Biodiversity
Certification for the
Albury Local
Environmental Plan
2010 - Proposed
extension

4 November 2025





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#### **ACRONYMS / ABBREVIATIONS**

ACC Albury City Council

AELs Albury Environmental Lands

AHIP Aboriginal Heritage Impact Permit

ALA Atlas of Living Australia

AOBV Adverse effects on areas of outstanding biodiversity value

API Application Programming Interface

AWDC Albury Wodonga Development Corporation

BAM Biodiversity Assessment Method
BC Act Biodiversity Conservation Act 2016

BCAR Biodiversity Certification Assessment Report
BDAR Biodiversity Development Assessment Report

BioNet BioNet Atlas

BOS Biodiversity Offsets Scheme
CSP Community Strategic Plan
DA Development Application
DCP Development Control Plan

Department Department of Climate Change, Energy, the Environment & Water and any of its

former naming variations.

EP&A Act Environmental Planning and Assessment Act 1979

EPBC Act Environment Protection and Biodiversity Conservation Act 1999

Ha Hectares

IP&R Integrated Planning and Reporting

LGA Local Government Area

LMIP Land Management Incentive Program
LSPS Local Strategic Planning Statement

MNES Matter of National Environmental Significance

PCT Plant Community Type

PoM Plan of Management for Community Land

REF Review of Environmental Factors

RNES Regional Natural Environment Strategy
SAII Serious and Irreversible Impact species
TEC Threatened Englagical Community

TEC Threatened Ecological Community

TSC Act Threatened Species Conservation Act 1995

ToS Test of Significance

TWPSP Thurgoona Wirlinga Precinct Structure Plan

#### **EXECUTIVE SUMMARY**

Biodiversity certification was conferred on Albury Local Environmental Plan 2010 (Albury LEP 2010) pursuant to the Threatened Species Conservation Act 1995 (TSC Act) on 25 February 2011. The certification was for a 10-year period expiring on 24 February 2021 and applied to the Albury Local Government Area (LGA) excluding six mapped locations.

Biodiversity certification replaced site-by-site, development-by-development assessment of threatened species with a landscape wide strategic assessment. The principal objectives of biodiversity certification were noted as being to 'maintain or improve' biodiversity values and offer a more streamlined development approval process for applicants.

Instrumental to the conferring of biodiversity certification in 2011 were the Albury Ranges and the Thurgoona Threatened Species Conservation Strategies commissioned by the Albury Wodonga Development Corporation (AWDC), and the transfer of over 600ha of AWDC land identified in the Strategies as having conservation value to the State of NSW (Department of Lands). The transfer of the Albury Environmental Lands (AELs) by the AWDC to the Department of Lands was accompanied by over \$6 million in funding for its future management. The AELs were subsequently transferred by the Department of Lands to Albury City Council (ACC) in 2019 with the balance of the funding. As of 30 June 2025, an amount of \$3.45 million is being held by ACC exclusively for the AELs

The Biodiversity Certification of Environmental Planning Instruments Order 2017 revised the biodiversity certification area so that biodiversity certification only applied to land zoned Business, Industrial or Residential immediately prior to the commencement of the Biodiversity Conservation Act 2016 (BC Act).

In 2020, ACC made application to extend biodiversity certification. The application was approved, and a five-year extension was granted. Biodiversity certification is now scheduled to expire on 24 February 2026 unless an extension is granted pursuant to this application.

ACC is requesting that biodiversity certification be extended for a period of eight (8) years and that any extension apply to a reduced area comprising the Thurgoona Wirlinga Precinct as defined by the boundaries of the Thurgoona Wirlinga Precinct Structure Plan (TWPSP). The Thurgoona Wirlinga Precinct is the area where the most benefit can be derived from the strategic approach that biodiversity certification offers in providing housing whilst protecting biodiversity values. Notwithstanding this, ACC will continue to manage non-certified land for its biodiversity values through a combination of on ground works, restoration, community engagement, and planning as outlined in Section 6.1.

The extent of biodiversity certified land within the Thurgoona Wirlinga Precinct is also proposed to be reduced. This is because any land situated in the Thurgoona Wirlinga Precinct that is currently biodiversity certified and that has been rezoned to C2-Environmental Conservation or C3-Environmental Management after 2017 will be excluded from biodiversity certification. In addition, any land situated in the Thurgoona Wirlinga Precinct and rezoned to Business, Industrial or Residential since 2017 that is currently not biodiversity certified, will also remain excluded from biodiversity certification.

In support of the application for an extension, evidence of ACC's compliance with the agreed measures and legislative directions given at the time of the previous extension is provided. These included amendments to Part 5 of Albury Development Control Plan 2010 (Albury DCP 2010) to protect native vegetation, measures to ensure that infrastructure activities in C2 and C3 zoned land comply with the requirements of the BC Act and the Environmental Planning and Assessment Act 1979 (EP&A Act), as well as a review of the Albury LEP 2010 in response to new listings of threatened and endangered species since 2011 not previously known in the area. The application notes that ACC's four year Delivery

Program adopted by Council on 23 June 2025 provides for a comprehensive review of Albury LEP 2010 to commence in Year 2 of the Program i.e. 2026/27.

In addition, evidence is provided of how the 'maintain or improve' requirements of biodiversity certification are being met. This includes proposed further amendments to Albury DCP 2010 to reflect the 'avoid, minimise and offset hierarchy' recently introduced into the BC Act, the TWPSP Review, the Conservation Zoned Lands Review, development of the Regional Natural Environment Strategy and the Plan of Management for Community Land. Evidence of how other ACC strategies and plans align with ACC's biodiversity conservation efforts and support the requirements of biodiversity certification is also provided.

The biodiversity certification conferred in 2011 represented a point in time when species known to be threatened were assessed and offset with land rezoned C2-Environmental Conservation and C-3 Environmental Management, including the AELs acquired from the AWDC via the Department of Lands. In 2020, it was identified that 12 threatened species had not been assessed under the original biodiversity certification order. This was expanded in the past 5 years to include 27 threatened species not included in the original biodiversity certification assessment.

A comprehensive review of the 27 species, population or ecological communities referred to above in Thurgoona Wirlinga has been undertaken. The 27 species are recorded in different frequency within the databases of Atlas of Living Australia (ALA) and BioNet Atlas (BioNet) and of these, 14 species have been recorded in the Thurgoona Wirlinga area. However, based on information that ACC is able to access, including Citizen Science records, NatureMap, Ebird (worldwide) and Birddata (Birdlife Australia), there is a likelihood that all 27 species are present. This is based on the vicinity of nearby recorded sightings, and the suitability of habitat present that could support the species. To further evaluate species presence, BDAR surveys from the past 4 years have also been reviewed. No additional species were identified as a result of the BDAR review.

The proposed extension of biodiversity certification does not assess new listing of a species, population or ecological community or the discovery of a species, population or ecological community not previously known in the area since 2011. Therefore, development assessment applicants will continue to be required to assess impacts on new listings of a species, population or ecological community or the discovery of a species, population or ecological community not previously known in the area since 2011, using a Test of Significance (ToS) and, where impacts are determined likely to be significant, a Biodiversity Development Assessment Report (BDAR) must be prepared for the entire development site.

Approval of the application to extend biodiversity certification by a period of 8 years will provide ACC with the opportunity to:

- amend Albury DCP 2010 (as proposed in section 6.2).
- review and amend Albury LEP 2010 (as proposed in section 4.2.2).
- review the Thurgoona Drainage Strategy incorporating Sloane's Froglet connectivity and breeding habitat needs (as proposed in section 3.1).
- investigate options for transitioning to contemporary biodiversity certification under the BC Act noting that the BC Act provides for:
  - 'standard biodiversity certification' (available to planning authorities and to landowners) and
  - 'strategic biodiversity certification' (available to planning authorities only) and

- the opportunity for planning authorities to enter into an agreement with affected landowners, including an agreement for the payment of any costs and expenses incurred in undertaking studies and other matters required in relation to any application for biodiversity certification.
- Implement preferred option(s) for transitioning to contemporary biodiversity certification.

A timeframe with key milestones linked to the above activities is also proposed.

#### 1. INTRODUCTION

The purpose of this report is to provide supporting information for the Minister for the Environment to decide whether to extend the current biodiversity certification of Albury Local Environmental Plan 2010 (Albury LEP 2010) which is scheduled to expire on 24 February 2026.

The Minister may extend biodiversity certification of Albury LEP 2010 prior to the expiration of the biodiversity certification, by order published in the Gazette, by a period of up to 10 years, under Section 27 of Part 8, Schedule 7 of the Threatened Species Conservation Act 1995 (TSC Act). Section 43 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 provides that the repeal of the TSC Act does not affect the operation of Part 7 or 8 of Schedule 7 to that Act.

The Minister may extend the biodiversity certification only if the Minister has:

- reviewed the LEP to take account of any new listing of a species, population or ecological community or the discovery of a species, population or ecological community not previously known in the area.
- invited persons to make written submissions to the Minister on the proposed extension by notice published in a newspaper circulating generally throughout the State, and
- considered any written submissions received before the closing date specified in the notice for the making of the submissions.

ACC is currently the only Local Government Area (LGA) in NSW with an environmental planning instrument that is biodiversity certified. This reflects the unique circumstances that existed in the LGA, most notably a significant amount of land in the LGA being in a single ownership which facilitated a landscape wide assessment of, and strategic response to, the protection of biodiversity values.

Section 3 provides specific details of ACC's extension request including a summary of changes to the existing biodiversity certification order. In support of the extension request the application contains evidence of ACC's compliance with the conditions and directions applying to previous biodiversity certification orders (refer Section 4), as well as evidence of how the maintain or improve requirements of biodiversity certification are being met (refer Section 6).

Noting that the Minister may only extend biodiversity certification if the Minister has reviewed the LEP to take account of any new listing of a species, population or ecological community or the discovery of a species, population or ecological community not previously known in the area, a description of any newly listed or discovered species, population or ecological community is provided in Section 5 and Appendix L.

#### 2. BACKGROUND

Biodiversity certification was conferred on Albury LEP 2010, pursuant to the TSC Act, on 25 February 2011<sup>1</sup>. The certification was for a 10-year period expiring on 24 February 2021 and applied to the Albury LGA excluding six mapped locations (refer Appendix A).

