**APPENDIX A – Biodiversity Conditions – 344 Park Road, Wallacia**

|  |
| --- |
| 1. **Biodiversity Management Plan**   Prior to the issue of a Construction Certificate, a Biodiversity Management Plan (BMP) must be prepared to the satisfaction of Council. The BMP must identify the development site as per the Biodiversity Development Assessment Report (BDAR) Final V.3.0 and dated August, 2021 and the final stamped and approved plans (incorporating the approved Tree Removal and Retention Plan).  Construction impacts must be restricted to the construction and development area of the site and must not encroach into areas of retained native vegetation and habitat.  The BMP must identify all measures proposed in the BDAR to mitigate and manage impacts on biodiversity, including performance measures for each commitment.  The BMP must address all elements outlined in Appendix B. |
| 1. **Updated site plans**   Prior to issue of a Construction Certificate or any works commencing on site, the site plan is to be amended to clearly identify:   1. Wildlife friendly fencing to the boundaries of the subject site 2. Wildlife exclusion fencing to the perimeter of the area subject to the resource recovery facility and associated infrastructure (without barbed wire to prevent mortality to flying foxes and bats) 3. Have an overlay consistent with the final approved Tree Removal and Retention plan |
| 1. **Construction Environmental Management Plan**   Prior to issue of a Construction Certificate or any works commencing on site, the CEMP is to incorporate all relevant requirements of the Biodiversity Management Plan, which must be appended to the CEMP for reference. |
| 1. **Waste Management Plan**  Prior to the issue of a Construction Certificate or any works commencing on site, the Waste Management Plan is to incorporate all relevant requirements of the Biodiversity Management Plan. |
| 1. **Tree removal and retention plan**   Prior to the issue of a Construction Certificate or any works commencing on site, a Tree removal and retention plan (prepared by an AQF5 Arborist) is to be submitted to Council for review and approval. The plan must be indicative of the proposed tree and vegetation disturbance plan, prepared by Carlo Ranieri and Associates and dated 8/6/2021, and attend to the following requirements   1. Clearly identify individual trees for removal and retention 2. Ensure retention is prioritised wherever possible 3. Indicate habitat trees (with hollows) - for removal and retention 4. Tag trees on site to support tree protection requirements, during pre-clearance surveys 5. Confirm tree protection requirements   An inspection by Council representatives will be required, to assess trees recommended for removal. |
| 1. **Demolition**   Immediately prior to demolition, any leaf litter, structures or stockpiles must be inspected by a qualified and liscenced wildlife handler for the safe removal of protected native fauna (including Cumberland Plain Land Snail), and the ethical management of non-native species.  Demolition activities must not commence prior to fencing of the construction site, to ensure any affected individuals are effectively excluded from the site.  Consideration of fauna management requirements within the Biodiversity Management Plan, is required. |
| 1. **Weed management plan**   Prior to works commencing, the first phase of the approved Weed Management Plan targeting weeds with a General Duty under the Biosecurity Act 2015 (see Biodiversity Management Plan) for the entire site is required to be completed. The projects flora ecologist is to certify the works have been completed and provide notification to Council within two weeks of the action being undertaken.  This treatment will help prevent the spread of weeds off site or across the site, following disturbance. |
| 1. **Erosion and sediment control, dust suppression**   Prior to the commencement of works, erosion and sediment control measures shall be installed and maintained throughout the construction phase of the development.  Dust suppression techniques must be implemented throughout the construction phase of the development, to avoid impacts on the surrounding native vegetation. |
| 1. **Fauna protection**   Prior to the installation of fencing to the protection zone and fencing of the construction and development area, removal of native vegetation, or demolition, the fauna management requirements outlined in the Biodiversity Management Plan must be implemented. |
| 1. **Lighting**   Prior to the issue of a Construction Certificate for each phase of the approved development (construction and operational), a lighting plan is to be provided to Council for review and endorsement. The plan is to include design responses to ensure that light impacts are reduced. Lighting design is to consider relevant lighting standards, is to adopt dark sky principles and is to be prepared having regard to the National Light Pollution Guidelines available at –  <https://www.environment.gov.au/system/files/resources/2eb379de-931b-4547-8bcc-f96c73065f54/files/national-light-pollution-guidelines-wildlife.pdf> |
