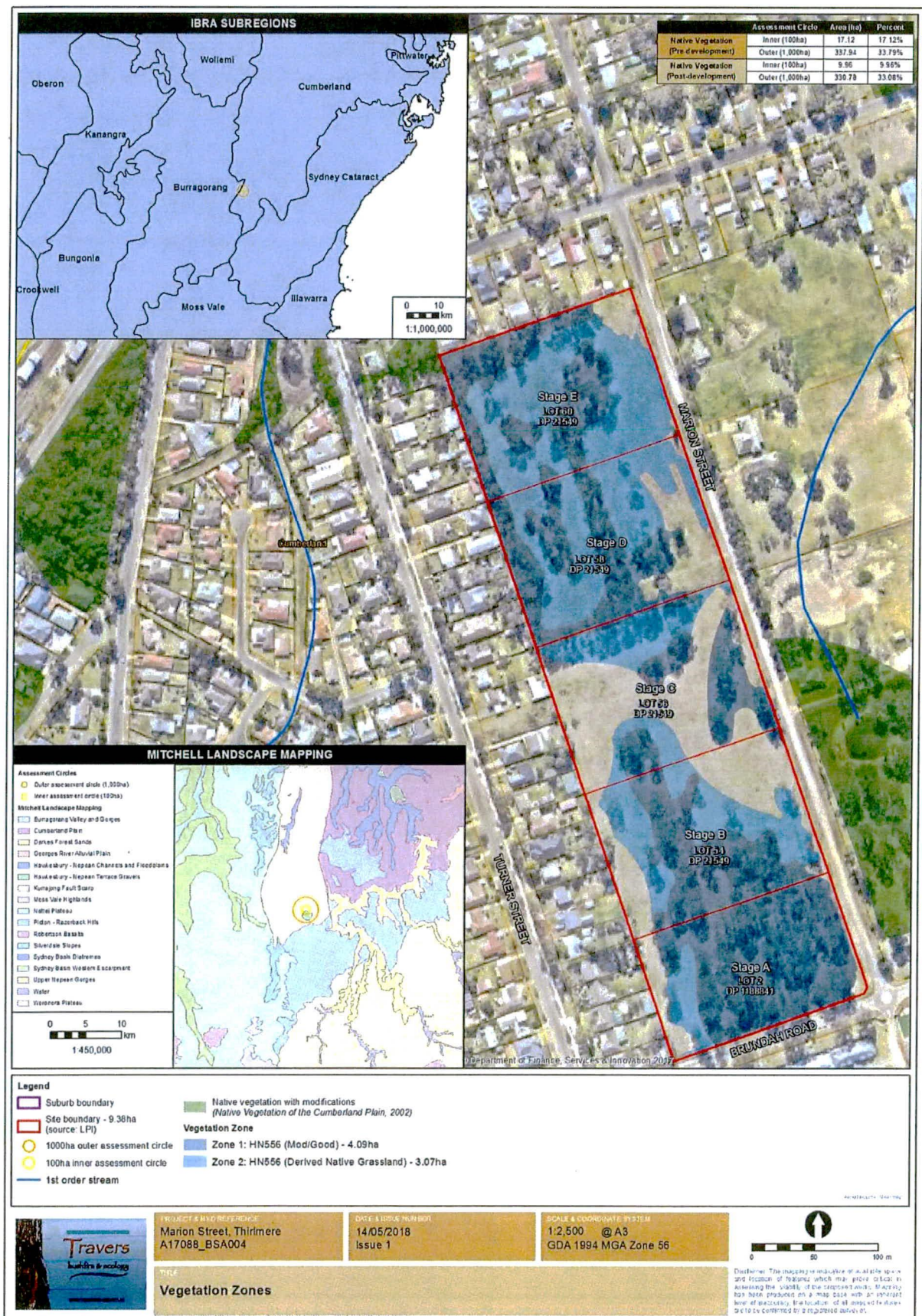
Map 2: Vegetation Zones (14/05/2018)

Map 3: Credit retirement stages (23/08/2017)

