

Our Ref LEP001/18

30 April 2021



The Hon. Matthew John Kean
Minister for Energy and Environment
c/- the Coordinator-General Environment, Energy and Science
Department of Planning, Industry and Environment
PO Box A290
SYDNEY SOUTH NSW 1232

Dear Minister Kean,

**BIODIVERSITY CERTIFICATION APPLICATION
JACARANDA, GLOSSODIA — HAWKESBURY LOCAL GOVERNMENT AREA**

I refer to the above Biodiversity Certification Application for Jacaranda, Glossodia which is subject to Biodiversity Certification under Part 7AA of the repealed *Threatened Species Conservation Act 1995* which has now been replaced with the *Biodiversity Conservation Act 2016*.

At its Ordinary Meeting on 27 April 2021, Council resolved to submit the Biodiversity Certification Application documentation (post-exhibition amendments) for the Jacaranda Development to the Environment, Energy and Science Group of the Department of Planning, Industry and Environment for assessment and to make the necessary arrangements with the Minister for Environment & Energy to confer the Biodiversity Certification Application.

In accordance with Section 126N of the repealed *Threatened Species Conservation Act 1995* and a requirement of the Environment, Energy and Science Group of the Department of Planning, Industry and Environment, public notice of the exhibition of the Biodiversity Certification Application, Report and Strategy – Jacaranda, Glossodia was placed in the Sydney Morning Herald on Tuesday, 23 February 2021. In addition, public notice of the exhibition of the Planning Proposal and supporting documentation including the Biodiversity Certification Application, Report and Strategy was placed in the Hawkesbury Courier local newspaper on Thursday, 25 February 2021.

The Biodiversity Certification Application documentation was publicly exhibited for the period Thursday 25 February 2021 to Sunday 28 March 2021. Council received no submissions from the community with respect to the Biodiversity Certification Application, Report and Strategy.

In accordance with Council's resolution of 27 April 2021 and Section 126N of the *Threatened Species Conservation Act 1995*, a copy of the Biodiversity Certification Report and Strategy Version 9 (post-exhibition) reflecting the community consultation, supporting documentation and the updated Biodiversity Certification Application Form incorporating the following post-exhibition amendments are forwarded for assessment and determination:

- Amended the size of Conservation Area 1 in Section 4 as 12.01ha.
- Amended Southern Myotis credit requirements in Section 6 and Section 9 in accordance with the Biodiversity Certification Report and Strategy (Version 9).
- Replaced Cumberland Land Snail with Dural Land Snail in Section 9 in accordance with the Biodiversity Certification Report and Strategy (Version 9).





Please find attached the completed Biodiversity certification application. The following Sharefile link provides access to the Biodiversity Certification Application and supporting documentation:

<https://hawkesbury.sharefile.com/d-s353c7560281a4be495e7a36cd271fbb4>

Should you have any enquiries in relation to this matter please contact Karu Wijayasinghe, Senior Strategic Land Use Planner on (02) 4560 4546.

Yours faithfully



Andrew Kearns
Manager Strategic Planning

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	Hawkesbury City Council		
ABN	54 659 038 834		
Street address			
Address	366 George Street		
Town	Windsor		
State	NSW	Postcode	2756
Mailing address (if different from above)			
Address			
Town			
State		Postcode	
Main contact			
Name	Andrew Kearns		
Phone	02 4560 4604	Mobile	
Fax	02 4587 7740	Email	andrew.kearns@hawkesbury.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	Celestino Pty Ltd		
ABN	74 165 629 783		
Street address			
Address	642 Great Western Highway		
Town	Pendle Hill		
State	NSW	Postcode	2145
Mailing address (if different from above)			
Address			
Town			
State		Postcode	
Main contact			
Name	Andrew Jennings		
Phone	02 9842 1245	Mobile	0438 118 179
Fax		Email	andrew.jennings@celestino.net.au
Alternative contact			
Name			
Phone		Mobile	
Fax		Email	
Proposed other party 2 (if applicable)			
Name	EJC Glossodia Pty Limited		
ABN	49 609 760 787		
Street address			
Address	642 Great Western Highway		
Town	Pendle Hill		
State	NSW	Postcode	2145
Mailing address (if different from above)			
Address			
Town			
State		Postcode	
Main contact			
Name	Andrew Jennings		
Phone	02 9842 1245	Mobile	0438 118 179
Fax		Email	andrew.jennings@celestino.net.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)	Jacaranda
Total area proposed for certification (hectares)	143.72 ha
Title reference (lot and DP numbers and folio identifiers)	Part Lots 1-3 DP 784300, Lot 75 DP 214752, Lots 20 DP 214753, Lot 2 DP 533402, Lot 50 DP 751637, Lot 52 DP 1104504, Lot 3 DP 230943
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 5 of the Biocertification Assessment report v9 (ELA 2021) addresses the criteria in s2.4.1 of the BCAM for each red flag entity 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 4.6 of the Biocertification Assessment report v9 (ELA 2021) outlines the measures to avoid and mitigate impacts to biodiversity values and red flag areas. Further, Section 6.5 provides a commitment to prepare and implement a Construction Environment Management Plan that will detail all the measures required to minimise impacts to biodiversity values

