

Camden Council
37 John Street, Camden NSW 2570 DX 25807
PO Box 183, Camden 2570 ABN: 31 117 341 764
Telephone: 02 4654 7777 Fax: 02 4654 7829
Email: mail@camden.nsw.gov.au

B Mackinnon

RECEIVED
10 JUL 2015
BY:

6 July 2015

The Hon. Mark Raymond Speakman
Minister for Environment, Minister for Heritage and Assistant Minister for Planning
C/- the Chief Executive Officer, Office of Environment and Heritage
PO Box A290
SYDNEY SOUTH NSW 1232

Dear Minister Speakman,

**RE: BIODIVERSITY CERTIFICATION APPLICATION
EMERALD HILLS ESTATE**

I refer to previous correspondence regarding the Biodiversity Certification of the Emerald Hills Estate within the Camden Local Government Area.

In accordance with the requirements of s126N of the *Threatened Species Conservation Act 1995*, Council has publicly exhibited the application for Biodiversity Certification, and accompanying Biodiversity Certification Assessment Report and Biocertification Strategy for Emerald Hills Estate lands at Leppington.

Five responses were received and issues raised in these submissions have been assessed and addressed in the attached Submissions Report (July 2015).

Council confirms that it wishes to proceed with conferring Biodiversity Certification of Emerald Hills Estate and in this regard encloses the Emerald Hills Estate Biodiversity Certification Application, and final Biodiversity Certification Assessment Report and Biocertification Strategy.

Should you require clarification of any of the points raised or any aspect of the information presented, please contact Council's Team Leader Sustainability, Bernadette Mackinnon, on (02) 4645 5004 or email, bernadette.mackinnon@camden.nsw.gov.au

Yours sincerely,

Vince Capaldi
DIRECTOR COMMUNITY & INFRASTRUCTURE



Biodiversity certification application

Complete this form if you wish to apply to the Minister for the Environment for biodiversity certification under the *Threatened Species Conservation Act 1995*.

Before completing this form, please read the Biodiversity Certification Assessment Methodology at www.environment.nsw.gov.au/biocertification/index.htm. If you need help with completing the form, please phone 131 555.

This is an interactive form. Click on the check boxes and type in your responses. Each field has unlimited characters.

When you have completed the form, print it and **sign where necessary**. Then **post it to**:

Minister for the Environment
c/- the Chief Executive, Office of Environment and Heritage
PO Box A290
SYDNEY SOUTH NSW 1232.

1 Applicant

An applicant for biodiversity certification must be a planning authority (e.g. a local council or the Director-General of the Department of Planning and Infrastructure). If this is a joint application from multiple planning authorities, each authority's details must be provided. The form provides fields for two planning authorities. Photocopy extra pages if more than two planning authorities are involved.

Planning authority 1			
Name	Camden Council		
ABN	31117341764		
Street address			
Address	37 John Street		
Town	Camden		
State	NSW	Postcode	2570
Mailing address (if different from above)			
Address	PO Box 183		
Town	Camden		
State	NSW	Postcode	2570
Main contact			
Name	Bernadette Mackinnon		
Phone	02 4645 5004	Mobile	
Fax		Email	bernadette.mackinnon@camden.nsw.gov.au
Alternative contact			
Name			
Phone		Mobile	
Fax		Email	

Planning authority 2 (if applicable)			
Name			
ABN			
Street address			
Address			
Town			
State		Postcode	
Mailing address (if different from above)			
Address			
Town			
State		Postcode	
Main contact			
Name			
Phone		Mobile	
Fax		Email	
Alternative contact			
Name			
Phone		Mobile	
Fax		Email	

2 Other proposed parties to biodiversity certification

The applicant(s) may propose any other person or body to be a party or parties to the biodiversity certification. By signing section 13 of this application form, such a person or body consents to being made a party to the biodiversity certification. This form provides fields for two proposed parties. Photocopy extra pages if more than two parties are proposed.

Proposed other party 1 (if applicable)			
Name	D&AI Pty Ltd		
ABN	96136122220		
Street address			
Address	975 The Northern Road		
Town	Bringelly		
State	NSW	Postcode	2567
Mailing address (if different from above)			
Address	PO Box 1010		
Town	Narellan		
State	NSW	Postcode	2567
Main contact			
Name	Stephen McMahon		
Phone	0411 486 768	Mobile	0411 486 768
Fax		Email	smcmahon@macarthurdevelopments.com.au
Alternative contact			
Name			
Phone		Mobile	
Fax		Email	
Proposed other party 2 (if applicable)			
Name	South West Land Holdings Pty Ltd		
ABN	51143981113		
Street address			
Address			
Town			
State		Postcode	
Mailing address (if different from above)			
Address	PO Box 373		
Town	Narellan		
State	NSW	Postcode	2567
Main contact			
Name	Stephen McMahon		
Phone	0411 486 768	Mobile	0411 486 768
Fax		Email	smcmahon@macarthurdevelopments.com.au
Alternative contact			
Name			
Phone		Mobile	
Fax		Email	

3 Proposed land for biodiversity certification

List all parcels of land proposed for biodiversity certification. The land proposed for biodiversity certification is the land proposed for future development. A map showing the boundaries of the biodiversity certification area is also required. Sections 4 and 5 deal with the area(s) of land conservation measures will be implemented on.

