

BioBanking

Biodiversity Banking and Offsets Scheme

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

BioBanking statement	Statement ID 12
	Annexure A: maps Map 1: Site Location (dated 11/10/2013) Map 2: Vegetation types present on the development site (dated 11/10/2013) Map 3: Spatial representation of Phase 1 and Phase 2 of the development site for the purpose of credit retirement (dated 11/10/2013) Accredited assessor's ID 0101 Accredited assessor's name Mark Aitkens BioBanking credit calculator version Version 2.0



Office of
Environment
& Heritage

Section 1: BioBanking statement issued to

Name	Gunnedah Quarry Products
ABN	97 146 581 473
Address	16 Torrens Road, Gunnedah. NSW
Postcode	2380

Section 2: Development site

Address	Burleith, 334 Pownall Road, Mullaley.
Lot/s and DP/s	Lot 161, DP 755508
Site reference	Easting: 78300 Northing: 6563000 AMG zone: 55 Reference system: GDA94
Maps	Map 1: Site location (dated 11/10/2013) Map 2: Vegetation types present on the development site (dated 11/10/2013) Map 3: Spatial representation of Phase 1 and Phase 2 of the development site for the purpose of credit retirement (dated 11/10/2013)

**Brief description
of development**

Proposed expansion of the Mary's Mount Blue Metal Quarry (as designated development) to a 14.54 hectare pit area. Annual extraction of up to 120,000 bulk cubic metres over a 38 year period. Material will be processed and stored on site, prior to hauling direct to customer.

The development will impact on 3.17 ha of the Semi-evergreen vine thicket of basalt hills of the NSW north western slopes (Benson 147)(NA 199) vegetation type, and 11.37 ha of the White Box – White Cypress Pine shrubby open forest of the Nandewar and Brigalow Belt South Regions (NA 225) vegetation type.

Credit retirement is phased to correspond with the commencement of works in areas identified as Phase 1 and Phase 2 of quarry development.

Phase 1 is the area of the development site outlined in green and identified on Map 3 of Annexure A.

Phase 2 is the area of the development site outlined in orange and identified on Map 3 of Annexure A

Phase 1 consists of 6.27 ha of land; and phase 2 consists of 8.33 ha of land.

Section 3

I, 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.



Sally Barnes
Chief Executive
Office of Environment and Heritage
Date

27 November 2013

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

- 1.1 The development to which this Biobanking Statement applies as described in Section 2, must be undertaken in accordance with the following on-site measures:
 - a) Precise delineation of the areas to be cleared using temporary fencing to prevent over-clearing or encroachment into the areas which are not to be cleared.
 - b) All earth work machinery must be excluded from the area outlined in orange and identified on Map 3 of Annexure A (**Phase 2**) until credits have been retired in accordance with the conditions in Schedule 2.
- 2.1 To prevent disturbance of vegetation within Phase 2, that area must be fenced with a type of permanent fencing. The type of fencing must be adequate to protect the vegetation from damage and disturbance during Phase 1, and must remain in place until all credits have been retired in accordance with the conditions in Schedule 2.

Schedule 2

Credit retirement conditions

General

- 3.1 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.

Timing of Credit Retirement – Phase 1

- 4.1 Prior to the commencement of any works in the area outlined in green and identified on Map 3 of Annexure A (**Phase 1**):

51 ecosystem credits identified in Table 1 must be retired in accordance with condition 7.1 to offset the impacts of the development on Semi-evergreen vine thicket of basalt hills of the NSW north western Slopes (Benson 147)(NA 199) vegetation type; and

318 ecosystem credits identified in Table 2 must be retired in accordance with condition 7.2 to offset impacts of the development on the White Box - White Cypress Pine shrubby open forest of the Nandewar and Brigalow Belt South Bioregions (NA 225) vegetation type.

- 4.2 Credit retirement reports must be submitted to the Manager, Development and Planning, Gunnedah Shire Council to demonstrate retirement of credits in accordance with condition 4.1. Biodiversity credit retirement must be recorded on the biodiversity credit register by OEH to have legal effect. A credit retirement report is produced by the Office of Environment and Heritage (OEH) when credits are retired.