 $<sup>^{1}</sup>$  Albury Local Environmental Plan Biodiversity Certification Order 2011 published in the NSW Government Gazette on 25 February 2011

Biodiversity certification under the TSC Act replaced site-by-site, development-by-development assessment of threatened species with a landscape wide strategic assessment. The principal objectives of biodiversity certification were noted as being to 'maintain or improve' biodiversity values and offer a more streamlined development approval process for applicants.

Instrumental to the conferring of biodiversity certification in 2011 were the Albury Ranges and the Thurgoona Threatened Species Conservation Strategies commissioned by the Albury Wodonga Development Corporation (AWDC), and the transfer of over 600ha of AWDC land identified in the Strategies as having conservation value to the State of NSW (Department of Lands) pursuant to a Deed of Transfer. The transfer of the Albury Environmental Lands (AELs) by the AWDC to the Department of Lands was accompanied by over \$6 million in funding for its future management.

ACC for its part ensured the AELs, and other lands within the LGA, were appropriately zoned C2-Environmental Conservation and C3-Environmental Management under Albury LEP 2010. The Albury Development Control Plan 2010 (Albury DCP 2010) was also amended to incorporate additional provisions to protect the biodiversity values of the land. Specifically, Draft Amendment to Albury DCP 2010 – Biodiversity Certification Changes (consistent with Schedule 2 conditions of the original Biodiversity Certification Order 2011) was prepared, publicly exhibited, reported to and adopted by Council (as exhibited) on 10 October 2011. The amendments came into force on 22 October 2011.

The Albury DCP 2010 – Biodiversity Certification Changes requires consideration against relevant Threatened Species and Conservation Strategies (as endorsed) across the Albury LGA. In addition, the Albury DCP 2010 – Biodiversity Certification Changes stipulates that Asset Protection Zones arising from residential development, with the exception of land in Mitchell Park Estate, must not be located in adjoining C2-Environmental Conservation and C3-Environmental Management Zones. The purpose of Albury DCP 2010 – Biodiversity Certification Changes was to assist (via planning policy) an overall improvement or maintenance of biodiversity values across the Albury LGA.

The AWC was abolished on 1 January 2015 pursuant to the AWDC (Abolition) Act 2014 and its remaining assets and liabilities were transferred to the Commonwealth, namely the Department of Finance.

Ownership of the AELs was subsequently transferred from the Department of Lands to ACC, together with the balance of funding, pursuant to a Deed of Consent to Transfer. The Commonwealth Department of Finance, as successor to the AWDC, consented to the transfer of the AELs from the Department of Lands to ACC. The AELs were vested in Council pursuant to section 4.6 of the Crown Lands Management Act 2016<sup>2</sup>. As the recipient of the AELs and the balance of the funding, ACC is required to manage the AELs for the attainment of the objectives of the Albury Ranges and the Thurgoona Threatened Species Conservation Strategies commissioned by the AWDC and referred to above. These strategies continue to inform ACC's conservation strategies.

The Biodiversity Conservation Act 2016 (BC Act) repealed and replaced the TSC Act. Biodiversity certification of Albury LEP 2010 was subsequently amended by the Biodiversity Certification of Environmental Planning Instruments Order 2017<sup>3</sup>, so that biodiversity certification only applied to land zoned Business, Industrial or Residential immediately prior to the commencement of the BC Act. The revised Biodiversity Certification Area is attached as Appendix B.

<sup>3</sup> Biodiversity Certification of Environmental Planning Instruments Order 2017 published in the NSW Government Gazette on 24 November 2017

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<sup>&</sup>lt;sup>2</sup> Vesting of transferable Crown land in Council published in the NSW Government Gazette on 21 June 2019

On 24 February 2021, the Minister for the Environment extended the Albury LEP biodiversity certification for five years. It is now scheduled to expire on 24 February 2026 unless the Minister extends it by order published in the Gazette, prior to it expiring.

On 5 May 2023, the Department notified ACC that the Biodiversity Certification Extension Report did not adequately address new species listed after conferral in 2011. This required a change in approach to development assessments. Since 5 May 2023, applicants have been required to assess impacts on these new species using a Test of Significance (ToS) as outlined in the Threatened Species ToS Guidelines. Where impacts are determined to be significant, a Biodiversity Development Assessment Report (BDAR) must be prepared for the entire development site. However, species other than the newly listed or discovered species are to be excluded from the assessment on biodiversity certified land.

## 3. EXTENSION REQUEST AND SUMMARY OF PROPOSED CHANGES TO THE CURRENT BIODIVERSITY CERTIFICATION ORDER

#### 3.1 PERIOD OF EXTENSION

As noted earlier in this application, the Minister, prior to the expiration of the biodiversity certification, may, by order published in the Gazette, extend that certification by a period of up to 10 years.

ACC requests that the biodiversity certification order be extended for a period of eight (8) years. Approval of the application to extend biodiversity certification will provide ACC with the opportunity to:

- Amend Albury DCP 2010 (as proposed in section 6.2) to:
  - reinforce the avoid, minimise and offset hierarchy and insert a new definition of the hierarchy that mirrors the amendments to the BC Act.
  - introduced appropriate wording to the DCP with the aim of ensuring all Hollow Bearing Trees and unnamed drainage lines are protected and linked through urban developments. The DCP will include specifications to ensure all trees greater than 80 years old are conserved unless they represent a hazard to people or infrastructure due to their health or structural condition.
- Review the overarching environmental approvals procedure "Environmental Approvals Required When Designing and Constructing Engineering and Building Works Within AlburyCity" to:
  - incorporate the Department's 5 May 2023 advice regarding new species listed after conferral of biodiversity certification in 2011, and
  - ensure the procedure aligns with the Guidelines for Division 5.1 assessments<sup>4</sup>.
- Review and amend Albury LEP 2010 (as proposed in section 4.2.2) in response to the new listings of species and new populations not previously known in the area.
- Review the Thurgoona Drainage Strategy (as proposed in section 3.1) incorporating Sloane's Froglet connectivity and breeding habitat needs in order to:
  - promote the exclusion of Sloane's Froglet Basins and other infrastructure from C3 zoned land.
  - create connectivity through integration of unnamed waterways into Sloane's management under the Thurgoona Wirlinga priority area.
  - ensure adequate stormwater management is present to protect local environment.

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<sup>&</sup>lt;sup>4</sup> Guidelines for Division 5.1 Assessments (DPIE, June 2022)

- investigate options for transitioning to contemporary biodiversity certification under the BC Act noting that the BC Act provides for:
  - 'standard biodiversity certification' (available to planning authorities and to landowners) and
  - 'strategic biodiversity certification' (available to planning authorities only)<sup>5</sup> and
  - the opportunity for planning authorities to enter into an agreement with affected landowners, including an agreement for the payment of any costs and expenses incurred in undertaking studies and other matters required in relation to any application for biodiversity certification.<sup>6</sup>
- Implement preferred option(s) for transitioning to contemporary biodiversity certification

The following timeframe and key milestones are proposed for the abovementioned actions providing a pathway for transitioning to contemporary biodiversity certification under the BC Act:

Timeframe Agreed measures

Within 18 months Amend Albury DCP 2010

Within 18 months Review the AlburyCity Environmental Approvals Procedure

Within 3 years Review and amend Albury LEP 2010

Within 3 years Review Thurgoona Drainage Strategy

Within 3 years Investigate options for transitioning to contemporary biodiversity certification under the BC Act.

Within 8 years Implement preferred option(s).

#### 3.2 BIODIVERSITY CERTIFICATION AREA

The original biodiversity certification order conferred in 2011 applied to the Albury LGA excluding six mapped locations i.e. a total area of 30,045.7 ha (refer Appendix A).

The Biodiversity Certification of Environmental Planning Instruments Order 2017 revised the biodiversity certification area so that biodiversity certification only applied to land zoned Business, Industrial or Residential immediately prior to the commencement of the BC Act i.e. a total area of 7,774.6 ha as shown on the map attached as Appendix B).

ACC proposes that any extension to the current biodiversity certification order apply to a reduced area comprising the Thurgoona Wirlinga Precinct as defined by the boundaries of the Thurgoona Wirlinga Precinct Structure Plan (TWPSP) as shown in Appendix C.

ACC considers that the Thurgoona Wirlinga Precinct is the area where the most benefit can be derived from the strategic approach that biodiversity certification offers in providing housing and protecting biodiversity values. Significant biodiversity values have been recorded within the Thurgoona Wirlinga Precinct including Plant Community Types (PCTs), planted native vegetation, scattered trees and hollow bearing trees, Threatened Ecological Communities (TECs), key hydrological features and threatened fauna, plant, bird and freshwater species. Four Serious and Irreversible Impact (SAII) entities and two key forms of habitat connectivity (woodland and aquatic) have also been identified<sup>7</sup>.

<sup>&</sup>lt;sup>5</sup> Section 8.5 (1) and (2) Biodiversity Conservation Act 2016

<sup>&</sup>lt;sup>6</sup> Section 8.5 (6) Biodiversity Conservation Act 2016

<sup>&</sup>lt;sup>7</sup> Thurgoona Wirlinga Precinct - Biodiversity Assessment (Stage 1) Final Report (Biosis Pty Ltd, December 2024)

The precinct provides capacity to accommodate up to 50,000 people by 2060 to 2070 or approximately 80% of Albury's forecast population growth. Located to the north-east of Albury CBD, Thurgoona Wirlinga is Albury's primary growth area. It covers an area of approximately 4,500 ha, which is approximately 15% of the area of the Albury LGA.

The land situated within the Thurgoona Wirlinga Precinct zoned Business, Industrial or Residential immediately prior to the commencement of the BC Act, that is currently biodiversity certified, comprises 3,116.9 ha as shown on the map attached as Appendix D.

An extension of biodiversity certification in the Thurgoona Wirlinga Precinct will not take account of any land rezoned to Business, Industrial or Residential since 2017. Any land situated in the Thurgoona Wirlinga Precinct and rezoned to Business, Industrial or Residential since 2017 that is currently not biodiversity certified, will remain excluded from biodiversity certification. In addition, any land situated in the Thurgoona Wirlinga Precinct that is currently biodiversity certified and that has been rezoned to C2-Environmental Conservation or C3-Environmental Management since 2017, is proposed to be excluded from biodiversity certification.