If any area of the land is identified as being in a 'red flag area' (see section 2.4 of the Biodiversity Certification Assessment Methodology), biodiversity certification cannot be conferred unless the Director General has determined that the impacts on the red flag area may be offset (a 'red flag variation').

Location	
Name (if any)	Leppington, NSW
Total area proposed for certification (hectares)	122.37ha
Title reference (lot and DP numbers and folio identifiers)	10//1173819, 10/1161557, 1/301830
Is a red flag variation(s) sought in accordance with section 2.4 of the Biodiversity Certification Assessment Methodology? (See explanatory text above.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If 'yes', explain how the criteria in section 2.4.1 of the Biodiversity Certification Assessment Methodology will be met.	Section 4 in the BioCertification Assessment Report and BioCertification Strategy addresses the criteria in s. 2.4.1 of the BCAM for each red flag entity to be impacted
What measures are proposed to mitigate the indirect impacts of biodiversity certification on biodiversity values (required under Chapter 6 of the Biodiversity Certification Assessment Methodology)?	Section 4.2.1 of the Biocertification Assessment Report outlines the measures to avoid and minimise impacts on red flag areas

Note: Attach separate documents including maps.

4 Conservation measures proposed to be implemented on land within the biodiversity certification assessment area

<input type="checkbox"/>	There is no land in the biodiversity certification assessment area proposed for conservation measures (go to section 5)
<input checked="" type="checkbox"/>	There is land in the biodiversity certification assessment area proposed for conservation measures (specify below)

Specify the conservation measures proposed to be implemented on land in the biodiversity certification assessment area and list all parcels of land on which these conservation measures are proposed. A map showing the boundaries of the conservation measure area(s) is also required.

This form provides fields for two conservation measures. Photocopy extra pages if there are more than two conservation measures.

Conservation measure (land within assessment area)	
Type of conservation measure	Registration of a BioBanking Agreement under Part 7A of the TSC Act
Party responsible for implementing the conservation measure (include name, contact details and ACN or ABN if corporation)	D&AI Pty Ltd ABN 96136122220
Timing of implementation of conservation measure	Biobanking Agreement currently being assessed by OEH (see Section 5)
Property name and/or street address (if any)	Emerald Hills, 1150 Camden Valley Way
Number of hectares on which proposed conservation measure will apply	20.13 ha
Title reference (lot and DP numbers and folio identifiers)	Part of Lot 10 // DP 1173819
Is a biodiversity certification agreement proposed to secure the conservation measure? If 'yes', attach a copy of the draft agreement to this form.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Conservation measure (land within assessment area) 2	
Type of conservation measure	
Party responsible for implementing the conservation measure (include name, contact details and ACN or ABN if corporation)	
Timing of implementation of conservation measure	
Property name and/or street address (if any)	
Number of hectares on which proposed conservation measure will apply	
Title reference (lot and DP numbers and folio identifiers)	
<p>Is a biodiversity certification agreement proposed to secure the conservation measure?</p> <p>If 'yes', attach a copy of the draft agreement to this form.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Note: If the conservation measure is a planning instrument, supply the relevant local environmental plan or development control plan, including zoning maps.

5 Conservation measures proposed to be implemented on land outside the certification assessment area (other than retirement of biodiversity credits and financial contributions)

<input type="checkbox"/> There is no land outside the biodiversity certification assessment area proposed for conservation measures (go to section 6)
<input checked="" type="checkbox"/> There is land outside the biodiversity certification assessment area proposed for conservation measures (specify below)

Specify the conservation measures proposed to be implemented on land outside the biodiversity certification assessment area and list all parcels of land on which the conservation measures are proposed. A map showing the boundaries of the conservation measure area(s) is also required.

Do not include conservation measures involving the retirement of biodiversity credits or financial contributions here as these will be dealt with in sections 6 and 7 respectively.

This form provides fields for two conservation measures. Photocopy extra pages if there are more than two conservation measures.