Timing of Credit Retirement – Phase 2

- 5.1 Prior to the commencement of any works in the area outlined in orange and identified on Map 3 of Annexure A **(Phase 2)**:

(a) *101 ecosystem credits identified in Table 1* must be retired in accordance with condition 7.1 to offset the impacts of the development on Semi-evergreen vine thicket of basalt hills of the NSW north western Slopes (Benson 147)(NA 199) vegetation type;

(b) *380 ecosystem credits identified in Table 2* must be retired in accordance with condition 7.2 to offset impacts of the development on the White Box - White Cypress Pine shrubby open forest of the Nandewar and Brigalow Belt South Bioregions (NA 225) vegetation type.

- 5.2 Credit retirement reports must be submitted to the Manager, Development and Planning, Gunnedah Shire Council, to demonstrate retirement of credits in accordance with condition 5.1. Biodiversity credit retirement must be recorded on the biodiversity credit register by OEH to have legal effect. A credit retirement report is produced by OEH when credits are retired.

Annual reporting

- 6.1 To ensure that phased credit retirement is completed in accordance with conditions 4.1 and 5.1 above, the proponent must submit a report to the Manager, Development and Planning, Gunnedah Shire Council on the extent of vegetation disturbance (**annual report**).

- 6.2 The annual report must:

(a) consist of a spatial representation of the extent of vegetation disturbance that has occurred in Phase 1 and Phase 2 using Maps 2 and 3 in Annexure A as base maps,

(b) report on conditions relating to on-site measures required in schedule 1,

(c) be submitted between 8 to 14 months after the development approval (to which this statement relates) commences, and annually thereafter until credits for phase 2 have been retired.

Ecosystem credit retirement conditions

- 7.1 The specified number of ecosystem credits in Table 1 must be retired to offset the impacts of the development on Semi-evergreen vine thicket of basalt hills of the NSW north western Slopes (Benson 147)(NA 199) vegetation type indicated on Map 2. The ecosystem credits must be in respect of any one or more of the vegetation types within the CMA subregions listed and meet, as a minimum, the surrounding vegetation and patch size criteria specified in Table 1.

- 7.2 The specified number of ecosystem credits in Table 2 must be retired to offset the impacts of the development on the White Box - White Cypress Pine shrubby open forest of the Nandewar and Brigalow Belt South Bioregions (NA 225) vegetation type indicated on Map 2. The ecosystem credits must be in respect of any one or more of the vegetation types within the CMA subregions listed and meet, as a minimum, the surrounding vegetation and patch size criteria specified in Table 2.

Table 1 Ecosystem credits required for the Semi-evergreen vine thicket of basalt hills of the NSW north western slopes (Benson 147) (NA 199) indicated on map 2