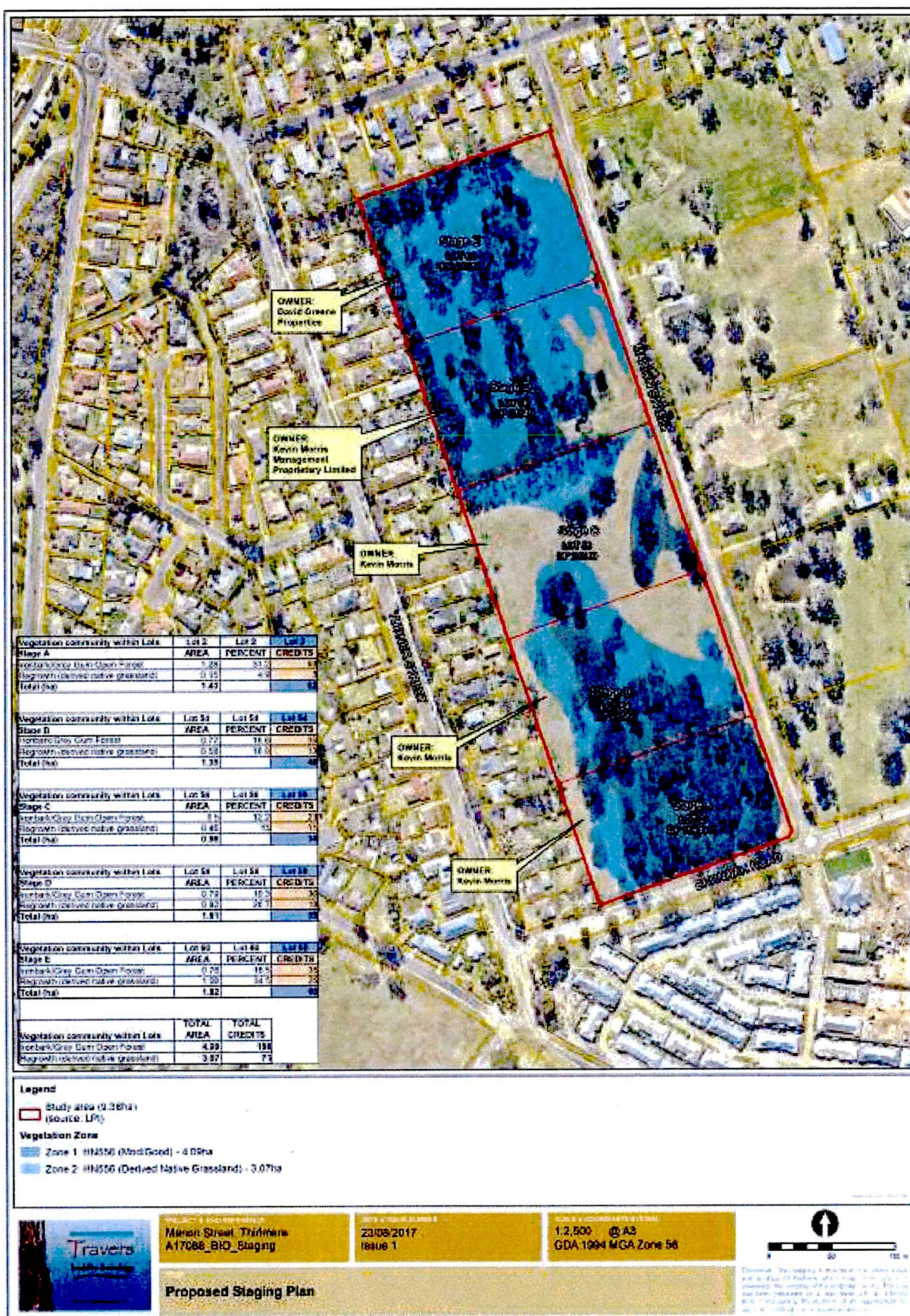
Map 1: Biobanking statement site (14/05/2018)



Map 2: Vegetation Zones (14/05/2018)



Map 3: Credit retirement stages (23/08/2017)



Information about this BioBanking statement

Development to which this BioBanking statement applies

This BioBanking statement has been issued in respect of the proposed development as described in Section 2 of this statement. The BioBanking statement has been issued on the basis of an assessment of the direct and indirect impacts on biodiversity values from the proposed development shown on Map 1. A revised BioBanking statement will be required from the OEH where there are changes to the proposed development or development footprint that impact on biodiversity values.

Modifying the BioBanking statement

If the proposed development to which this BioBanking statement applies is modified so that there is a different impact on biodiversity values, the applicant must apply to the OEH to modify the BioBanking statement. An applicant is not required to apply for a modified BioBanking statement if a consent authority is satisfied that any modification to the proposed development will have no impact on biodiversity values. However, the consent authority may require an updated BioBanking statement that is consistent with the information provided within the development application.

Exemption from threatened species assessment

The development to which this BioBanking statement applies is taken to be development that is not likely to significantly affect any threatened species, population or ecological community, or its habitat, and is therefore exempt from complying with the threatened species assessment requirements under Parts 4 and 5 of the *Environmental Planning and Assessment Act 1979* (EP & A Act).

No additional assessment of impact on biodiversity values required

Where a BioBanking statement has been issued and supplied to a consent authority, the authority is not required to take into consideration the likely impact or effect of the development on biodiversity values.

BioBanking statements and the EP & A Act

If this BioBanking statement is provided to a consent authority or a determining authority prior to the determination of an application under the EP & A Act, the authority must, if it determines to approve the application, include a condition that requires the conditions of this statement to be complied with.

Duration of BioBanking statement

Unless an extension is granted by the OEH, this BioBanking statement will lapse within two years of the date of issue if the proposed development to which this statement applies has not been approved under the EP & A Act.

Retiring biodiversity credits

To retire the biodiversity credits specified in the BioBanking statement, an application must be submitted to the OEH using the application forms available from the web site <http://www.environment.nsw.gov.au/biobanking/forms.htm> and accompanied by the prescribed fee.

If an application to retire credits is successful, the OEH will issue a credit retirement report to the applicant and the relevant consent or determining authority that summarises the class and number of credits that were retired. This information will also be available from the BioBanking statement register within the BioBanking public registers. Physical works on site cannot commence until confirmation is received from the OEH that the credits have been retired.

Enforcement options for breach of a BioBanking statement

If this BioBanking statement is incorporated into a development consent under Part 4 of the EP & A Act or the approval of an activity to which Part 5 of the EP & A Act applies, the holder of the statement must comply with any credit retirement condition and/or condition relating to on-site measures. Failure to comply with a condition of consent or approval may be an offence under the EP & A Act or other legislation under which the approval is granted.

Where a person fails to comply with a credit retirement condition, the Minister may direct the person to retire biodiversity credits within a specified time. Failure to comply with a direction by the Minister without reasonable excuse is an offence, the maximum penalty for which is \$1,100,000.

Other relevant provisions of the National Parks and Wildlife Act 1974

Significant penalties can be imposed by a court if a person harms, or causes or permits the harm to threatened species, or knowingly damages or causes or permits damage to threatened species habitat unless it was essential for the carrying out of development in accordance with a consent or approval within the meaning of the EP & A Act. Interim protection orders may be issued in certain circumstances to protect threatened species and threatened species habitat.