

Part 5 Concurrence Conditions

Proposed New Intercity Fleet Maintenance Facility, Kangy Angy, NSW, 2258

Final conditions:

1. The development must be undertaken in accordance with the Species Impact Statement (SIS) (including the 0.58 hectares of additional land described in WSP Australia Pty Limited [2018b] *Memo to Transport for NSW: BC Act considerations regarding the proposed works outside of the approved Project site boundary for the New Intercity Fleet Maintenance Facility Project*. 21 September 2018. WSP Australia Pty Limited, Newcastle; shown in **Figure 1**) including but not limited to the ameliorative measures documented in Section 7 of the SIS, notwithstanding Condition 2, below.

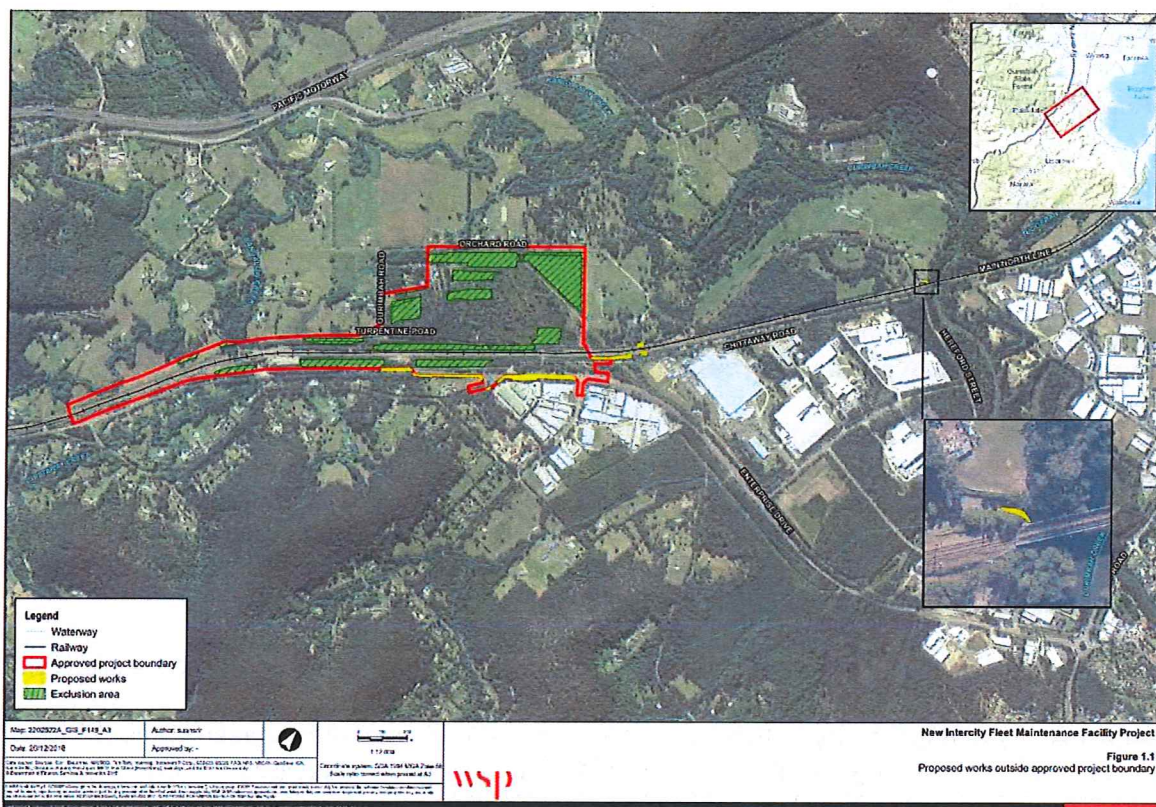


Figure 1. The allowed area of clearing for the New Intercity Fleet maintenance facility at Kangy Angy (from WSP, 2018b).

2. The proponent must provide an appropriate biodiversity offset strategy, and subsequent biodiversity offset package to the satisfaction of OEHL, noting that OEHL's preference is physical land based offsets and/or the retirement of biodiversity credits in accordance with either:
 - i. fully implementing the BioBanking Scheme for the project in accordance with Part 7A of the *Threatened Species Conservation Act 1995* or,
 - ii. implementing the 'OEHL principles for the use of biodiversity offsets in NSW'. [<http://www.environment.nsw.gov.au/biodiversityoffsets/oehoffsetprincip.htm>] OR
 - iii. as otherwise agreed by OEHL.

Under the 'principles based' option, OEHL understands that an offset package may include a mix of: the provision of an offsite land-based offset; the retirement of an appropriate number and type of biodiversity credits (both ecosystem and species credits) in accordance with the Biodiversity Assessment Method, or supplementary measures, such as the payment of sufficient funds into the 'Saving Our Species' program for Biconvex Paperbark. However, any supplementary measures will be capped at no more than 10% of the monetary value of the overall offset package.

3. The proponent must provide:
- i. an appropriate biodiversity offset strategy before construction work on the proposed development site can commence and
 - ii. appropriate biodiversity offset package (including the purchase of any land-based offsets, the retirement of appropriate biodiversity credits and/or implementation of supplementary measures) within 12 months of the commencement of construction works.

Both the strategy and package must be undertaken to the satisfaction of and approval by the Senior Team Leader Planning, Hunter Central Coast Branch within the above timeframes.

4. The measures stated in Section 7 of the SIS must be implemented in addition to the following conditions:

- (a) any translocation of *Melaleuca biconvexa*, by either seed collection or soil biomass transfer is currently outside the realms of the Saving Our Species project for this species and is therefore considered to be additional to offset requirements for impacts for this threatened species. Any translocated plants must be monitored annually for five (5) years;

*Please note, OEH does not consider translocation a suitable offset option for consideration as a 'supplementary' measure' given the uncertainty of its effectiveness, with respect to securing and/or maintaining the long-term conservation of the species being impacted upon. As such this process will be seen as an additional measure over and above formal offset requirements. In this instance, OEH sees some merit in the project, particularly from the view of testing current translocation techniques and strategies for the species. In addition, future 'species credits' could be generated from the site if the species becomes established and persists. Under this scenario such credits could be utilised for a future project or sold to a third party if the site is registered as a Biodiversity Stewardship site. OEH would like to be kept informed of the progress of the translocation project, receive updates and be sent a copy of the final report.

- (b) any translocated plants or soil biomass must be placed within the area enclosed by exclusion fencing to protect the plants from grazing by herbivores or trampling
- (c) translocation must be supervised by an appropriately qualified ecologist
- (d) each translocated plant or soil biomass must be allocated a unique number, be photographed, have its maximum height measured and its location recorded by GPS (Easting and Northings in World Geodetic System (WGS) 84, Zone 56)
- (e) the translocation must be done in accordance with 'Guidelines for the Translocation of Threatened Plants in Australia (Second edition)' produced by the Australian Network for Plant Conservation (dated 2004)
- (f) the translocated plants must be monitored on an annual basis for a period of five (5) years in which the number and height of live stems; presence of flower buds, open flowers, developing fruit, ripe fruit or old fruit stem, number of dead stems, height of dead stems per plant is noted, and each translocated plant is photographed. Annual monitoring reports are to be submitted to the Senior Team Leader Planning, Hunter Central Coast Branch of OEH in the Regional Operations office in Newcastle within 3 months of the monitoring event occurring and
- (g) weeding and other appropriate activities, as determined by an appropriately qualified ecologist and or an accredited bush regenerator, may be conducted in and around the translocated plants of, or soil biomass containing Biconvex Paperbark.