



18 September 2013

Sam Haddad
Director-General
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Diane Sarkies, A/Manager Rail, Infrastructure Projects

**Inner West Light Rail Extension (MP 10_0111)
Condition B18 – Revegetation and Biodiversity Compensation and Monitoring Package –
Request for Modification**

I refer to the submission of the Revegetation and Biodiversity Compensation and Monitoring Package (the Package) on 5 August 2013 (our ref 2584977) and subsequent email correspondence from the Department on 19 August 2013 advising that TfNSW is required to submit a modification to Condition B18.

TfNSW is seeking two modifications to Condition B18 which are described and justified below. The full Condition with TfNSW's proposed modifications is attached to this letter.

1. Indirect Offsets

Condition B18 requires "... that all vegetation loss, including native vegetation and weeds, is offset by an equivalent area of regeneration or replanting..."

It is proposed to directly offset 0.991ha of the 1.1108ha to be impacted by the Project through the provision of sites within and outside the corridor as detailed in Section 2.2 of the Package. The location and areas of the proposed sites will provide a network of small habitat and shelter sites that will benefit the Inner West Long-nosed Bandicoot (LNB) population and other native fauna in the area.

To offset the remaining area impacted, as previously discussed with, and supported by the Office of Environment and Heritage (OEH) and the Department of Planning and Infrastructure (DP&I), two indirect offset mechanisms are proposed to directly target and benefit the Inner West LNB population. These mechanisms are set out below:

- Provision of shelter sites for LNB within the rail corridor in areas where compensation sites are not feasible due to safety or operational constraints. Typically these shelter sites will service LNBs within a radius of 200m. TfNSW has not included this area in the direct compensation calculations.

In accordance with the compensation sites within the corridor, the shelter sites will be surveyed, documented and provided to the light rail operator and RailCorp/ landowner to ensure ongoing protection.

- Provision of a research project which will provide a targeted promotion of the Inner West LNB population within the community. It is commonly acknowledged that LNB shelter in urban backyards and beneath houses. The proposed project will be funded over a number of months and include gathering of additional information about the species from community sightings and observations in the area. Included in this project is the provision of remote camera monitoring of shelter sites or areas where sightings have previously occurred.

TfNSW will work with the School of Biological Sciences at Sydney University to develop a suitable research project. The project will be undertaken in consultation with the local Councils, OEH and DP&I and results of the project provided to Councils, OEH and DP&I as appropriate.

TfNSW believes that by including the indirect offsets in the Package directly targeted at the Inner West LNB population, that ecological impacts caused by the project on this species are minimised in accordance with the objectives of the Package and the intent of Condition B18.

TfNSW seeks to modify the following clause of Condition B18 [bold added] "... that all vegetation loss, including native vegetation and weeds, is offset by an equivalent area of regeneration or replanting **or indirect offset...**"

2. Long term protection

Condition B18 requires that "any land offset must be enduring and include a conservation mechanism which protects and manages the land in perpetuity."

TfNSW have been advised that the only way to protect sites 'in perpetuity' in accordance with Condition B18 is through the establishment of a funded conservation covenant, such as a Biobank site. Consultation with OEH confirmed they would not accept a Biobank site in an urban setting that is less than 1 hectare in size. Compensation sites proposed as part of the Package are all small in size, with the largest area being 0.22ha, therefore establishment as Biobank sites is not feasible.

TfNSW therefore proposes to provide conservation mechanisms for the sites as set out in Section 3.4 of the Package. TfNSW believes that the mechanisms proposed provide robust long term protection and management for the sites.

TfNSW seeks to modify the following clause of Condition B18 [bold added]: "Any land offset must be enduring and include a **long term** conservation mechanism which protects and manages the land **in perpetuity**."

Should you have any queries please contact Tara Wilcoxon, Environment and Planning Manager on 02 9422 1354 or at tara.wilcoxon@projects.transport.nsw.gov.au.

Yours sincerely,



David Gainsford
Technical Director, Planning & Environment Services

Attachment 1: Condition B18 (modified)

The Proponent shall develop and implement a Revegetation and Biodiversity Compensation and Monitoring Package to outline how ecological impacts will be compensated for and habitat monitored within the corridor, Bushcare and other appropriate sites.

*The Package shall be prepared and submitted to the Director-General for approval prior to construction, unless otherwise agreed by the Director-General, and in consultation with DECCW, relevant Councils, (the GreenWay Sustainability Project, the GreenWay Steering Committee and the IWEG, and have consideration of the GreenWay Revegetation and Bushcare Plan. The Package should ensure that all vegetation loss, including native vegetation and weeds, is offset by an equivalent area of regeneration or replanting **or indirect offsets**, and include:*

- a. the identification of the extent and types of habitat impacts and habitat loss or degradation as a result of the final design of the project;*
- b. the objectives and biodiversity outcomes to be achieved through impact mitigation and compensation measures;*
- c. details of impact mitigation measures, including infrastructure designs that facilitate fauna movements;*
- d. details of the offset measures selected to compensate for the loss of vegetation, including the identification of potential Bushcare sites;*
- e. measures for the management, protection and monitoring of the compensatory sites, including the:*
 - i. monitoring of the condition of fauna and flora species and ecological communities at offset locations;*
 - ii. the methodology for the monitoring program(s), including the number and location of monitoring sites, and the sampling frequency at these sites;*
 - iii. provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with the DECCW; and*
- f. timing and responsibilities for the implementation of the provisions of the Package.*

*Any land offset must be enduring and include a **long term** conservation mechanism which protects and manages the land **in-perpetuity**.*

Where monitoring shows inadequate compensatory habitat results, remedial actions must be undertaken to ensure that the objectives of the Package are achieved