| 1. **Threatened species/native vegetation/fauna protection zone - to the full extent of the boundary of the construction and development zone**   Prior to works commencing, a protection zone is to be established at the perimeter of the construction and development area, according to the final approved and stamped plans - indicating the extent of the construction zone (which must be consistent with the final and approved BDAR).  The protection zone is to be fenced to ensure works do not extend beyond the construction and development area. In addition, the fencing must act to exclude all wildlife from the construction and development area during all phases of this development (construction and operational).  No materials, stockpiles, machinery or vehicles are to enter the protection zone.  Fencing can be permanent (or replaced with permanent fencing upon completion of the construction phase). Temporary or permanent fencing to the construction and development area must not include barbed wire that could cause harm to protected native wildlife.  Signage must be erected to indicate the land beyond the construction and development area is a ‘no-go zone’.  The protection zone is to be inspected and approved by Council. Alternatively, the project ecologist may submit a report to Council verifying the protection zone has been established, with photographic evidence.  The protection zone, is to remain in place in perpetuity. |
| 1. **Tree Protection Zone (TPZ), in accordance with the Tree Removal and Retention Plan**   Prior to works commencing, tree protection measures are to be implemented as outlined in the Australian Standard AS 4970-2009 'Protection of trees on development sites'. The TPZ must appropriately protect native vegetation that is to be retained within the subject land and native vegetation on adjoining public and private domains. A TPZ preserves roots and soil and keeps branches clear of contact with construction equipment and materials. No fill, machinery, or materials are to be placed or stored within the drip line of any tree that is to be retained.  An inspection of tree protection measures implemented within the site is to be undertaken by Penrith Council Officers, prior to works commencing. |
| 1. **Tree preservation**   At all times, no native trees or other native vegetation (including shrubs and understory vegetation) are to be removed, ringbarked, cut, topped, lopped, slashed, mowed or wilfully destroyed, other than that expressly assessed and approved for removal in association with this development application or in accordance with written approval or emergency instruction from the New South Wales Rural Fire Service ) without the prior consent of Penrith City Council in accordance with Penrith Development Control Plan 2014, Biodiversity Conservation Act 2016 and the State Environmental Planning Policy (Vegetation in Non-Rural Areas 2017). |
| 1. **Unexpected finds - threatened species**   If at any time, during pre-clearance surveys or subsequent works (including clearing activities), unexpected threatened flora or fauna species are encountered, a stop-work protocol must be enacted to allow the ecologist to appropriately manage the organism to ensure its continued persistence on site.  Council is to be notified.  Works may recommence, upon guidance from the ecologist. |
| 1. **Credit retirement condition**   Prior to the issue of a construction certificate the class and number of ecosystem and species credits listed must be retired to offset the residual biodiversity impacts of the development.  The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of credits as calculated by the BAM Credit Calculator.  Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition must be provided to Council prior to issue of construction certificate.  Ecosystem credits required to be retired - like for like   |  |  |  |  | | --- | --- | --- | --- | | Impacted plant community type | Number of ecosystem credits | IBRA subregion | Plant community type(s) that can be used to offset the impacts from development | | PCT724 | 4 | Any IBRA subregion that is within 100 km of the outer edge of the impacted site | Shale Gravel Transition Forest in the Sydney Basin Bioregion |   Species credits required to be retired – like for like   |  |  |  | | --- | --- | --- | | Impacted species credit species | Number of species credits | IBRA subregion | | NA | NA | NA | |
| 1. **Formal protection and management of the residual area of the subject land, in perpetuity**   Prior to the issue of an Occupation Certificate, either of the following must be secured on the title:   1. Formal evidence of an approved Stewardship agreement over the residual area of the subject land, with an approved management plan (also to be supplied to Council for reference - in digital format). 2. (Where 1 cannot be attained) an 88b must be registered on the title, with management under an approved Vegetation Management Plan-in perpetuity (to be submitted for review and approval, during its development).   In the event that 1 cannot be achieved, the project ecologist is to contact Councils' Senior Biodiversity Officer to obtain guidance on the requirements for the sites' Vegetation Management Plan.  The extent of the area must meet Council approval, with the expectation that either agreement will encumber the majority of the residual land that sits external to the resource recovery facility and its associated infrastructure and hardstand areas. |