

BioBanking

Biodiversity Banking and Offsets Scheme

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

BioBanking statement	Statement ID 23
	Annexure A: maps Map 1: Site map and development proposal Map 2: Vegetation zones
	Accredited assessor's ID 0103
	Accredited assessor's name Nathan Garvey
	BioBanking credit calculator version Version 4.0



Office of
Environment
& Heritage

Section 1: BioBanking statement issued to

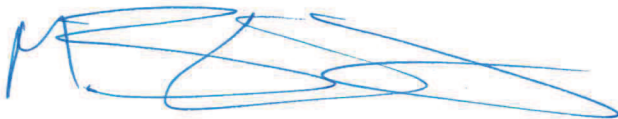
Name	TJ & RF Fordham Pty Ltd
ABN	56 000 548 354
Address	200 Springs Road, Spring Farm, NSW
Postcode	2500

Section 2: Development site

Address	33 – 35 Warradale Road, Silverdale NSW 2751		
Lot/s and DP/s	Lot 5 DP 261728		
Local Government Area	Wollondilly		
Site reference	Easting: 279074 AMG zone: 56	Northing: 6246726 Reference system: GDA 94	
Maps	Map 1: Site map and development proposal Map 2: Vegetation zones		
Brief description of development	<p>The proposed development is the subdivision of Lot 5 DP 261728 to create 87 residential lots and a light industrial area. The land is currently zoned R2 Low Density Residential and IN2 Light Industrial under the Wollondilly Local Environment Plan. Asset Protection Zones around residential buildings will be maintained within the proposed development footprint. Several roads will also be constructed for the development, including one that will pass through a small section of land zoned E2 Environmental Conservation.</p> <p>The total vegetation clearing proposed is 10.83 hectares.</p>		

Section 3

I, the Acting 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.



Michael Wright
Acting Chief Executive
Office of Environment and Heritage
Date 11-11-2016

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 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 Prescriptions for mitigation of potential impacts of construction activities on retained native vegetation and habitat are to be addressed in a site-specific Construction Environmental Management Plan (CEMP). The CEMP must be submitted to the consent authority prior to the issuing of the construction certificate. Physical development works must not commence until the consent authority has approved the CEMP. The CEMP must be prepared taking account of conditions 1.2 to 1.11 below.
 - 1.2 Construction impacts are to be retained within the identified development area and must not encroach into areas of retained native vegetation. All material stockpiles, vehicle parking and machinery storage should be located within the areas proposed for clearing, and not in areas of retained native vegetation.
 - 1.3 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 involves 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. If any fauna are injured during vegetation clearing they are to be taken promptly for treatment to a nearby veterinarian or wildlife carer.
 - 1.4 Where feasible, hollows will be removed from trees and relocated to areas of retained vegetation, either as hollows mounted to trees or hollow-bearing logs to be placed on the ground as habitat for ground-dwelling fauna.
 - 1.5 Native vegetation cleared from the study area should be mulched for re-use on the site to stabilise bare ground.
 - 1.6 All material stockpiles, vehicle parking and machinery storage should be located within the construction footprint. At no time are materials to be stored in areas of retained native vegetation.
 - 1.7 The CEMP must identify and map areas of retained native vegetation, and any construction areas where there is some potential for accidental encroachment, as 'No Go Zones'. These areas are to be fenced on-site with appropriate exclusion fencing. Fencing is to include appropriate signage such as 'No Go Zone' or 'Environmental Protection Area'. All retained vegetation must be fenced within an Environmental Protection Area to prevent encroachment from the construction works.
 - 1.8 Sediment and erosion control measures should be implemented prior to works commencing within the study area (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.
 - 1.9 The construction site must be regularly wet down whilst works are ongoing to minimise dust generation.

- 1.10 All work boots, machinery and equipment should be cleaned prior to entering the study area, and before being transferred to another site, to minimise the risk of transferring soil-borne pathogens and fungi.
- 1.11 The establishment of a Biobank site is proposed for approximately 7.15 hectares of the western portion of Lot 5 DP 261728 (identified as "Biobank site" on Map 1). If a BioBanking agreement is not established on this portion of the lot within two years of the issuing of a construction certificate for the proposed development, a vegetation management plan (VMP) must be prepared for this area. The VMP must be prepared by a suitably qualified bush regenerator or ecologist and contain detailed guidance for the short- and long-term protection and management of retained vegetation, habitat and linkages within this area.

Schedule 2

Credit retirement conditions

General

- 2.1 The credits set out in Tables 1 and 2 below must be retired to ensure that the development to which this BioBanking Statement relates improves or maintains biodiversity values.
- 2.2 All credits required by this statement to be retired in respect of the development to which this BioBanking Statement applies must be retired at the same time.

Ecosystem credit retirement conditions

- 2.3 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) plant community type indicated on Map 2 in Annexure A to this statement. 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. The credits must be retired before physical work can commence on the development site.