Conservation measure (land on certification area)	
Type of conservation measure	Registration of a BioBanking Agreement under Part 7A of the TSC Act
Party responsible for implementing the conservation measure (include name, contact details and ACN or ABN if corporation)	D&AI Pty Ltd ABN 96136122220
Timing of implementation of conservation measure	Biobanking Agreement currently being assessed by OEH (see Section 5)
Property name and/or street address (if any)	Hardwicke Biobank Site, Burragorang Rd , The Oaks (Lot 1 Dp 1101523)
Number of hectares on which proposed conservation measure will apply	Part of 57ha Biobank site
Title reference (lot and DP numbers and folio identifiers)	Lot 1 // DP 1101523
Is a biodiversity certification agreement proposed to secure the conservation measure? If 'yes', attach a copy of the draft agreement to this form.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Conservation measure (land outside assessment area)	
Type of conservation measure	
Party responsible for implementing the conservation measure (include name, contact details and ACN or ABN if corporation)	
Timing of implementation of conservation measure	
Property name and/or street address (if any)	
Number of hectares on which proposed conservation measure will apply	
Title reference (lot and DP numbers and folio identifiers)	
<p>Is a biodiversity certification agreement proposed to secure the conservation measure?</p> <p>If 'yes', attach a copy of the draft agreement to this form.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

6 Biodiversity credits proposed to be (purchased and) retired as a conservation measure

There are no biodiversity credits to be retired as a conservation measure (go to section 7)

There are biodiversity credits to be retired as a conservation measure (specify below)

Specify the type of biodiversity credit and the number of credits to be retired. Specify who currently holds the credits. Photocopy extra pages if required.

Type of credit (ecosystem/ species)	Name of credit	Number of credits	Current credit holder (name and address)	Timing of purchase/ retirement of credits
ecosystem	HN 529	409	Not yet available	See Section 5 of Biocert Strategy

Timing is determined by the Minister under section 126Y 2(b) of the *Threatened Species Conservation Act 1995*

7 Financial contribution proposed as a conservation measure and secured by a biodiversity certification agreement

There is no financial contribution proposed as a conservation measure (go to section 8)

There is a financial contribution proposed as a conservation measure (specify below)

List any financial contribution (other than special infrastructure contributions which are dealt with in section 8) proposed as a conservation measure.

Conservation measure (financial contribution)	
Party responsible for providing financial contribution (include name, contact details and ACN or ABN if corporation)	
Date(s) by which financial contribution is proposed to be provided	
Number and type of credits used to calculate financial contribution	
Amount of financial contribution	
Number and type of credits to which financial contribution is equivalent	
Details of conservation measures proposed to be funded by the financial contribution	
Is a biodiversity certification agreement proposed to secure the financial contribution? If 'yes', attach a copy of the draft agreement to this application.	<input type="checkbox"/> Yes <input type="checkbox"/> No

8 Special infrastructure contribution (SIC) proposed as a conservation measure

<input checked="" type="checkbox"/> There is no SIC proposed as a conservation measure (go to section 9)
<input type="checkbox"/> There is a SIC proposed as a conservation measure (specify below)

Special Infrastructure Contribution (SIC)	
Details of SIC area declaration and Minister for Planning and Infrastructure's SIC determination	
Amount of SIC to be dedicated to conservation measures for the purposes of biodiversity certification	
Number and type of credits to which SIC is equivalent	
Estimated timing of SIC collection into SIC Fund (including commencement of SIC collection and estimated collection rate)	
Estimated timing of SIC payments out of SIC fund for the purpose of funding conservation measures	
Details of conservation measures proposed to be funded by the SIC	

Note: Please attach evidence of support from Director-General of the Department of Planning and Infrastructure

9 Credit summary

List the type and number of all ecosystem and species credits required for the land where biodiversity certification is proposed. Against each required credit type, list the number and type of credits to be created by the proposed conservation measures which are suitable to offset that particular credit type. Photocopy extra pages if required.

Type of credit required for the land where biodiversity certification is proposed	Number of credits required	Number of credits to be created by the proposed conservation measures	Offsetting credit type	Number of credits to be created by the proposed conservation measures	Offsetting credit type	Number of credits to be created by the proposed conservation measures	Conservation Assessment Methodology Section 10 Condition Satisfied? (Yes/No)
Ecosystem	HN529	447	HN529	207 + 669	BioBank Agreement	429	No
Ecosystem	HN526	23		0	BioBank Agreement	-23	Yes

10 Documentation required to be attached

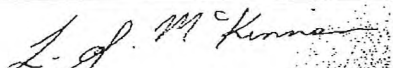
<input checked="" type="checkbox"/> Biodiversity certification strategy
<p>The biodiversity certification strategy must detail:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> land proposed for biodiversity certification <input checked="" type="checkbox"/> land proposed for biodiversity conservation <input checked="" type="checkbox"/> proposed conservation measures <input checked="" type="checkbox"/> parties to the biodiversity certification <p>Both hard copies and electronic copies (on CD) of all information are required.</p>
<input checked="" type="checkbox"/> Biodiversity certification assessment report
<p>The assessment report should cover all land in the biodiversity certification area and all land proposed for conservation measures.</p> <p>Both hard copies and electronic copies (on CD) of all information are required.</p>
<input type="checkbox"/> Biodiversity certification agreement(s)
<p>Attach any draft or executed biodiversity certification agreements that relate to the conservation measures proposed in this form.</p>

11 Biodiversity certification assessment report

The assessment report should cover all land in the biodiversity certification area and all land proposed for conservation measures.

