



Ms Katelyn Symington  
Industry Assessments  
Department of Planning, Industry and  
Environment  
GPO Box 39  
SYDNEY NSW 2001

Our ref: DOC19/677416

Your ref: SSD 6917 (MOD 11)

Dear Ms Symington

**Subject: Notification of Modification Application - Oakdale South Industrial Estate (SSD 6917 MOD 11)**

I refer to your email of 12 July 2019 seeking comment from the Environment, Energy and Science (EES) Group in relation to the modification application (MOD 11) for above State Significant Development project.

It is understood the modification application (MOD 11) seeks to:

- update the vegetation management plan (VMP) to incorporate the rehabilitation and maintenance works to the Ropes Creek riparian corridor
- remove reference to biodiversity offset strategy from SSD 6917 and
- update conditions B4, E47 and E47A.

EES Group has reviewed the relevant documentation and provides the following comments.

**Biodiversity offsets**

The modification application (MOD 11) states:

*"Transitional arrangements for Biodiversity Offsetting Strategies prepared under the repealed TSC Act expired in February 2018. This resulted in the redundancy of the Biodiversity Offsetting Strategy for Oakdale South.*

*Reason:*

*+ The BOS prepared under the FBA and TSC Act is no longer accepted by the OEH and will not be accepted by the Biodiversity Conservation Trust (BCT) for the creation of biodiversity offsetting areas. As the BOS is therefore obsolete, it is proposed for removal under MOD 11".*

As the Department is aware, the original approval for this SSD project was issued on 26 October 2016. Transitional arrangements were in place at the commencement of the *Biodiversity Conservation Act 2016* (BC Act) on 25 August 2017 which allowed new biobanking agreement applications to continue to be submitted up until 25 February 2018.

In the applicant's modification application (MOD 11), it appears that there may be some confusion between the biodiversity offset strategy (BOS) and a biodiversity stewardship agreement (BSA) application which is made to Biodiversity Conservation Trust (BCT). A BSA is an agreement that will provide for the permanent protection and management of an area of land to improve its biodiversity values and it enables the generation of biodiversity credits to offset development.



### **Condition E46**

As previously advised, with the introduction of the BC Act the options now available to the applicant to deliver the offset obligations under condition E46 include:

- purchase of appropriate BBAM credits from the market
- obtain a statement of reasonable equivalence to convert the existing biobanking based credit obligation into Biodiversity Assessment Method (BAM) credits and:
  - enter into a biodiversity stewardship agreement under the BC Act on a parcel of land to generate the relevant credit types, then retire the relevant credits. This will require application of the BAM by an accredited assessor
  - pay an amount equivalent to those credits into the BCT.

Should you have any queries regarding this matter, please contact Marnie Stewart, Senior Project Officer Planning on 9995 6868 or [Marnie.Stewart@environment.nsw.gov.au](mailto:Marnie.Stewart@environment.nsw.gov.au).

Yours sincerely,

*S. Harrison 12/08/19*

**Susan Harrison**  
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**Climate Change and Sustainability**  
**Environment, Energy and Science Group**