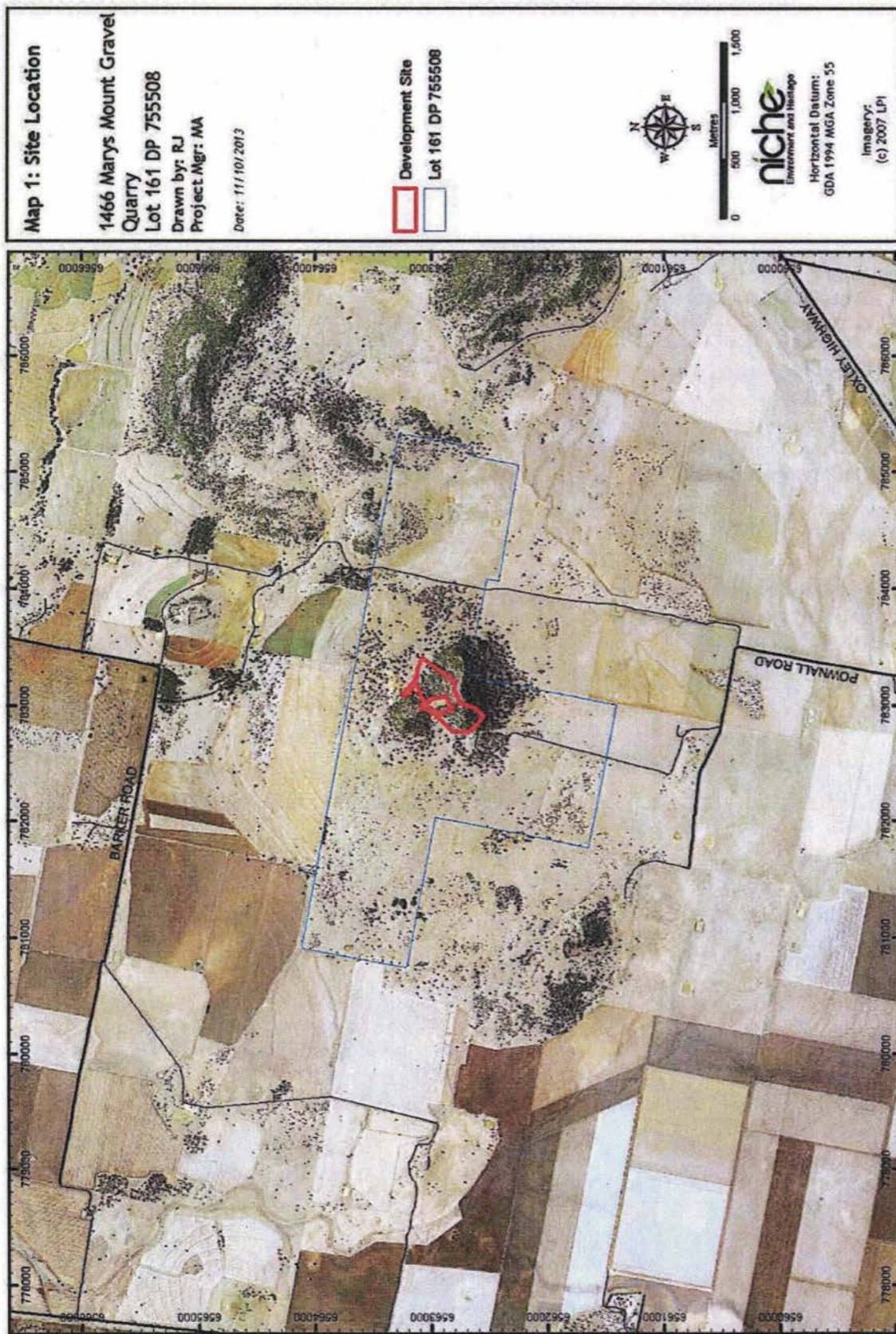
Total number of ecosystem credits	152
Number of credits per credit retirement phase	Phase 1: 51 Phase 2: 101
Surrounding vegetation cover	minimum class 31-70 %
Patch size including low condition	minimum class > 100 ha
CMA sub-region (Catchment Management Authority)	Liverpool Plains (Part B) Tingha Plateau Pilliga - Central West Pilliga (Part A) Pilliga (Part B) Liverpool Plains (Part A) Northern Basalts - Namoi
Vegetation type(s) that can be used to offset the impacts from development	Semi-evergreen vine thicket of basalt hills of the NSW north western slopes (Benson 147), (NA199)

Table 2 Ecosystem credits required for the White Box - White Cypress Pine shrubby open forest of the Nandewar and Brigalow Belt South Bioregions (NA 225) vegetation type indicated on map 2

