



CONDITIONS OF CONSENT

Native Vegetation Panel Application Reference No. NVPA 20/01 for clearing native vegetation. Has been granted approval pursuant to sections 60ZF(2), (4) and (7) of Part 5A Division 6 of the *Local Land Services Act 2013* subject to the following conditions.

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the clearing.

Terms of Approval

- A2. The clearing of native vegetation may only be carried out:
- (a) in compliance with the conditions of this approval;
 - (b) in accordance with all written directions of the Native Vegetation Panel authorised by this approval;
 - (c) generally in accordance with the Biodiversity Development Assessment Report prepared by Birdwing Ecological Services (Rev 3), dated 10 August 2020; and
 - (d) in accordance with the approved plans in the table below:

Drawings prepared by: -			
Drawing No.	Revision	Name of Plan	Date
-	-	Proposed Plan of Vegetation Removal - Application to NVP	18 August 2020

- A3. The conditions of this approval and directions of the Native Vegetation Panel prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Approval

- A4. This approval lapses five years after the date the approval is granted unless the clearing identified in Condition A2(d) of this approval is commenced before the date on which the approval would otherwise lapse.
- A5. This approval does not allow any component of this approval to be carried out prior to the retirement of the biodiversity credits as detailed in Conditions B1, B2 and B3.
- A6. This approval does not authorise any buildings, works or use of the land identified other than the clearing of vegetation and biodiversity management works.

Compliance

- A7. The proponent must ensure that all of its employees, contractors (and their subcontractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the native vegetation clearing.

ADVISORY NOTES

All licences, permits, approvals and consents

- AD1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the vegetation clearing. No condition of this approval removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

Rural Fires Act 1997

- AD2. The proponent is to contact the Rural Fire Service to ascertain whether any proposed burning requires authorisation under the *Rural Fires Act 1997*. A Fire Permit (fire safety approval) may also be required during the Bush Fire Danger period.

Protection of the Environment Operations Act 1997

- AD3. The proponent is to contact the NSW Environment Protection Authority and/or Gunnedah Shire Council regarding any necessary approval for open burning that may be required by the *Protection of the Environment Operations (Clean Air) Regulation 2010* - Clause 13 and Schedule 8.

Offence to contravene a requirement of approval

- AD4. In accordance with Clause 139 of the *Local Land Services Regulation 2014* it is an offence to contravene a requirement of approval to clear native vegetation granted by the Native Vegetation Panel.

PART B PRIOR TO COMMENCEMENT OF CLEARING WORKS

Biodiversity Offset Scheme

- B1. Prior to carrying out of the clearing of native vegetation authorised by this approval, biodiversity credits must be retired to offset the residual biodiversity impacts of the clearing, as specified in Table 1.

Table 1. Ecosystem credits required to be retired

Impacted Plant Community Type	Number of ecosystem credits	IBRA sub-regions from which the credit can be sourced	Plant community type(s) that can be used to offset the impacts from development
PCT 101 – Poplar Box-Yellow Box- Western grey Box grassy woodland on cracking clay soils mainly in the Liverpool Plains, Brigalow Belt South Bioregion	3	Liverpool Plains	PCT 101 – Poplar Box-Yellow Box-Western grey Box grassy woodland on cracking clay soils mainly in the Liverpool Plains, Brigalow Belt South Bioregion

The Panel has decided, in accordance with section 60ZG(4) of the *Local Land Services Act 2013*, to reduce the number of species credits that would otherwise be required to be retired from three to zero. On balance, the Panel provides the following reason for its decision:

- the species (*Digitaria porrecta*) was not located on the clearing site;
- the likelihood of the species being found on the clearing site, given the extent of existing disturbance, is considered low; and
- if individuals of the species do occur on site, their contribution to the ongoing maintenance and viability of this species is considered low.

- B2. The requirement to retire like-for-like ecosystem credits in condition B1 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.
- B3. Evidence of retirement of credits in condition B1, or payment to the Biodiversity Conservation Fund in satisfaction of condition B2, must be provided to the Office of the Native Vegetation Panel for approval prior to the commencement of clearing works.

Fauna protection (pre-clearing inspection)

- B4. Should koalas be found on site during pre-clearing inspection the applicant must ensure that works:
- are temporarily suspended within a range of 30 metres from any tree which is occupied by a koala;
 - are avoided in any area between the koala and the nearest areas of habitat to allow the animal to move to adjacent undisturbed areas; and
 - do not resume until the koala has moved from the tree of its own volition.

Hygiene protocols

- B5. To prevent the spread of weeds or pathogens between infected and uninfected areas before and during vegetation clearing:
- ensure all plant, equipment and personnel are free of soil and potential weed propagules prior to being brought to the site; and
 - wash down and disinfect vehicles used off-road, or plant, equipment (including hand tools) and boots that have the potential to transport weeds and pathogens before being used on other sites.

PART C DURING CLEARING WORKS

Approved Plans to be On-site

- C1. A copy of the approved plans, specifications and documents incorporating conditions of approval must be kept on the Site at all times and must be readily available for perusal by any officer of the NSW Government or Gunnedah Shire Council.

During clearing activities

- C2. Should koalas be found on site during native vegetation clearing works the applicant must ensure that works:
- are temporarily suspended within a range of 30 metres from any tree which is occupied by a koala;
 - are avoided in any area between the koala and the nearest areas of habitat to allow the animal to move to adjacent undisturbed areas; and
 - do not resume until the koala has moved from the tree of its own volition.

The WIRES (Wildlife Information, Rescue & Education Services) number (1300 094 737) is to be kept on-site by the applicant/landholder. Any injured native fauna detected shall be rescued and transferred to WIRES or a local veterinarian for treatment and/or for rehabilitation.

Method of Vegetation Clearing

- C3. Tree clearing works shall be timed to occur between February and July to avoid impacts to breeding fauna.
Each tree is to be mechanically tapped/gently shaken prior to felling to encourage any remaining fauna to leave.

SafeWork Requirements

- C4. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Dust Minimisation

- C5. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this approval.

Unexpected Finds – Aboriginal Heritage

- C6. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and a registered Aboriginal representative must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by NSW Government (Aboriginal Cultural Heritage Services) and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, archaeologists and NSW Government (Aboriginal Cultural Heritage Services) to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of NSW Government (Aboriginal Cultural Heritage Services).

Unexpected Finds – Other Heritage

- C7. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the NSW Government Heritage Division must be contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of Heritage Division of NSW Government.

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