The land proposed to be biodiversity certified after 24 February 2026 pursuant to this application comprises 3,012.5 ha as shown on the map attached as Appendix E. The reduction in the area of biodiversity certified land in the Thurgoona Wirlinga Precinct from 3,116.9 ha to 3,012.5 ha is due to the land currently biodiversity certified that has been subsequently rezoned to C2-Environmental Conservation or C3-Environmental Management being excluded.

If ACC's application is successful, the balance of the Albury LGA situated outside the Thurgoona Wirlinga Precinct will no longer be biodiversity certified. This will mean that when the current biodiversity certification order expires on 24 February 2026, development or activities that are proposed on land situated outside the Thurgoona Wirlinga Precinct that was previously biodiversity certified, will no longer be taken to be not likely to significantly affect any threatened species, population or ecological community, or its habitat. Proposed development and activities will need to be assessed as required by the EP&A Act and the BC Act, and the Biodiversity Offsets Scheme will apply.

Conservation measures, including those outlined in Section 6.1 aimed at maintaining or improving biodiversity values, will continue to be implemented across the Albury LGA including on non-certified land.

# 3.3 BIODIVERSITY CERTIFICATION EXTENSION AND NEW LISTINGS OF A SPECIES, POPULATION OR ECOLOGICAL COMMUNITY OR THE DISCOVERY OF A SPECIES, POPULATION OR ECOLOGICAL COMMUNITY NOT PREVIOUSLY KNOWN IN THE AREA

ACC acknowledges that any extension of biodiversity certification will not take account of any new listings of a species, population or ecological community or the discovery of a species, population or ecological community not previously known in the area since 2011 when biodiversity certification was originally conferred on Albury LEP 2010.

This means that development applications (DAs) that propose development on biodiversity certified land situated within the Thurgoona Wirlinga Precinct will continue to be required to assess impacts on these newly listed or discovered species, populations or ecological communities using a ToS and where impacts are determined likely to be significant, a BDAR must be prepared for the entire development site. However, species other than the newly listed or discovered species are to be excluded from the assessment on biodiversity certified land.

#### 3.4 SPATIAL INFORMATION

To assist in the assessment of ACC's request as outlined above, the following spatial information is provided in addition to the maps referred to earlier in this document:

- The AELs transferred from the AWDC to the NSW Department of Lands and subsequently transferred to ACC - refer Appendix F.
- Land currently zoned C2-Environmental Conservation and C3-Environmental Management pursuant to Albury LEP 2010 (9,114.2 ha) - refer Appendix G
- Land that is not biodiversity certified and not zoned C2-Environmental Conservation and C3-Environmental Management (628.3 ha) refer Appendix H.
- Land that has been rezoned to C2-Environmental Conservation and C3-Environmental Management since 2017 and land that has been rezoned to Business, Industrial or Residential since 2017 (a net increase in C2 and C3 land of 356 ha) – refer Appendix I.
- Land situated within the Albury LGA that has been subject to revegetation work by ACC (34.9 ha) –
  refer Appendix J.

It is noted that the 2009 biodiversity certification report made reference to the 'Natural Areas' which included lands zoned E2 and E3 (now C2 and C3) as well as the areas to which Clause 7.1 of the LEP 'Development along the Murray River' applied. The corresponding clause in Albury LEP 2010 is Clause 7.5 'Development on river front areas'. For the purposes of Clause 7.5 'river front area' means:

- a) in Zone R5 Large Lot Residential or an urban release area—the land within 40 metres of the high bank of the river, or
- b) in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots, Zone C2 Environmental Conservation or Zone C3 Environmental Management—the land within 100 metres of the high bank of the river.

The Clause was revised prior to the conferral of biodiversity certification to ensure consistency with the standard instrument as it applies in NSW. The objectives of the Clause include "to conserve and protect riverine corridors, including wildlife habitat".

The Stage 1 BAM commissioned by ACC to inform the TWPSP Review also contains numerous maps and spatial information, including maps of known habitat for threatened entities<sup>8</sup>. This document can be accessed on ACC's website at <u>Growing Thurgoona Wirlinga | Engaging Albury</u>.

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<sup>8</sup> Thurgoona Wirlinga Precinct - Biodiversity Assessment (Stage 1) Final Report (Biosis Pty Ltd, December 2024)

# 4. EVIDENCE OF HOW THE CONDITIONS OF PREVIOUS BIODIVERSITY CERTIFICATION ORDERS HAVE BEEN MET

#### **4.1 ALBURY LEP BIODIVERSITY CERTIFICATION ORDER 2011**

The original conferral of biodiversity certification of the Albury LEP 2010 in 2011 was conditional on the following measures being undertaken<sup>9</sup>.

- 1. adoption and implementation of consequential amendments to Albury DCP 2010.
- development and implementation of a Biodiversity Strategy for all lands owned and managed by ACC including road reserves to ensure that such areas are protected ongoing, and where appropriate, enhanced.
- 3. transfer of AWDC conservation lands to the State of New South (Department of Lands) with funding provision to assist with ongoing management, and
- 4. public exhibition of draft Plans of Management in respect of all lands transferred to the Department of Lands.

With respect to the above conditions, it is noted that:

- 1. A Draft Amendment to Albury DCP 2010 Biodiversity Certification Changes was prepared, publicly exhibited, reported to and adopted by Council (as exhibited) on 10 October 2011. The amendments commenced on 22 October 2011.
- 2. A Biodiversity Strategy (2012 2016) was developed in 2012 to provide a framework for ACC and the community to enhance, protect and promote Albury's natural assets. In 2017 a Community Strategic Plan was prepared for ACC's Two Cities One Community partnership with the Wodonga City Council, which included an action to develop a regional biodiversity strategy for Albury Wodonga. The Regional Natural Environment Strategy (RNES) was subsequently formally adopted by both Councils and now replaces the Biodiversity Strategy (2012 2016). The RNES is discussed in further detail in Section 6.5.
- 3. Transfer of the AWDC conservation lands (AELs) to the State of New South (Department of Lands) with funding provision to assist with ongoing management was completed prior to the winding up of the AWDC on 1 January 2015. Ownership of the AELs was subsequently transferred from the Department of Lands to ACC, together with the balance of funding, pursuant to a Deed of Consent to Transfer. The AELs were vested in Council pursuant to section 4.6 of the Crown Lands Management Act 2016<sup>10</sup>.
- 4. A draft Plan of Management (PoM) was prepared for the Albury Regional Crown Reserve (ARCR), inclusive of the AELs. The draft PoM was publicly exhibited in accordance with Part 5 of the Crown Lands Act 1989 from 24 October 2011 to 19 December 2011. The current version of the PoM, adopted by Council in February 2016, is being reviewed. A draft PoM has been prepared and is subject to Council endorsement for public exhibition.

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<sup>&</sup>lt;sup>9</sup> Schedule 2 - Albury Local Environmental Plan Biodiversity Certification Order 2011 published in the NSW Government Gazette on 25 February 2011

<sup>&</sup>lt;sup>10</sup> Vesting of transferable Crown land in Council published in the NSW Government Gazette on 21 June 2019

#### 4.2 ALBURY LEP BIODIVERSITY CERTIFICATION ORDER 2021

#### 4.2.1 Agreed Measures

The Department's letter dated 14 February 2021 notifying ACC that the Minister's delegate had extended biodiversity certification of Albury LEP, noted that ACC had undertaken to carry out agreed measures. The 'agreed measures' included the following:

- Albury DCP 2010 to be amended to include provisions that protect native vegetation, and
- Ensure that Part 5.1 infrastructure activities in E-zones comply with the requirements of the BC Act
  including evaluating the likelihood of significantly impacting candidate serious and irreversible
  impact entities, in accordance with section 5.5 of the EP&A Act.

Confirmation of the action taken by Council in response to the 'agreed measures' was provided to the Department in February 2022 in a Response to Conditions Report. For the purposes of this application the following summary is provided.

#### Amendment to Albury DCP 2010

A comprehensive review of Part 5 of the Albury DCP 2010, which guides the management and preservation of trees and vegetation in the Albury LGA, was undertaken. A draft amendment to the DCP was endorsed by Council on 12 October 2021 for the purposes of public exhibition.

A report detailing the submissions received during the public exhibition period, and Council's response thereto, was tabled at the Council meeting held on 3 March 2022<sup>11</sup>. The amendment to the DCP was formally adopted by a Council resolution passed at the meeting held on 3 March 2022 and the amendment came into effect from 21 March 2022<sup>12</sup>.

In addition to the LGA wide provisions, the DCP amendment included controls relating to native vegetation in specified areas or identified on the Extant Vegetation DCP Map and Biodiversity Certification Exclusion DCP Map. A current version of Albury DCP 2010 incorporating the amendment can be found at Albury Development Control Plan 2010 | AlburyCity.

#### **Infrastructure Activities**

To ensure that infrastructure activities undertaken in the Environmental zones comply with the requirements of the BC Act and the EP&A Act, ACC has a dedicated Review of Environmental Factors (REF) template that addresses these requirements.

In addition, an overarching environmental approvals procedure has been developed, the purpose of which is to outline the main steps for environmental assessment and approvals for infrastructure projects at ACC (refer Appendix K). The procedure ensures that ACC meets its legislative responsibilities under relevant State and Federal environmental legislation and reflects the value that ACC places on promoting, protecting and enhancing the long term environmental values of the Albury LGA.

<sup>12</sup> Albury City Council – Minutes of the Council Meeting held on 3 March 2022

<sup>&</sup>lt;sup>11</sup> Report to Albury City Council Meeting – 3 March 2022

This procedure also assists ACC staff in understanding their roles and responsibilities regarding environmental management and provides guidance in their determination as to whether environmental approvals are required during the design phase and prior to the commencement of construction and maintenance activities undertaken on behalf of ACC within the LGA.

#### 4.2.2 Review of Albury LEP 2010

The Department's letter dated 14 February 2021 advising that ACC's application for an extension to biodiversity certification was approved also directed ACC to review Albury LEP 2010 in response to the new listings of species and new populations not previously known in the area.