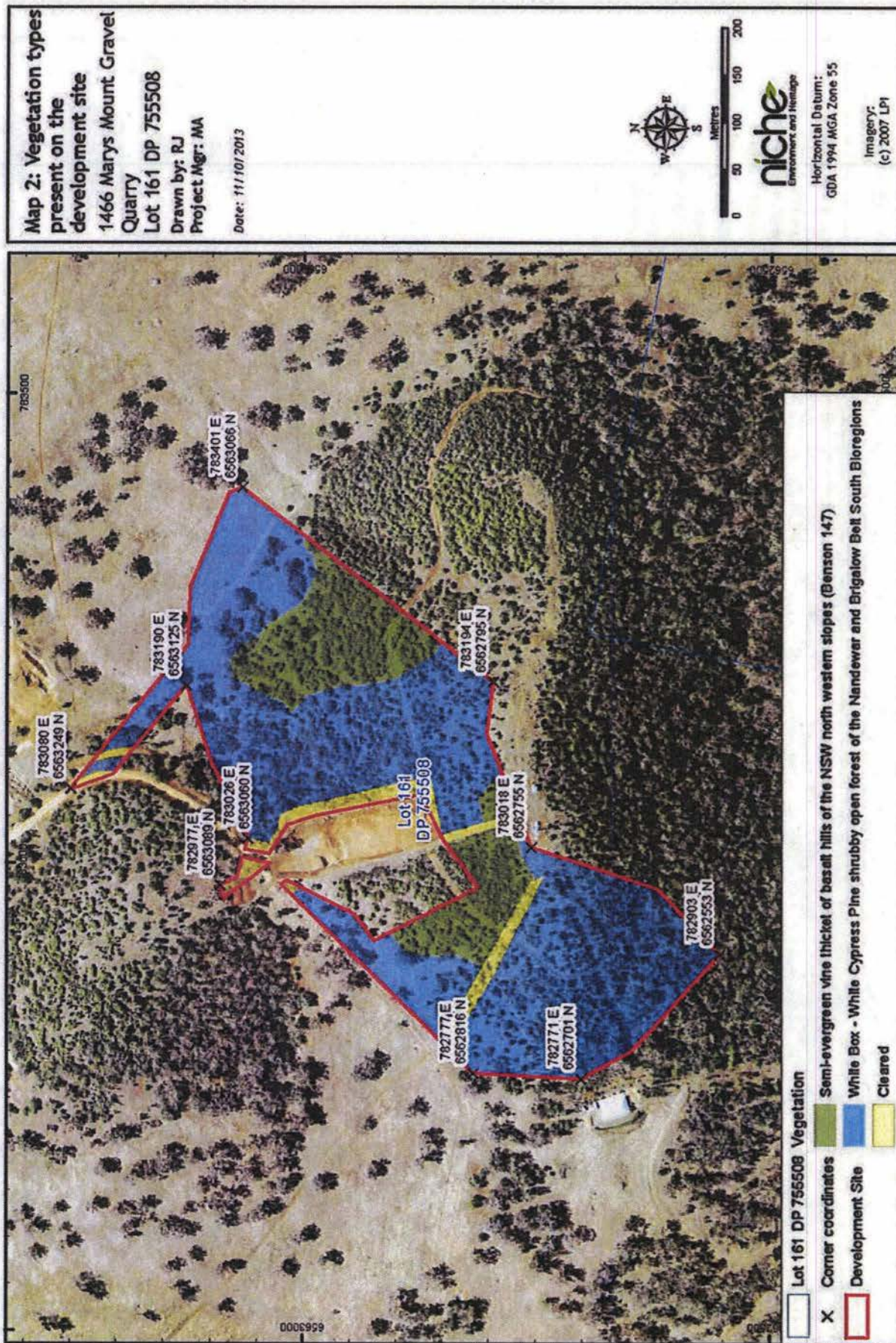
Total number of ecosystem credits	698
Number of credits per credit retirement phase	Phase 1: 318 Phase 2: 380
Surrounding vegetation cover	31-70 %
Patch size including low condition	minimum class >100 ha
CMA sub-region (Catchment Management Authority)	Liverpool Plains (Part B) Pilliga - Central West Pilliga (Part B) Liverpool Plains (Part A))
Vegetation type(s) that can be used to offset the impacts from development	White Box - White Cypress Pine shrubby open forest of the Nandewar and Brigalow Belt South Bioregions, (NA225) White Box - Red Stringybark shrubby woodlands on basalt slopes of the Nandewar and Brigalow Belt South Bioregions, (CW210) White Box - White Cypress Pine shrubby open forest of the Nandewar and Brigalow Belt South Bioregions, (CW214) White Box - Red Stringybark shrubby woodlands on basalt slopes of the Nandewar and Brigalow Belt South Bioregions, (NA222)

