

Council Reference:
YourReference:

18 December 2013

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The Director-General
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Attention: Mr Hall

**Eviron Road Quarry and Landfill Project – Stage 1 (08_0068)
Biodiversity Offset Strategy (Schedule 4 Condition 29)**

The attached details are submitted outlining how Council proposes to implement the Biodiversity Offset Strategy as required in the Environmental Assessment and conditions of approval Schedule 4, 29 and Appendix 4 of the approval.

Under the Biodiversity Offset Strategy Area 1 is required to be conserved in perpetuity.

Security of Area 1

Area 1 is owned by Council and is currently classified under the Local Government Act 1993 (LG Act) as 'operational land', as is the case for the entire Eviron Road Quarry and Landfill site. To secure Area 1 for conservation it is proposed that the portion of land representing Area 1 is reclassified as 'community land', as per Section 33 of the Local Government Act. The reclassification of Area 1 would be done by way of a Council resolution, as per Section 27 of the Local Government Act.

As required by Schedule 4, Condition 29 (b), long-term conservation security is required for Area 1. The notes on the Appendix 4 Map prescribe that it should 'become operational land and be subject to a plan of management. Vegetation is to be designated as a 'natural area (bushland)' and registered with a Section 88B instrument.' The planning mechanisms proposed to secure Area 1 for conservation and the anticipated schedule are described below:

Table 1: Conservation security planning mechanisms and schedule of milestones

Planning mechanism	Milestones	Relevant section of legislation	Estimated time to complete milestone	Estimated time to achieve conservation security
Area 1 to be reclassified from operational land to community land – Natural Area / Bushland		Local Government Act (LG Act), Section 33		
	Council resolution to support reclassification – prepare Council report and send to Council meeting.	LG Act, Section 27	~ 60 days	2 months
	Public notification.	LG Act, Section 34	Period of no less than 28 days	3 months
	Preparation of Plan of Management.	LG Act, Section 35	~ 60 days	5 months
	Council endorsement – prepare Council report accompanied by finalised PoM and send to Council meeting.		~ 60 days	7 months
S88B instrument attained for Area 1	Prepare s88B application and get registered on land title. s88B instrument will identify Area 1 and specify the PoM that details its management requirements.	Conveyancing Act 1919, Section 88B	~90 days	10 months

Based on the estimates provided in Table 1 above, it is anticipated that conservation security for Area 1 could be achieved in approximately 10 months. This timeframe is indicative only as Council staff workloads and the timing of Council meetings may impact the actual delivery.

In accordance with Section 34 of the Local Government Act, public consultation would be required, as described below:

- (1) A council must give public notice of a proposed resolution to classify or reclassify public land.
- (2) The public notice must include the terms of the proposed resolution and a description of the public land concerned.
- (3) The public notice must specify a period of not less than 28 days during which submissions may be made to the council.

As with any land classified as community land, Area 1 would require a plan of management (Section 36 of LG Act) which is required to identify the category of community land. Council propose that Area 1 is categorised as 'natural area – bushland'.

The core objectives for managing community land categorised as natural area is described in Section 36E of the Local Government Act and presented below:

- (a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- (b) to maintain the land, or that feature or habitat, in its natural state and setting, and
- (c) to provide for the restoration and regeneration of the land, and
- (d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
- (e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994.

The plan of management would be prepared in accordance with the guidelines presented in the Local Government (General) Regulation 2005.

Consultation has taken place with the Office of Environment and Heritage regarding the long term security of Area 1 (see attached correspondence). Please note that the submitted White Lace Flower Translocation Plan has identified Area 1 as the only suitable translocation recipient site.

Implementation Plan for Biodiversity Offset Strategy

There are 5 Areas that have been nominated in the EA for the Eviron Road Quarry and Landfill project. Below is a summary of what is proposed to be done in each area. Site personnel will be made aware of retained vegetation areas and the requirements for the protection of these areas.

This document lists the timeframes for establishing the proposals for each area. The Areas nominated below are numbered as per Table 9 that was included in the Project Approval Schedule 4 Item 29.

Area 1

This area is to have the existing vegetation retained, protected and managed as a natural area of bushland. It is also the proposed location for the translocation of the White Lace Flower. The area will be registered with an S88B instrument. Activities that will be carried out at the site will include weed management, restoration and translocation activities and those activities described in the Landscape Management Plan and associated Restoration Plan.

The land will be clearly marked and signposted prior to the commencement of construction to prevent accidental access and or use of the area. Work described above will be carried out over the first 12 months of the project with ongoing monitoring and maintenance after this period.

Area 2

Revegetation of the drainage lines will be undertaken progressively during the construction of the Haul Road and the Quirks Quarry Landfill. The work will be complete prior to the operation of the Quirks Landfill. As with area 1 above there will be ongoing monitoring and maintenance of this area.

Area 3

Revegetation of the ridgelines will be carried out in the areas shown in the Project Approval Appendix 4 – Biodiversity Strategy. This revegetation work will commence once construction work on site commences and the revegetation will be complete prior to the operation of the Quirks Landfill. As with Area 1 above there will be ongoing monitoring and maintenance of this area.

Area 5

Retention and management of native vegetation will be carried out in the areas shown in the Project Approval Appendix 4 – Biodiversity Strategy. Koala feed trees and other fauna resources will be used to enhance the connectivity across the ridgeline.

This work will commence when construction on site commences with the work to be completed prior to the operation of the Quirks Landfill. As with Area 1 above there will be ongoing monitoring and maintenance of this area.

Area 6

The retention of the vegetated corridor along the ridgeline and connectivity to native vegetation will be carried out in Area 6 as shown in the Project Approval Appendix 4 – Biodiversity Strategy. This work will commence when work on site commences. The work will be ongoing for the life of the project and there will be ongoing monitoring and maintenance of this area. This is related to the work carried out in Area 3 above.

A staged Landscape Management Plan will be submitted to the Department of Planning in the New Year, this plan will further detail the Biodiversity actions to be implemented in conjunction with the Restoration Plan.

Council submits this information, as required in Schedule 4, Condition 29, for the Director-General's approval.

Should you require any further information regarding this letter, please contact Project Officer, Michael Donohoe on (07) 5569 3174, mobile 0413 458 601 or email mdonohoe@tweed.nsw.gov.au.

Yours faithfully



Rod Dawson
Coordinator Waste Management

Attachment: OEH consultation response 11/11/2013