A review of the LEP was undertaken and the suggested alterations and additions were detailed in the Response to Conditions Report provided to the Department in February 2022. The suggested amendments relate to Section 1.2 of the LEP (Aims of the Plan) and Part 7 (Additional local provisions) and are consistent with the objectives of the BC Act and the EP&A Act. The changes will also provide protection for previously listed species, populations and ecological communities.

As noted in the Response to Conditions Report, the suggested amendments were considered preliminary only and would be subject to further consideration as part of a formal planning proposal including stakeholder and community engagement. Due to the process required to amend the LEP and extensive community consultation that will need to be undertaken, the suggested alterations and additions to the LEP will be considered in conjunction with a proposed comprehensive review of the LEP. ACC's four-year Delivery Program adopted by Council on 23 June 2025 pursuant to section 404 of the Local Government Act includes a comprehensive review of Albury LEP 2010 to commence in Year 2 of the Program i.e. 2026/27. The Delivery Program by definition is a statement of commitment to the community from each newly elected council. Noting the extensive statutory consultation requirements for reviewing and amending LEPs, the Department will be a key stakeholder in ACC's review of Albury LEP 2010.

More detailed information regarding new listings of a species, population or ecological community or the discovery of a new species, population or ecological community not previously known in the area is provided in Section 5 below.

# 5. DESCRIPTION OF ANY NEW LISTING OF A SPECIES, POPULATION OR ECOLOGICAL COMMUNITY OR THE DISCOVERY OF A SPECIES, POPULATION OR ECOLOGICAL COMMUNITY NOT PREVIOUSLY KNOWN IN THE AREA

#### **5.1 REVIEW OF RECENTLY LISTED SPECIES**

The biodiversity certification conferred on Albury LEP 2010 in 2011 represents a point in time when species known to be threatened were assessed and offset with land rezoned C2-Environmental Conservation and C-3 Environmental Management, including the AELs acquired from the AWDC via the Department of Lands.

In February 2021, it was identified that 12 threatened species had not been assessed under the original biodiversity certification order. Departmental advice recommended an expansion of this threatened species list to include 26 new listings of a species, population or ecological community or the discovery

14 Integrated Planning & Reporting Guidelines for Local Government in NSW (Office of Local Government, 2021)

<sup>&</sup>lt;sup>13</sup> AlburyCity Four Year Delivery Program 2025-2029 and Operational Plan 2025-2026

of a new species, population or ecological community not previously known in the area that had not been included in the original biodiversity certification assessment, these being: Southern Greater Glider – Inland Slopes, Hoary Sunray, South-eastern Glossy Black Cockatoo, Blue-winged Parrot, Common Greenshank, Caladenia callitrophila, Black-tailed Godwit, Sharp-tailed Sandpiper, Key's Matchstick Grasshopper, South-eastern Hooded Robin, White-throated Needletail, Latham's Snipe, Curlew Sandpiper, Magpie Goose, Dusky Woodswallow, Spotted Harrier, Varied Sittella, Black Falcon, Little Lorikeet, Little Eagle, Scarlet Robin, Flame robin, Eastern False Pipistrelle, Grey-headed Flying Fox, and Sloane's Froglet.

However, as evidenced by the review outlined in Section 5.4, the actual number of threatened species not covered by the original order has been determined to be currently 27. Routinely, advice is provided by the Department that is reviewed by ACC Environmental Planners and included in assessments as new species become added. This practice will continue under a new order.

In 2023, the Department provided advice as to process to use for biodiversity assessment and decision-making in the context of the biodiversity certification of Albury LEP 2010. This process is used to determine if a significant impact is likely on species in accordance with the BC Act because they were not assessed as part of the biodiversity certification in 2011. The Biodiversity Offsets Scheme (BOS) may apply where significant impact is likely. The Biodiversity Assessment method (BAM) provides the framework for comprehensive assessment and is reported in a BDAR<sup>15</sup>. However, the primary pathway for the newly included species (e.g. 27 as per above) is to assess them under a ToS.

ACC's Environment Team has primary responsibility for this assessment under Section 7.3 Test of Significance under the BC Act 2016. This assessment under Part 4 and Part 5 of the EP&A Act is completed in accordance with the Threatened Species Test of Significance Guidelines. Within the Guidelines, Section 4 'Applying the test of significance' supports this function with notes on determining the nature and magnitude of an impact, and guidance on the use of mitigation measures. Section 5 'Decision-making' specifies factors to consider in determining if a significant impact is likely. Assessments and decision making are supported by the best available data, much of which can be accessed from flora and fauna records such as:

- 1. BioNet Atlas (BioNet) is where to source species records, including threatened species. This data can be viewed in the SEED Portal<sup>16</sup>, but more comprehensive access is provided via BioNet.
- 2. The Atlas of Living Australia (ALA) collates biodiversity data from multiple sources. This will include, for example, Citizen Science records not included in BioNet.

Many species may be migratory, have population characteristics that are seasonally variant or have individual behaviours that mean they are cryptozoic. In addition, inclusion of a species recorded in Thurgoona Wirlinga is dependent upon reliability of identification, procedural compliance and administrative diligence to ensure accuracy and currency of the dataset. The data will be dependent upon both species specific and human based factors. Therefore, a lack of a species recorded within the BioNet or ALA does not mean they are absent from the Thurgoona Wirlinga area.

ACC's Biodiversity Officer also draws upon data on threatened species from other institutions and research bodies. The ALA and BioNet databases were reviewed for the species listed that have been recorded in the Thurgoona Wirlinga area. Citizen Science records were also reviewed as were NatureMap, Ebird (worldwide) and Birddata (Birdlife Australia) for the 26 species. Nearby recorded

16 The NSW Government's central resource for Sharing and Enabling Environmental Data - https://www.seed.nsw.gov.au

<sup>&</sup>lt;sup>15</sup> Biodiversity Assessment Method - Department of Planning, Industry and Environment (October 2020)

sightings and the suitability of remnant habitat present also informed the species review. Based on all the information that ACC can access, there is a likelihood that 27 threatened species are anticipated to be present in the Thurgoona Wirlinga area that were not listed in the original order.

A comprehensive review of the recently listed or discovered species in Thurgoona Wirlinga is included in the Table at Appendix L which helps guide the assessment of potential impacts by development on these species.

The recently listed species include species such as Sloane's Froglet, a Serious and Irreversible Impact (SAII) species. Sloane's Froglet is considered at serious risk of extinction and a Sloane's Froglet Guidelines has been developed by ACC and the Department. Application of the Sloane's Froglet Guidelines is intended to assist in demonstrating appropriate consideration and management of potential impacts to Sloane's Froglet, and in doing so assists ACC in making a determination under Part 4 and Part 5 of the EP&A Act. Consultation with the Department occurs regularly on appropriate implementation of the Sloane's Froglet Guidelines.

#### 5.2 SERIOUS AND IRREVERSIBLE IMPACT

Serious and Irreversible Impact (SAII) have additional considerations to be considered within a determination under Part 4 and Part 5 of the EP&A Act.

An impact is to be regarded as serious and irreversible if it is likely to contribute significantly to the risk of a threatened species (including endangered populations) or an ecological community becoming extinct based on the following four principles set out in clause 6.7 of the Biodiversity Conservation Regulation 2017 (NSW):

- 1. The impact will cause a further decline of a species or ecological community that is currently observed, estimated, inferred or reasonably suspected to be in a rapid rate of decline.
- 2. The impact will further reduce the population size of the species or ecological community that is currently observed, estimated, inferred or reasonably suspected to have a very small population size.
- The impact is made on the habitat of the species or ecological community that is currently observed, estimated, inferred or reasonably suspected to have a very limited geographic distribution.
- 4. The impacted species or ecological community is unlikely to respond to measures to improve its habitat and vegetation integrity and therefore its members are not replaceable.

ACC is responsible for deciding whether an impact is likely to be serious and irreversible. This decision is to be made in accordance with the principles set out in clause 6.7 of the Biodiversity Conservation Regulation 2017.

#### 5.2.1 SAII Entities

Consideration of the SAII entities and their requirements have led directly to many of the aspects proposed for inclusion in the new order (refer Section 3). A total of five threatened species and one threatened ecological community are listed as SAII entities within Thurgoona Wirlinga:

**Sloane's froglet** – As an SAII entity listed under principal 3, ACC will assess the impact of the development on the habitat of the species or ecological community that is currently observed, estimated, inferred or reasonably suspected to have a very limited geographic distribution.

Sloane's froglet are widely distributed throughout Thurgoona and Wirlinga where it represents a critically important remnant population. Sloane's froglet is not part of the original biodiversity certification. Seasonal wetlands and Gilgai complexes are critical breeding habitat and unnamed drainage lines represent important future connectivity between breeding habitat. Much of the habitat within its range within the TWPSP is under severe impact from rural development and new DCP measures have focussed on conserving remaining breeding and non-breeding habitat.

Substantial effort has been made to generate artificial breeding habitat in retention basins that has improved population numbers. However, as an SAII entity the Part 4 and Part 5 applications under the EP&A Act will be carefully reviewed to ensure adequate mitigation measures are present to protect and preserve its remaining habitat. A development application made under Part 4 of the EP&A Act may be refused where the risk is high that the impact will contribute to the entity's extinction.

**Curlew Sandpiper** – As an SAII entity under principal 1, ACC will assess whether the impact will cause a further decline of a species or ecological community that is currently observed, estimated, inferred or reasonably suspected to be in a rapid rate of decline.

Whilst there are no records in Thurgoona Wirlinga, there is potential habitat at large wetlands within Thurgoona and Lake Hume. As a migratory species the protection of wetlands as important foraging grounds is critical. This requires careful consideration of direct (destruction of foraging habitat such as shallow wetlands) and indirect impacts (increased disturbance during foraging periods). The entity was not under the original biodiversity certification, and as an SAII entity the Part 4 and Part 5 applications under the EP&A Act will be carefully reviewed to ensure adequate mitigation measures are present. A development application made under Part 4 EP&A Act may be refused where the risk is high that the impact will contribute to the entity's extinction.