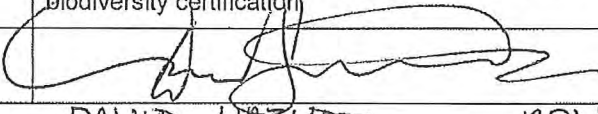
Both hard copies and electronic copies (on CD) of all information are required.

12 BioBanking Assessor declaration

Name	Lucas McKinnon
Accreditation number	0076
Declaration	<p>I declare that all information supplied in relation to the biodiversity certification assessment complies with the Biodiversity Certification Assessment Methodology and, where applicable, the BioBanking Assessment Methodology.</p> <p>I understand that I am personally accountable for the validity of all data collected and analysis performed and that I have adequately supervised all support team members for this assessment.</p> <p>I have undertaken this assessment within the terms of my accreditation as a BioBanking Assessor and have adhered to the BioBanking Assessor code of conduct.</p>
Signature	

13 Consent of other proposed parties

Photocopy extra pages if there are more than three other proposed parties


Name	D and AI Pty Ltd
Consent	In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification
Signature	  DAVID HAZLETT ARNOULD VITOCOCCO

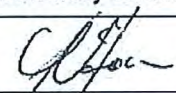
Name	N/A
Consent	In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.
Signature	

Name	N/A
Consent	In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.
Signature	

13 Consent of other proposed parties

Photocopy extra pages if there are more than three other proposed parties


Name	South West Land Holdings Pty Ltd
Consent	In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.
Signature	 DAVID HAZLETT

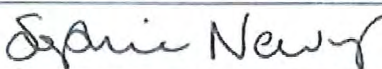
Name	D. Vitocco Constructions Pty Ltd
Consent	In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.
Signature	 ARNOLD VITOCO

Name	
Consent	In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.
Signature	

13 Consent of other proposed parties

Photocopy extra pages if there are more than three other proposed parties

Name	Shaun Newing
Consent	In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.
Signature	 SHAUN NEWING

Name	Palolem Pty Ltd
Consent	In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.
Signature	 SOPHIE NEWING

Name	
Consent	In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.
Signature	

14 Signature(s) of the planning authority(s)


This application should be signed by the legal representative(s) of the planning authority or authorities). The various ways in which the application may be signed, and the people who may sign the application, are set out in the categories below.

Planning authority	Application is signed and certified by
<input checked="" type="checkbox"/> A local council	<input checked="" type="checkbox"/> The general manager (or delegate) in accordance with s.377 of the <i>Local Government Act 1993</i> (LG Act), or <input type="checkbox"/> The seal of the council being affixed in a manner authorised under the LG Act
<input type="checkbox"/> Minister for Planning	<input type="checkbox"/> Minister for Planning and Infrastructure, or <input type="checkbox"/> Delegate of the Minister for Planning and Infrastructure
<input type="checkbox"/> Director-General of the Department of Planning and Infrastructure	<input type="checkbox"/> Director-General of the Department of Planning and Infrastructure, or <input type="checkbox"/> Delegate of the Director-General of the Department of Planning and Infrastructure
<input type="checkbox"/> Other (specify)	

I/we:

- apply to the Minister administering the *Threatened Species Conservation Act 1995* for biodiversity certification of land identified in section 3 of this form, and
- include particulars of the biodiversity certification strategy, and
- declare that the information in this biodiversity certification application (including any attachments) is not false or misleading in any material particular.

Photocopy extra pages if there are more than four signatories.

Signature		Signature	
Name	Vince Capaldi	Name	
Position	Director Community Infrastructure	Position	
Date	28 April 2015	Date	

Signature		Signature	
Name		Name	
Position		Position	
Date		Date	

Affix common seal (if signing under seal)

15 Lodging the application

Once completed and signed, send the application with all supporting documentation to:

Minister for the Environment
c/- the Chief Executive, Office of Environment and Heritage
PO Box A290
SYDNEY SOUTH NSW 1232.

Published by:
Office of Environment and Heritage
Department of Premier and Cabinet
59-61 Goulburn Street, Sydney
PO Box A290, Sydney South 1232
Phone: (02) 9995 5000 (switchboard)
Phone: 131 555 (environment information and publications requests)
TTY: (02) 9211 4723
Fax: (02) 9995 5999
Email: info@environment.nsw.gov.au
Website: www.environment.nsw.gov.au

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