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) plant community type indicated on Map 2

Number of ecosystem credits	177
IBRA sub-region	Cumberland - Hawkesbury/Nepean and any IBRA subregion that adjoins the IBRA subregion in which the development occurs
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) Broad-leaved Ironbark - Melaleuca decora shrubby open forest on clay soils of the Cumberland Plain, Sydney Basin Bioregion (HN513) Turpentine - Grey Ironbark open forest on shale in the lower Blue Mountains, Sydney Basin Bioregion (HN604)

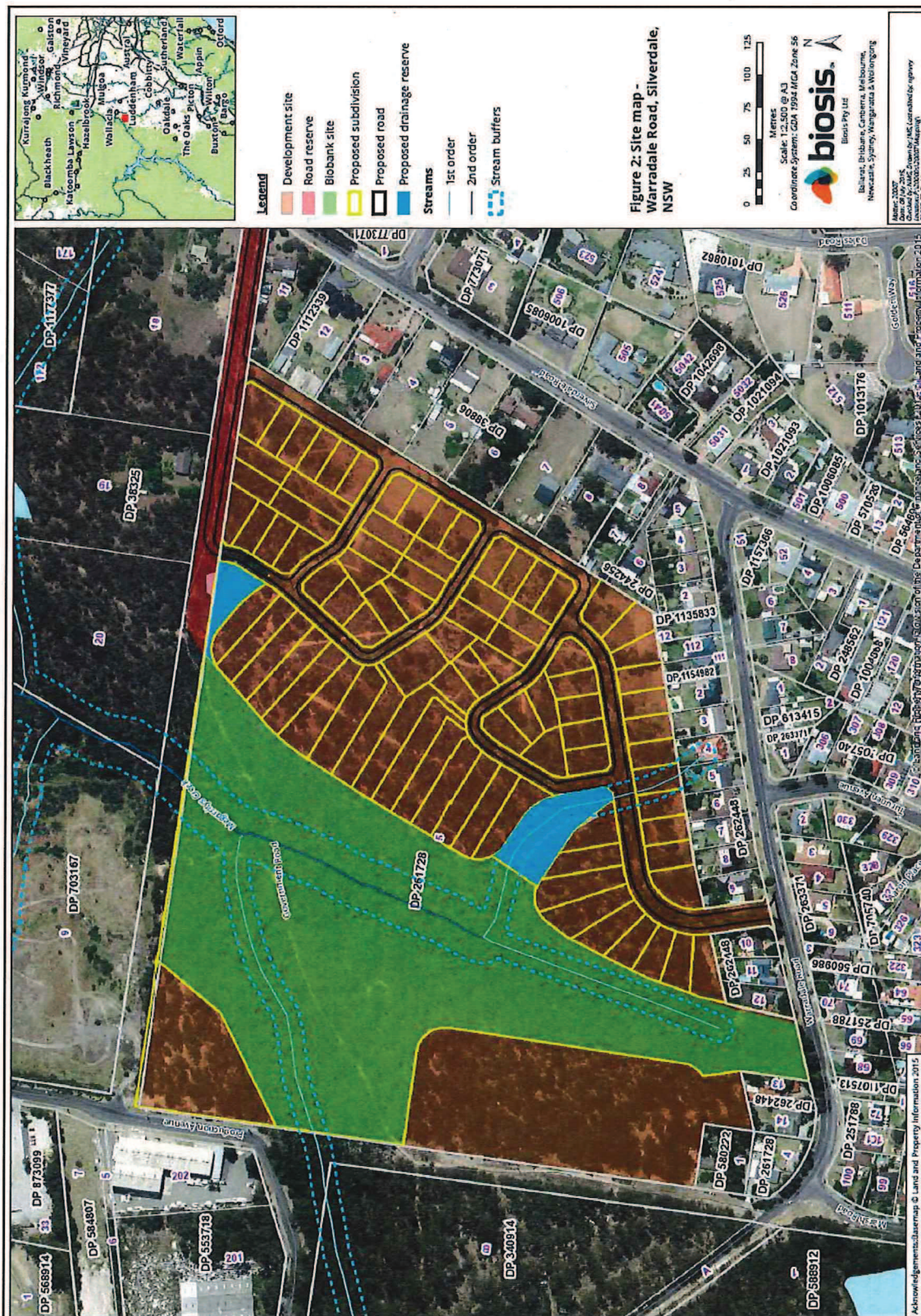
2.4 The specified number of ecosystem credits in Table 2 must be retired to offset the impacts of the development on the for Red Bloodwood - Grey Gum woodland on the edges of the Cumberland Plain, Sydney Basin Bioregion (HN564) plant community type indicated on Map 2 in Annexure A to this statement. The ecosystem credits must be in respect of any one or more of the plant community types within the IBRA subregions listed in Table 2. The credits must be retired before physical work can commence on the development site.