Caladenia callitrophila – As an SAII entity under principal 2, ACC will assess whether the impact of the development will further reduce the population size of the species or ecological community that is currently observed, estimated, inferred or reasonably suspected to have a very small population size. The entity was not under the original biodiversity certification, and as an SAII entity the Part 4 and Part 5 applications under the EP&A Act will be carefully reviewed to ensure adequate mitigation measures are present. A development application made under Part 4 of the EP&A Act may be refused where the risk is high that the impact will contribute to the entity's extinction.

**Regent Honeyeater** – As an SAII entity under principal 1 and 2, ACC will assess whether the impact of the development will cause a further decline of a species or ecological community that is currently observed, estimated, inferred or reasonably suspected to be in a rapid rate of decline. Also, ACC will assess whether the impact will further reduce the population size of the species or ecological community that is currently observed, estimated, inferred or reasonably suspected to have a very small population size.

The Regent Honeyeater is found in the Albury area where it nests and feeds on large productive trees of Box-Gum Open Woodland, and also utilises extensive tree plantings, particularly in the Thurgoona area. Several pairs regularly breed in the Thurgoona area, while the species is occasionally observed foraging on Nail Can Hill. In 1999, 10 birds nested in Hamilton Valley, to the south of the landfill. A pair has also, on at least two occasions, nested in a tree in a suburban backyard in Thurgoona, though the species as a whole and in the Albury area will not usually have high nest site fidelity.

The national population of this bird is about 1500, so any breeding location is of importance. Whilst under the original biodiversity certification, as an SAII entity the Part 4 and Part 5 applications under the EP&A Act will be carefully reviewed to ensure adequate mitigation measures are present. A development application made under Part 4 of the EP&A Act may be refused where the risk is high that the impact will contribute to the entity's extinction.

**Swift Parrot** - As an SAII entity under principal 1, ACC will assess whether the impact will cause a further decline of a species or ecological community that is currently observed, estimated, inferred or reasonably suspected to be in a rapid rate of decline.

The swift parrot is transient but a regular winter visitor to Albury, where it forages on winter flowering eucalypts such as White Box and Red Box. Flocks of more than 30 birds have been observed at Wirlinga Army Base, at Mitchell Park and the White Box Crown Reserve along the old Olympic Road. These are the largest flocks observed in the Murray Catchment and have also recorded on Nail Can Range and Eastern Hill. Whilst under the original biodiversity certification, as an SAII entity the Part 4 and Part 5 applications under the EP&A Act will be carefully reviewed to ensure adequate mitigation measures are present. A development application made under Part 4 EP&A Act may be refused where the risk is high that the impact will contribute to the entity's extinction.

White Box-Yellow Box-Blakeley Red Gum Woodland - As an SAII entity under principal 1 and 2, ACC will assess whether the impact will cause a further decline of a species or ecological community that is currently observed, estimated, inferred or reasonably suspected to be in a rapid rate of decline. Also, ACC will assess whether the impact will further reduce the population size of the species or ecological community that is currently observed, estimated, inferred or reasonably suspected to have a very small population size. The majority of native vegetation left in Albury, with one large continuous remnant centred on the Nail Can and Black Ranges.

All Box-Gum Woodland in medium—good condition is retained under the provisions of the LEP. Whilst under the original biodiversity certification, as an SAII entity the development applications made under Part 4 and Part 5 of the EP&A Act will be carefully reviewed to ensure adequate mitigation measures are present. A development application made under Part 4 of the EP&A Act may be refused where the risk is high that the impact will contribute to the entity's extinction.

#### 5.2.2 SAII Process that ACC will apply.

In accordance with Section 8 of the BAM and Paragraph 10.2.2.1 for TECs and 10.2.3.1 for species, the Biodiversity Assessment Report (BAR) must set out the measures that the proponent of the proposal intends to take to avoid or mitigate any impacts. These measures must be considered by the decision maker in determining whether an impact is acceptable. ACC will assess any residual impacts on entities at risk of a SAII using the below steps.

Where a proposed impact has been identified as potentially serious and irreversible, based on the application of Steps 1–3, ACC must review the additional information provided for all entities at risk of a SAII by the assessor in the BAR. The assessment criteria in the BAM under Subsection 10.2.2 for TECs and 10.2.3 for species, are designed to estimate the impact the proposal will have on the viability of the entity at the local, Interim Biogeographic Regionalisation of Australia (IBRA) subregional/regional and state scales (see Appendix B). The ACC will use the impact assessment information to decide if the proposal is likely to increase the extinction risk of any of the relevant entities and whether impacts/losses/declines are likely to be serious and irreversible.

Where ACC is of the opinion that a proposal is likely to have a serious and irreversible impact on biodiversity values, the BC Act and the Local Land Services Act (LLS Act) set out the following requirements in relation to any approval or consent of the proposal as per BC Act.

Where an application for development consent is made under Part 4 of the EP&A Act (other than an application for state significant development or an application for a complying development certificate) ACC must refuse to grant development consent.

#### **5.3 IMPACT ASSESSMENT**

Land that was zoned Business, Industrial and Residential within the Albury LGA prior to commencement of the BC Act is biodiversity certified. In conjunction with the proposed further extension to the original biodiversity certification of Albury LEP 2010 ACC proposes that applicants will be required to further identify potential impacts to new listings of a species, population or ecological community or the discovery of a new species, population or ecological community not previously known in the area through a ToS. This process aligns with the mechanisms in place during the earlier extension that was applied in 2021 combined with the comprehensive review undertaken (refer Appendix L) to determine the likely protection of the newly listed and discovered species, populations or ecological communities.

Where a likely significant impact is identified, the BOS will apply and further assessment will be required, in accordance with the Biodiversity Assessment Method<sup>17</sup>. The test for determining whether proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats, is set out in section 7.3 of the BC Act. Factors to be considered by ACC as the decision maker in the ToS include:

- Adverse effects on the life cycle of a species, such that a viable local population of the species is likely to be placed at risk of extinction.
- In the case of an endangered ecological community or critically endangered ecological community (Threatened Ecological Community or TEC), whether the proposal is likely to have an adverse effect on the extent of the TEC such that its local occurrence is likely to be placed at risk of extinction. Or the composition of the TEC is substantially and adversely modified, such that its local occurrence is likely to be placed at risk of extinction.
- Adverse effects on habitats of a threatened species or ecological community, and the importance
  of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the
  species or ecological community in the locality.
- Adverse effects on areas of outstanding biodiversity value (AOBV), noting there are currently none
  declared in Albury LGA. This is distinct from the Biodiversity Values Map and Important Habitat
  Maps.
- If the proposal is or is part of a Key Threatening Process.
- The ToS will be applied for all activities where there is a likely impact on threatened species in accordance with the BC Act. This includes both Part 4 and Part 5 of the EP&A Act.

<sup>&</sup>lt;sup>17</sup> Biodiversity Assessment Method - Department of Planning, Industry and Environment (October 2020)

 Under Part 4 of the EP&A Act DAs are assessed for activities that are not initiated by ACC as the proponent. Other information such as the Engineering Guidelines for Subdivisions and Development Standards Guidelines<sup>18</sup>, particularly Part 6 Landscaping, are used in addition to the Albury LEP 2010.

On 5 December 2017, an overarching environmental approvals procedures document, "Environmental Approvals Required When Designing and Constructing Engineering and Building Works Within AlburyCity", was made effective. ACC's Environment Team uses the detailed procedures when early-stage discussions about engineering and building projects are raised. In many cases a REF is required for project approval.

There are also many instances where external legislative approvals are required. For example, where a project has the potential to impact on a matter of National Environmental Significance, it may require approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Several separate approvals or authorisations such as an Aboriginal Heritage Impact Permit (AHIP) may also be required for specific aspects of a project, in addition to the overall REF for the whole project.

#### **5.4 CONSOLIDATED SURVEY WORK (BAM STAGE 1)**

The new listings of a species, population or ecological community or the discovery of a new species, population or ecological community not previously known in the area referred to above are recorded in different frequency within the databases of ALA and BioNet in the Thurgoona Wirlinga area.

Limitations exist to conducting thorough species assessments e.g. no land access, limited target survey information and so alternative information was sourced to determine possible newly discovered species. In the absence of any site access or undertaking targeted surveys, to evaluate species presence, BDAR surveys from the past 4 years have been reviewed. The BDARs that relate to development applications in Thurgoona Wirlinga Precinct include:

- BAM Stage 1: TWPSP Review<sup>19</sup>
- BAM Stage 1: Williams Park Estate<sup>20</sup>
- BAM Stage 1: Woolshed Estate<sup>21</sup>
- BAM Stage 1: Brooklyn Fields Stormwater Outfall<sup>22</sup>

The review of recent BDARs did not reveal any additional Threatened species. However, Southern Whiteface (*Apophelocephala leucopsis*) was first gazetted by the Department on 1 December 2023 and has been identified in the Albury LGA from eBird records. This additional species means the total listed species outside of the original Albury LEP 2011 Biodiversity Certification Order is 27 and not 26. The intersection of C3 Environmental Zoned Lands with the subject lands described in the reviewed

The intersection of C3 Environmental Zoned Lands with the subject lands described in the reviewed BDAR was considered in terms of environmental impact (refer Section 6).

Biodiversity certification of the Albury LEP was determined on the basis of biodiversity values being maintained or improved on C2-Environmental Conservation and C3-Environmental Management zoned

<sup>&</sup>lt;sup>18</sup> Engineering Guidelines for Subdivisions and Development Standards Guidelines - Albury City Council (July 2009)

<sup>19</sup> Thurgoona Wirlinga Precinct – Biodiversity Assessment (Stage 1) Final Report (Biosis Pty Ltd, December 2024)

<sup>&</sup>lt;sup>20</sup> Biodiversity Development Assessment Report – Williams Park Estate, Thurgoona 2640 – Redgum Environmental Consulting Pty Ltd (April 2025)

<sup>&</sup>lt;sup>21</sup> Biodiversity Development Assessment Report – Woolshed Estate, Thurgoona – Hamilton Environmental Services (Version A, July 2023)

<sup>&</sup>lt;sup>22</sup> Wall, D.J (2023) Biodiversity Development Assessment Report of Brooklyn Fields Stormwater Outfall Alignments (R7-R9), Kerr Road, Thurgoona, NSW 2640 prepared for Bowenville Developments Pty Ltd

land, which includes AELs. Whilst this has been largely achieved, some incremental reduction in the extent of C2 and C3 zoned land that includes biodiversity values has occurred with urban development. Conversely, it is also noted that the original biodiversity certification was premised on an anticipated total loss of vegetation in the 'developable areas' and this has clearly not occurred.