ANNEXURE A

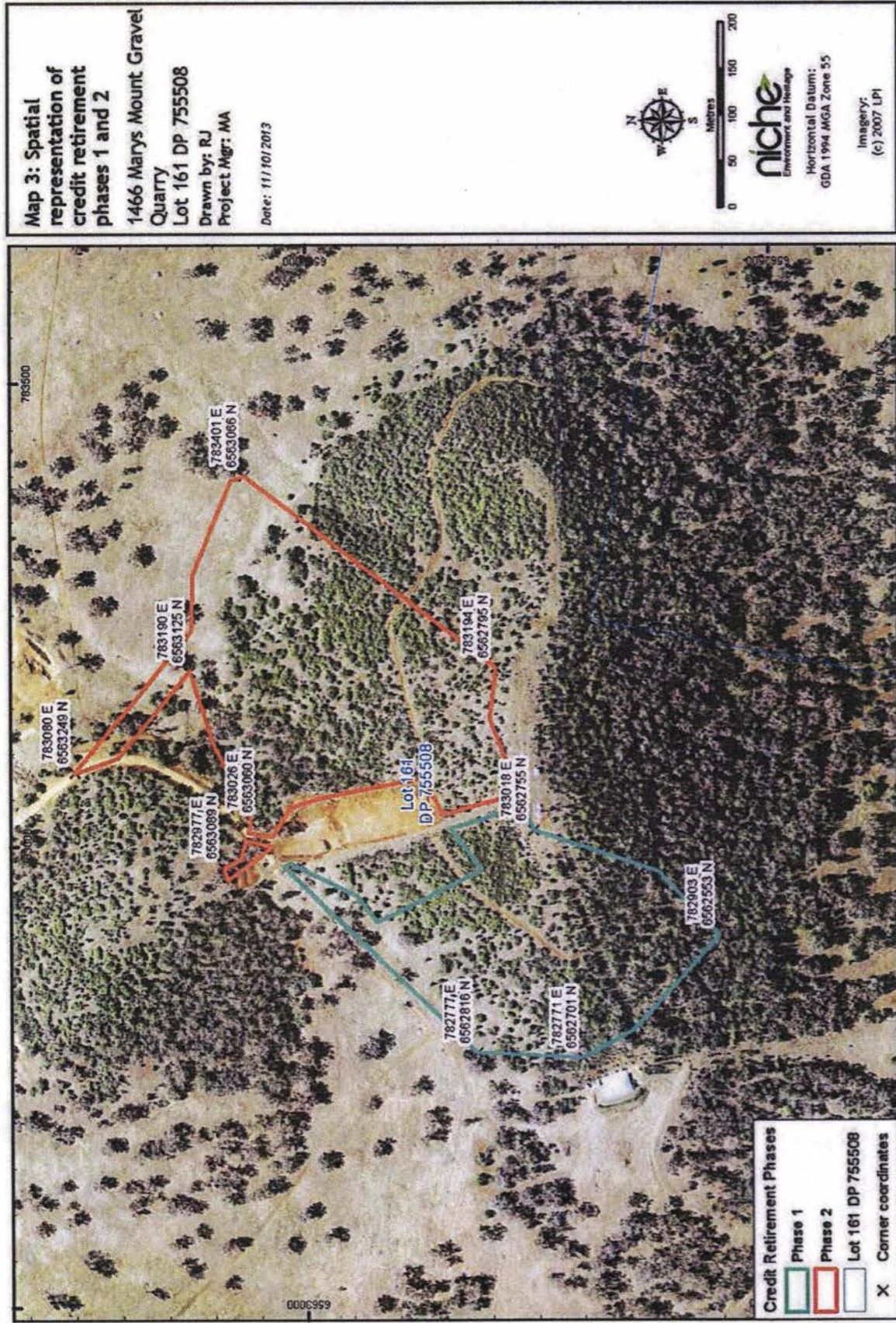
Map 1: Site location



Map 2: Vegetation types present on the development site



Map 3: Spatial representation of Phase 1 and Phase 2 of the development site for the purpose of credit retirement



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.