Table 2 Ecosystem credits required for Red Bloodwood - Grey Gum woodland on the edges of the Cumberland Plain, Sydney Basin Bioregion (HN564) plant community type indicated on Map 2

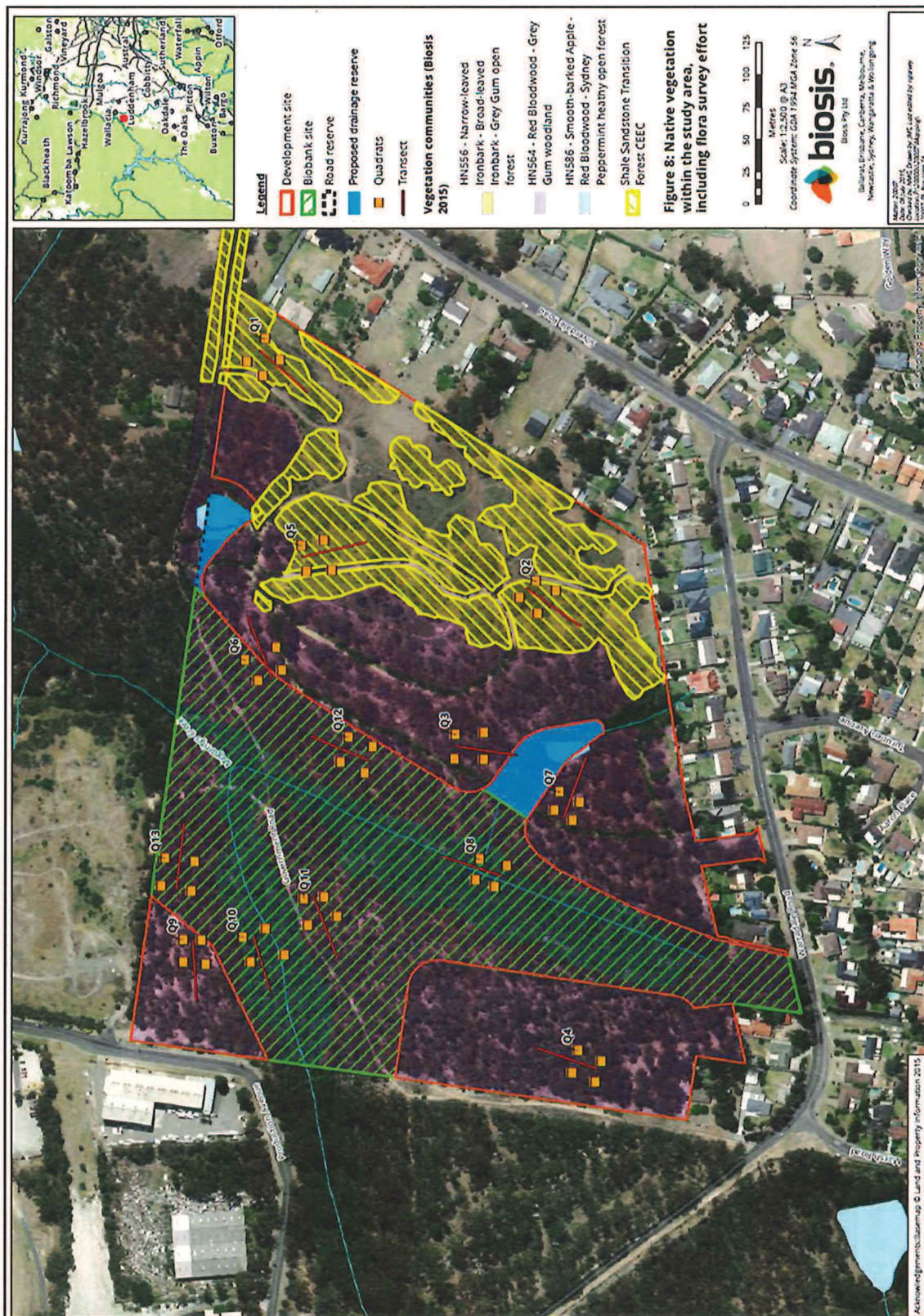
Number of ecosystem credits	333
IBRA sub-region	Cumberland - Hawkesbury/Nepean and any IBRA subregion that adjoins the IBRA subregion in which the development occurs
Plant community type(s) that can be used to offset the impacts from development	Red Bloodwood - Grey Gum woodland on the edges of the Cumberland Plain, Sydney Basin Bioregion, (HN564) Yellow Bloodwood - ironbark shrubby woodland of the dry hinterland of the Central Coast, Sydney Basin Bioregion, (HN612)

ANNEXURE A

Map 1: Site map and development proposal



Map 2: Vegetation zones



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*.

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 *Environmental Planning and Assessment Act 1979*, 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 *Environmental Planning and Assessment Act 1979*.

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 *Environmental Planning and Assessment Act 1979*. Interim protection orders may be issued in certain circumstances to protect threatened species and threatened species habitat.