#### BAM Stage 1: Thurgoona Wirlinga Precinct - Biodiversity Assessment

The Thurgoona Wirlinga Precinct – Biodiversity Assessment determined that of the 27 listed additional species, 14 were likely present after surveys or due to suitable habitat presence. The Williams Park Estate BDAR determined that two other species are likely to be present with a total that includes:

- Black Falcon
- Dusky Woodswallow
- Flame Robin
- Glossy Black-Cockatoo (South-eastern)
- Grey-headed Flying-fox
- Hooded Robin (south-eastern form)
- Little Eagle
- Little Lorikeet
- Magpie Goose
- Scarlet Robin
- Spotted Harrier
- Varied Sittella
- White-throated Needletail
- Sloane's Froglet
- Key's Matchstick Grasshopper
- Eastern False Pipistrelle

Despite the low likelihood, a ToS will be requested for all aforementioned 27 species and if triggered may require a BDAR. A BDAR may also be triggered by other pathways such as impact on Biodiversity Values Mapped land and vegetation clearance thresholds as per the EP&A Act. Where a BDAR is required under the ToS pathway, the BDAR must consider all the biodiversity within the development footprint.

## 6. EVIDENCE AS TO HOW THE 'MAINTAIN OR IMPROVE' REQUIREMENT OF THE BIODIVERSITY CERTIFICATION IS BEING MET

#### **6.1 CONSERVATION MEASURES AND ON-GROUND WORKS**

Since conferral of the original biodiversity certification order in 2011 ACC has and continues to manage the non-certified lands including the AELs acquired in 2019 through a combination of on ground works, restoration, community engagement, and planning. A summary of key actions is provided below.

#### Weed control

- Annual management of priority weed species in accordance with the Murray Regional Strategic
   Weed Management Plan 2023 2027 and Regional Natural Environment Strategy.
- Examples of on ground works targeting priority weeds includes:
  - Chilean Needle Grass along significant roadsides of the Riverina Highway.

- Coolatai Grass control along Gerogery Road.
- Cape Broom control within Nail Can Hill and along significant roadsides of Urana Road.
- Blackberry control across numerous reserves such as Eastern Hill.
- Engagement with the community to tackle weeds e.g. an annual weed blitz with 'Friends of Nail Can Hill'.
- Annual weed inspections of certified and non-certified lands in line with the NSW Weed Action Program.

#### Revegetation

- Coordination of an annual revegetation program across non-certified lands including:
  - an average 3000 5000 native plants that are planted annually within ACC managed reserves.
  - annual community and school tree planting days to empower the community to take ownership and speak up for our natural areas.
  - An annual program carried out at numerous sites for multiple objectives including connectivity, infill planting, erosion control and understorey or shrub enhancement.
- Revegetation is also carried out to offset losses from ACC projects e.g. over 1000 plants have recently been planted in non-certified lands located at Centaur Road and Philips Street following road and stormwater management works that impacted native vegetation.

#### Fencing maintenance

- Upgrade of rural fencing at specific reserves recent works include upgrade of fencing along Seven Mile Creek, Thurgoona to exclude stock.
- Removal of obsolete fencing this includes across Norris Ridge and in Thurgoona environmental land network where cattle have been removed and fencing was serving no purpose.
- Removal of barb wire to reduce impacts on threatened species such as the Squirrel Glider and the Grey-headed Flying-fox. This work is often carried out in conjunction with WIRES notifying ACC of problematic areas.

#### Threatened Species monitoring

- Annual squirrel glider nestbox surveys carried out by ACC's Natural Areas and Environment Teams.
   There are currently over 400 nestboxes located within ACC managed lands. Squirrel Glider data has been transferred to Atlas of Living Australia in recent surveys.
- Flying fox quarterly counts conducted by ACC to monitor the Flying-fox camp located at Padman Park. This data is sent to the Department.
- Sloane's Froglet annual monitoring Departmental staff undertake targeted Sloane's Froglet surveys across ACC certified lands in Thurgoona and Murray River floodplains. These lands provide critical connectivity and refuge for the species.
- Albury Conservation Co Ltd was engaged to carry out connectivity modelling for the Squirrel Glider across the Thurgoona Wirlinga area to help identify sites for revegetation and erection of glider poles (6 glider poles were installed in 2024).

#### Maintenance and habitat restoration to support local biodiversity

- Regular maintenance is carried out across reserves that includes mowing, track maintenance and weed control to enhance sites.
- Enhancement of riparian and Gilgai's has been a priority in Thurgoona non-certified lands

#### Unsanctioned trail works and repairs

Restoration works to close-off unsanctioned trails as detailed in the Albury Mountain Bike Strategy.

#### Fire and fuel load management

- ACC has worked with Crown lands and the Rural Fire Service (RFS) to maintain and upgrade multiple
  fire trails across non-certified lands. This has included Featherstone Fire Trail which lies adjacent
  to Waterview Treatment Plant.
- An annual hazard reduction mowing program is carried out every spring in line with the Hume Zone Bushfire Risk Management Plan. The plan identifies numerous locations that ACC is required to maintain to reduce bushfire risk.

#### <u>Infrastructure upgrades</u>

- Mountain Bike Trail upgrades (with funding from NSW Crown lands). In 2023/24 works were carried
  out to improve the quality of trails across Nail Can Hill to ensure sustainability and reduce impacts
  to sensitive environments.
- Numerous boardwalks and trails have been constructed across the reserve network including Wagirra Trail and Horseshoe Lagoon.
- Numerous interpretative and educational signage has been implemented at Horseshoe Lagoon,
   Padman Park and Nail Can Hill.

#### **Threatened Species enhancement**

- Hollow augmentation and Nestboxes over 100 new nestboxes have been installed in recent years.
   This includes the installation of thermoregulated boxes constructed locally by Thurgoona Men's Shed and Habitat Innovation (Wagga Wagga).
- Six x 20 metre glider poles have been installed to provide better connectivity for the Squirrel Glider to move through the landscape. These locations were strategically selected and have been set up with a remote camera to monitor Squirrel glider usage.
- Sloane's Froglet dam enhancement works three dams have undergone the installation of gate infrastructure to control winter and summer water levels to benefit the species.
- Cultural Heritage and Biodiversity assessments multiple assessments have been completed across non-certified lands to better inform projects and constraints to reduce impacts to lands.

### Financial Assistance provided by ACC

- Funding is provided to Parklands Albury Wodonga Ltd to implement a Park Stewardship Program across non-certified lands.
- Funding is provided to Albury Conservation Co Ltd to carry out a threatened species monitoring program across Albury's growth area. Remote cameras are placed across the network to monitor threatened species.
- Establishment of the Land Management Incentive Program targeting private landholders and local community groups to carry out on ground works to support local threatened species and the environment (refer Section 6.9).

ACC has also worked closely with community groups and volunteers to deliver a range of educational programs and citizen science initiatives fostering stewardship and awareness.

#### 6.2 PROPOSED AMENDMENTS TO ALBURY DEVELOPMENT CONTROL PLAN 2010

ACC has noted the amendments made to the BC Act following the 2023 independent review of the legislation. The amendments have introduced the 'avoid, minimise and offset hierarchy' requiring project proponents to demonstrate that they have taken 'all reasonable measures' to avoid the impacts of an action on biodiversity values when applying the BOS and requiring BDARs to assess 'genuine measures' undertaken to avoid and minimise, with corresponding assessment standards<sup>23</sup>.

Accordingly, and in addition to amendments already made to Albury DCP 2010 in response to previous biodiversity certification orders, ACC proposes a further amendment to the DCP that reinforces the avoid, minimise and offset hierarchy and inserts a new definition of the hierarchy that mirrors the amendments to the BC Act as follows:

#### Suggested New control points

#### 5.2.1 suggested new controls

Development should not encroach into conservation zoned land. Where this is unavoidable, the development must demonstrate a net positive biodiversity outcome.

#### 6.2 Suggested general control

- Development must avoid removing vegetation. Where this is unavoidable, the proponent must demonstrate it is justified and minimised.
- Development must prioritise retaining large trees, native species and preserving ecological values.
- Development must demonstrate that vegetation removal has been avoided in accordance with the "avoid, minimise, offset, hierarchy.

<sup>&</sup>lt;sup>23</sup> Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Act 2024

#### 5.3.1 Proposed new notation<sup>24</sup>

#### "Avoid, minimise and offset hierarchy

The avoid, minimise, offset hierarchy is established under the Biodiversity Conservation Act 2016 for avoiding, minimising and offsetting impacts on biodiversity values when carrying out biodiversity assessments and preparing reports under the scheme.

For the purposes of the biodiversity offsets scheme, the avoid, minimise and offset hierarchy is the principle that avoiding, minimising and offsetting the impacts of actions on biodiversity values be approached as follows:

- a. the proponent of the action first takes all reasonable measures to avoid the impacts of the action on biodiversity values,
- b. after taking all reasonable measures under paragraph (a), the proponent then takes all reasonable steps to minimise the impacts that have not been avoided,
- c. having taken the measures under paragraph (b), the proponent then takes biodiversity conservation measures under the biodiversity offsets scheme to offset or compensate for any residual impact on biodiversity values.

#### Genuine measures

Proponents will need to demonstrate that they have taken all reasonable measures to avoid the impacts of an action on biodiversity values when applying the biodiversity offsets scheme.

Biodiversity development assessment reports are required to be undertaken by a suitably qualified professional and assess the genuine measures that the proponent of the proposed development, activity or clearing proposes to take to avoid and minimise the impact of the proposed development, activity or clearing on biodiversity values of the land.

Appropriate wording will also be introduced to the DCP with the aim of ensuring all Hollow Bearing Trees and unnamed drainage lines are protected and linked through urban developments. The DCP will include specifications to ensure all trees more than 80 years old are conserved unless they represent a hazard to people or infrastructure due to their health or structural condition.