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) 1	
Type of conservation measure	Registration of a Biobanking Agreement
Party responsible for implementing the conservation measure (include name, contact details and ACN or ABN if corporation)	EJC Glossodia Pty Ltd 49 609 760 787 Andrew Jennings Ph 02 9842 1245
Timing of implementation of conservation measure	by 24 August 2021 as per savings and transitional provisions
Property name and/or street address (if any)	Part Lots 52 DP 1104504, Lot 3 DP 230943 and Lot 50 DP 751 637 as s
Number of hectares on which proposed conservation measure will apply	12.01 ha
Title reference (lot and DP numbers and folio identifiers)	Lots 1, 2 & 3 DP 784300 Lots 3 DP 230943, 50 DP 751637 and 52 DP 1104504 1, 2 & 3 DP 784300
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	Registration of a Biobanking Agreement
Party responsible for implementing the conservation measure (include name, contact details and ACN or ABN if corporation)	Frank George Pace & Pace Land Holdings Pty Ltd Level 19, 60 Castlereagh Street, Sydney NSW 2000
Timing of implementation of conservation measure	by 24 August 2021 as per savings and transitional provisions
Property name and/or street address (if any)	
Number of hectares on which proposed conservation measure will apply	16.12 ha
Title reference (lot and DP numbers and folio identifiers)	Part Lots 1, 2 & 3 DP 784300 as shown in Figure 18 of the Biocertification Assessment Report v9 (ELA 2021)
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

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 checked="" type="checkbox"/> There is no land outside the biodiversity certification assessment area proposed for conservation measures (go to section 6)
<input 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 outside assessment area) 1	
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)	
Is a biodiversity certification agreement proposed to secure the conservation measure? If 'yes', attach a copy of the draft agreement to this form.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Conservation measure (land outside 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 type="checkbox"/> Yes <input type="checkbox"/> No

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

<input type="checkbox"/> There are no biodiversity credits to be retired as a conservation measure (go to section 7)
<input checked="" type="checkbox"/> 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 ID number)	Timing of purchase/retirement of credits*
Species	Southern Myotis	143	Celestino Pty Ltd	Prior to commencement of Stage A

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	Name of credit and details of credit profile	Number of credits required for land proposed for certification (A)	Type of credit (or equivalent \$) created by proposed conservation measure	Number of credits created by proposed conservation measure (B)	Conservation measure(s) by which credits will be created	Surplus/ deficit of credits (B – A)	Biodiversity Conservation Assessment Methodology section 10 variation requested? (Yes/No)
Ecosystem	Cumberland Plain Shale I	278	HN528	282	Registration of two Bi	4	No
Species	Dural Land Snail	14	Dural Land Snail	15	Registration of a Biob	1	No
Species	Southern Myotis	192	Southern Myotis	49	Registration of a Biob	-143	No
Species	Southern Myotis		Southern Myotis	143	Retirement of credits	0	No

10 Documentation required to be attached

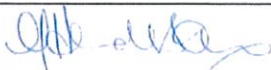
<input checked="" type="checkbox"/> Biodiversity certification strategy
<p>The biodiversity certification strategy must detail:</p> <p><input checked="" type="checkbox"/> land proposed for biodiversity certification</p> <p><input checked="" type="checkbox"/> land proposed for biodiversity conservation</p> <p><input checked="" type="checkbox"/> proposed conservation measures</p> <p><input checked="" type="checkbox"/> parties to the biodiversity certification</p> <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 Public notification – OEH Office Use Only

This section is to be completed after the application form has been submitted and notification requirements have been met.

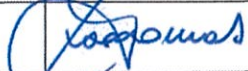
Name of newspaper where notification published	
Date of publication	
Start date of notification period	
End date of notification period	
Public submission response report provided?	<input type="checkbox"/> Yes <input type="checkbox"/> No

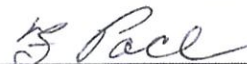

12 BioBanking Assessor declaration


Name	Dr Meredith Henderson
Accreditation number	0155
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	EJC Glossodia Pty Ltd
Consent	In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.
Signature	 PoA: 21 January 2016 Book: 4701 No 392

Name	Frank George Pace and Pace Land Holdings Pty Ltd
Consent	In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.
Signature	  FRANK PACE

Name	Celestino Pty Ltd
Consent	In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.
Signature	 PoA: 19 November 2014 Book 4678 No 413.

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

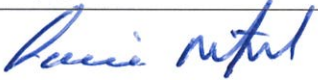
This application should be signed by the legal representative(s) of the planning authority or authorities). The various ways in which the application may be signed, and the people who may sign the application, are set out in the categories below.

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	LAURIE MIFSUD	Name	
Position	ACTING GENERAL MANAGER	Position	
Date	30 APRIL 2021	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

OEH 2012/0044
January 2012