The Thurgoona Wirlinga Drainage Strategy will also be updated to:

- 1) promote the exclusion of Sloane's Froglet Basins and other infrastructure from C3 zoned land.
- 2) create connectivity through integration of unnamed waterways into Sloane's management under the Thurgoona Wirlinga priority area.
- 3) ensure adequate stormwater management is present to protect local environment.

Recent BDARs were reviewed to determine if their developments' subject land impacted on C3-Environmental Management zoned land and Biodiversity Values Mapped land. The DCP update will

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<sup>&</sup>lt;sup>24</sup> Biodiversity Conservation Act 2016

include requirements to minimise incursions of developments into C3 zoned land. Incursions that result in a net positive gain for the environment will be exempt.

Biodiversity certification of the Albury LEP was determined on the basis of biodiversity values being maintained or improved on C2-Environmental Conservation and C3-Environmental Management zoned land, which includes the AELs. Section 6 provides information on how this is being achieved and Section 6.1. in particular provides an outline of key conservation measures and on ground works that ACC has and continues to carry out. Some incremental reduction in the extent of C2 and C3 zoned land that includes biodiversity values has occurred with urban development. Conversely, it is also noted that the original biodiversity certification was premised on an anticipated total loss of vegetation in the 'developable areas' and this has clearly not occurred.

Encroachment into Biodiversity Values Mapped Land on land excluded from biodiversity certification triggers a BDAR and so recent BDARs have been reviewed to determine the extent of the encroachment to help estimate the degree to which ACC has maintained or improved these assets (refer Table 1 below).

Table 1 - Environmental habitat values impacted from urban development (as per Biodiversity Assessments from BDARs referred to I n Section 5.4 above)

BDAR	Environmental Mapped Values	Impact area (subject land overlap)	TEC within subject land	BC Act Status
Williams Park Estate	Biodiversity Values Mapped Land C3 Zoned Land	0.226 ha	White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion	Critically Endangered
Brooklyn Fields Stormwater Outfall	Biodiversity Values Mapped Land C3 Zoned Land	0.06 ha	Blakely's Red Gum- Yellow Box grassy tall woodland	Critically Endangered
Woolshed Estate	Biodiversity Values Mapped Land C3 Zoned Land	0.215 ha	Blakely's Red Gum- Yellow Box grassy tall woodland.	Critically Endangered

#### 6.3 THURGOONA WIRLINGA PRECINCT STRUCTURE PLAN REVIEW

The Thurgoona Wirlinga Precinct is Albury's main residential growth area and provides capacity to accommodate up to 50,000 people by 2060 to 2070 or approximately 80% of Albury's forecast population growth. The 2013 TWPSP has helped shape the precinct's development.

To inform a review of the 2013 TWPSP a biodiversity assessment was completed across the investigation area prepared by environmental consultants Biosis Pty Ltd in accordance with the scientific method, known as Stage 1 of the Biodiversity Assessment Method (Stage 1 BAM)<sup>25</sup>. The assessment undertaken by Biosis has defined areas of high, medium and low ecological value and outlined key areas of habitat and connectivity within the investigation area.

<sup>&</sup>lt;sup>25</sup> Thurgoona Wirlinga Precinct - Biodiversity Assessment (Stage 1) Final Report (Biosis Pty Ltd, December 2024)

This information has been used to inform the Nature Based Framework to reduce the impact of development on land with environmental value. The Stage 1 BAM also informed the Conservation Zone Lands Review (refer Section 6.4) to better align the zone mapping with land identified as having significant environmental value<sup>26</sup>.

The TWPSP Review Discussion Paper (March 2024) outlined the following proposed changes for biodiversity protection and enhancement based on the Stage 1 BAM:

- Incorporating existing hydrological features into open space planning and green zone development.
- Planning for enhancement and protection of hydrological features to maintain and enhance longitudinal connectivity. Incorporating stormwater runoff and retention areas into the Thurgoona Wirlinga Drainage Strategy 2020 to provide multiple aquatic habitat types (niches) within the retained hydrological features.
- Ensuring hydrological corridors are planted/enhanced with suitable native species that are climate
  change resilient and also provide appropriate habitat for migratory species, semiaquatic and true
  aquatic species.
- Incorporating existing woodland habitat corridors into green space and planning for habitat linkages within the developable land, with appropriate buffers.
- Maintaining and enhancing habitat linkages between roadsides and major habitat areas within the precinct area.
- Incorporating isolated paddock/habitat trees into open space where possible and allowing appropriate tree protection and retention zones.
- Identification of low constraint areas where key infrastructure such as services, roads and footpaths
  might be located to allow for appropriate urban growth while minimising disturbance to riparian or
  woodland areas.

The draft TWPSP Review document was placed on public exhibition in May 2025. Section 2.5.4 of the TWPSP Review deals with "Environment and Biodiversity" and notes that "...the Stage 1 BAM identified and mapped areas of potential biodiversity value, including threatened species, their habitats and habitat linkages. The findings have informed the layout and design of the precinct, ensuring that significant development avoids or minimises impacts on areas with potential biodiversity value, where possible. Adopting the methodology of the Biodiversity Conservation Act 2016, the Stage 1 BAM has informed the strategic preservation of key habitat areas and the placement of infrastructure to improve environmental outcomes"<sup>27</sup>.

The submissions received during the public exhibition of the revised TWPSP, together with any recommended changes in response to the submissions received, are scheduled to be tabled at a Council meeting in December 2025. Notably, the draft TWPSP Review, as publicly exhibited, proposes the following key changes:

Local shops (VC2) moved to protect sensitive environment

<sup>&</sup>lt;sup>26</sup> Thurgoona Wirlinga Precinct Structure Plan Review - Discussion Paper (March 2024)

<sup>&</sup>lt;sup>27</sup> Thurgoona Wirlinga Precinct Structure Plan Review – Draft (May 2025)

- Proposed zoning change for an approximately 50ha site south of Bell's Reserve from R1 General Residential to C3-Environmental Management or C4-Environmental Living to protect known high ecological value
- Commercial areas (MNC3) shifted south to avoid environmentally sensitive areas and align with enhanced road network
- Inclusion of drainage basins in multiple locations for flood mitigation and habitat
- Commercial areas (MNC2) moved to the eastern side of Kerr Road to co-locate with the school and sportsground and to avoid environmentally sensitive features.

A map highlighting the key changes between the 2013 and the draft 2025 Precinct Structure Plans, including those identified above, can be found on ACC's website at <a href="https://example.com/true/changes/rect\_map\_web.pdf">TWPSP\_project\_map\_web.pdf</a>.

The land proposed to be rezoned from R1 – General Residential to C3-Environmental Management or C4-Environmental Living to protect known high ecological value and referred to above is shown in Figure 1 below, The subject land is proposed to be excluded from biodiversity certification.

Figure 1
Land proposed to be rezoned from R1 – General Residential to C3-Environmental Management or C4-Environmental Living



Source: Thurgoona Wirlinga Precinct Structure Plan Review - Draft May 2025

#### **6.4 CONSERVATION ZONED LANDS REVIEW**

The original biodiversity certification order that conferred biodiversity certification on Albury LEP 2010 in 2011 was predicated on a quantum of land, identified as being of significant environmental value, being allocated either a C2-Environmental Conservation or C3-Environmental Management Zone. Whilst under the subsequent Biodiversity Certification of Environmental Planning Instruments Order 2017 these areas will no longer benefit from biodiversity certification, they remain critical offset that supports biodiversity certification elsewhere across the Albury LGA.

ACC engaged both Elton Consulting and Ecological Australia to undertake an audit (via additional analysis) of the network of Environmental zoned land across the Albury LGA for the purposes of identifying and resolving Environmental Zone anomalies (including where the Environmental Zone does not align with environmental values on-ground or where the Environmental Zone does not reflect recent development). This audit has involved both a quantitative and qualitative assessment where, in general terms, sites with higher ecological value scores have been recommended as suitable for Environmental zoning whilst sites with lower ecological value scores have been recommended as suitable for non-Environmental zoning. The results were implemented via a Council initiated Planning Proposal which resulted in approximately 365ha net gain in Conservation zoned land across the Albury LGA,28.

As stated earlier, ACC has committed to maintain or improve its Conservation zoned land in the Albury LEP 2010 and whilst this has been largely achieved, some incremental reduction in the extent of C zoned land that includes biodiversity values has occurred with urban development. Conversely it is also noted that the original biodiversity certification was premised on an anticipated total loss of vegetation in the 'developable areas' and this has clearly not occurred. Encroachment into Biodiversity Values Mapped Land triggers a BDAR and so recent BDARs have been reviewed (refer Section 5.4).

The proposed extension of biodiversity certification in the Thurgoona Wirlinga Precinct will not take account of any land rezoned to Business, Industrial or Residential since 2017 resulting from the Conservation Lands Review. This means that any land situated in the Thurgoona Wirlinga Precinct and rezoned to Business, Industrial or Residential since 2017 that is currently not biodiversity certified, will remain excluded from biodiversity certification. In addition, any land situated in the Thurgoona Wirlinga Precinct that is currently biodiversity certified and that has been rezoned to C2-Environmental Conservation or C3-Environmental Management after 2017, will also be excluded from biodiversity certification. Consequently, the area of biodiversity certified land in the Thurgoona Wirlinga Precinct will be reduced from 3,116.9 ha to 3,012.5 ha.

#### **6.5 REGIONAL NATURAL ENVIRONMENT STRATEGY**

ACC and Wodonga City Council have combined to develop and implement the Regional Natural Environment Strategy (RNES) which will continue to result in the overall maintenance or improvement of biodiversity values, including threatened species<sup>29</sup>. The collaboration is part of ACC and Wodonga City Council's Two Cities One Community (2C1C) initiative. The RNES is based on the following seven key themes, which are interconnected:

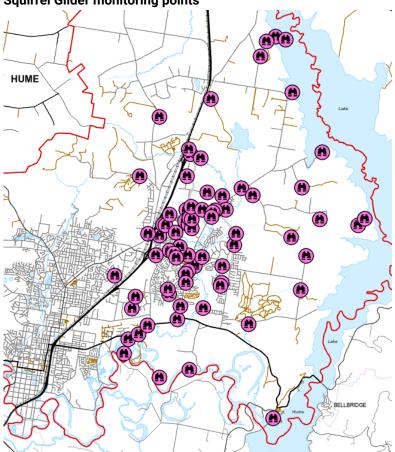
- 1. Natural places Protect and enhance our natural ecosystems and the plants and animals in our natural places. Prioritise planning and management for threatened species and communities.
- 2. Waterways and wetlands Preserve and improve our waterways, wetlands, aquatic habitats and water quality from local creeks down to the Murray River.
- 3. Connectivity Protect and enhance connectivity of our natural places across the region.
- 4. Addressing threats Direct actions to address the impact of overarching threats.
- 5. Working together Maximise council achievements through strong working relationships with others.

<sup>&</sup>lt;sup>28</sup> Report to Albury City Council meeting 22 July 2024

- 6. Liveability Our natural places are managed to enhance our well-being and provide connections to nature.
- 7. Leadership –Provide leadership and advocacy to protect and promote the cultural, visual and natural values that underpin community pride in our local area

The RNES is underpinned by a comprehensive audit and analysis of biodiversity data in the Albury-Wodonga region and review of relevant government legislation, policies and strategies by Biosis<sup>30</sup>. The implementation of the RNES is through four-year action plans. The original action plan was developed for the initial four years to 2024.<sup>31</sup> A second four-year action plan has been developed for the period 2025-2029. The RNES Action Plan requires the implementation of the Sloane's Froglet Guidelines in the Thurgoona Wirlinga priority area and monitoring of Squirrel Glider, Sloane's Froglet, Bushtailed Phascogale and Woodland Bird communities<sup>32</sup>. A map showing the Squirrel Glider monitoring points is provided in Figure 2 below.





Source: AlburyCity WEAVE land information system - Squirrel Glider monitoring points (remote camera)

On ground works undertaken pursuant to the RNES include pest animal control, weed control, ecological and cultural burning, strategic tree planting (including tree replacement where trees are removed in rural roadsides for safety reasons) and revegetation works.

<sup>&</sup>lt;sup>30</sup> Regional Natural Environment Strategy 2020-2032 - Technical Background Report, Biosis 2020

<sup>&</sup>lt;sup>31</sup> Regional Natural Environment Strategy Action Plan 2020-2024, Biosis 2020

<sup>32</sup> Thurgoona Wirlinga Structure Plan Review - Discussion Paper (March 2024)

These on ground works are in addition to the education and awareness campaigns, compliance monitoring, data collection and management and improved mapping that have been undertaken pursuant to the RNES. More detail regarding on-ground works is provided in Section 6.1.

A map showing the areas where revegetation activities have been undertaken by ACC across the LGA is provided in Appendix J.

#### 6.6 PLAN OF MANAGEMENT FOR COMMUNITY LAND

In accordance with the conditions set out in Schedule 2 of the 2011 Biodiversity Certification Order, a draft Plan of Management (PoM) was prepared for the Albury Regional Crown Reserve (ARCR), inclusive of the AELs. The draft PoM was publicly exhibited in accordance with Part 5 of the Crown Lands Act 1989 from 24 October 2011 to 19 December 2011. The current version of the PoM, adopted by Council in 2016, identifies the values and objectives for community land categorised as a 'natural area' as shown in Table 2 below<sup>33</sup>.

Upon transfer of the AELs from the NSW Department of Lands to ACC in 2019, the AELs were classified as 'community land' in accordance with Chapter 6 Part 2 of the Local Government Act 1993 and categorised as 'natural areas' for the purposes of section 36 (4) of the Act.

The PoM is currently being reviewed, and a draft PoM for Community Land has been developed incorporating the same values and objectives for community land categorised as 'natural area' as shown in the Table below which is subject to endorsement by ACC for public exhibition.).

Table 2 - values and objectives for community land categorised as 'natural area'

Value	Objective
Biodiversity	To maintain a high level of genetic, species and ecosystem diversity within natural areas.
Ecological	To maintain ecological processes and interactions that occurs within an ecological community.
Social	To provide natural areas that are highly valued as socially significant scenic features.
Scenic	To provide natural areas which enhance the visual amenity of the area.
Education	To provide natural areas which may facilitate educational and scientific research and development.
Recreation	To promote use of the land that may enable public use and enjoyment of that land.
Intergenerational Equity	To ensure the preservation and regeneration of existing natural areas both now and for future generations.
Economical sustainability	To ensure that natural areas are managed in an economically sustainable way.

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<sup>&</sup>lt;sup>33</sup> AlburyCity Plan of Management for Community Land (15 February 2016)

#### 6.7 STRATEGIC ALIGNMENT WITH OTHER STRATEGIES AND PLANS

In addition to the strategies and plans referred to above, and as other existing strategies and plans are reviewed or new ones are developed, ACC continues to seek opportunities to incorporate a 'maintain or improve' approach to biodiversity values in its strategic planning activities. Examples include:

#### Community Strategic Plan - Towards Albury 2050

Towards Albury 2050 is Albury's Community Strategic Plan (CSP) that identifies our community's most important priorities and aspirations. Developed with and on behalf of the Albury community, Towards Albury 2050 represents an exciting vision for our city. Our Community Strategic Plan is the highest level plan that a Council will prepare and is the cornerstone document of the Local Government Integrated Planning and Reporting (IP&R) framework<sup>34</sup>.

The CSP has four focus areas or themes which are based on addressing the quadruple bottom line of social, environmental, economic and civic leadership issues. One of the four themes is "An enhanced natural environment" and includes the following outcome and strategic actions<sup>35</sup>:

"Outcome 2.4	Albury responsibly protects, conserves and enhances our natural assets.
Strategic Action 2.4.1	Identify and map our natural assets
Strategic Action 2.4.2	Preserve, enhance and restore biodiversity to strengthen our natural assets
Strategic Action 2.4.3	Provide open spaces, parklands and improve access to our natural surroundings"

#### Local Strategic Planning Statement

The CSP theme of "An enhanced natural environment" has been carried through to the Local Strategic Planning Statement (LSPS) prepared in accordance with section 3.9 of the EP&A Act. The LSPS contains the following actions related to the CSP theme <sup>36</sup>:

- "Deliver the Regional Natural Environment Strategy
- Manage land uses along the Murray River and Lake Hume through implementing the waterfront management strategy being developed by NSW Government and maintain the riverfront setback provisions
- Protect environmental conservation areas through appropriate zoning
- Implement the Environmental Zoned Land Review currently being undertaken to identify and amend mapping anomalies

<sup>36</sup> Local Strategic Planning Statement – Shaping our City: Our land use vision (September 2020)

<sup>34</sup> Message from the Mayor and CEO - Community Strategic Plan - Towards Albury 2050 (March 2025)

<sup>&</sup>lt;sup>35</sup> Community Strategic Plan – Towards Albury 2050 (March 2025)

- Review planning provisions relating to tree and vegetation protection (Part 5 Albury Development Control Plan)
- Prepare and implement Environmental Land Management Plans for AlburyCity managed lands including opportunities to increase native vegetation and to sensitively and strategically offer passive recreation opportunities
- Maintain Biodiversity Certification of our LEP to protect areas of high biodiversity value and help achieve better environmental outcomes compared to site-by-site assessment
- Promote sustainable development that compliments and respects the natural environment
- Improve residential interface with environmental lands assisted through recent amendments to our residential development guidelines (Part 10 of the Albury Development Control Plan 2010)".

#### Asset Management Strategy

The Asset Management Strategy forms part of ACC's Resourcing Strategy, an important component of the IP&R framework. In accordance with legislative requirements, ACC's IP&R documents have been reviewed at the commencement of a new Council term following the local government elections held in September 2024.

As part of the most recent review, identifying opportunities to recognise natural assets as part of our Asset Management System has been incorporated as a strategic objective of the Asset Management Strategy<sup>37</sup>.

The Strategy identifies Albury's natural assets to include trees, waterways, vegetated corridors (roads, riparian) and parks. The Strategy acknowledges that natural assets are integral to the Albury community as they provide essential services, including stormwater management, climate regulation and pollution control. They also offer a range of other benefits, including health and well-being, fauna habitat, recreational opportunities, and increased productivity.

#### **6.8 FINANCIAL RESOURCES**

As stated earlier in this application, Instrumental to the conferring of biodiversity certification in 2011 were the Albury Ranges and the Thurgoona Threatened Species Conservation Strategies commissioned by the AWDC, and the transfer of over 600ha of land identified in the Strategies as having conservation value by the AWDC to the State of NSW (Department of Lands) pursuant to a Deed of Transfer. The transfer of the AELs by the AWDC to the Department of Lands was accompanied by over \$6 million in funding for its future management. The AELs were subsequently transferred by the Department of Lands to ACC in 2019 with the balance of the funding.

ACC's Audited Financial Statements for the year ended 30 June 2020, the year in which the balance of funding was received from the Department of Lands, show an amount of \$4.17 million being held as an 'internal allocation' exclusively for the AELs<sup>38</sup>. ACC's 2024-2025 draft Financial Statements show an amount of \$3.45 million being held exclusively for the AELs<sup>39</sup>. Accordingly, Council has the financial resources to fulfill its obligations to main or improve the biodiversity values of the AELs.

38 Albury City Council Audited General Purpose Financial Statements for the year ended 30 June 2020 - Note 7 (c)

<sup>&</sup>lt;sup>37</sup> AlburyCity Asset Management Strategy (April 2025)

<sup>39</sup> Albury City Council Draft General Purpose Financial Statements for the year ended 30 June 2025 - Note C1-3

In addition to the over \$700,000 expended on maintaining or improving the AELs from the initial AWDC funding over the past five years, ACC utilises its own funding to undertake on ground works, general maintenance, education and awareness programs, compliance and other activities much of which is guided by the RNES and the Albury Ranges and Thurgoona Threatened Species Conservation Strategies. Information regarding the conservation measures and on ground works carried out is provided in Section 6.1.

#### **6.9 ACC FUNDED PROGRAMS**

ACC recognises the important role that private land plays in the protection of Albury's natural environment and local threatened species. To this end ACC has developed the Land Management Incentive Program (LMIP) for landholders, community groups and organisations to undertake on-ground environmental activities that:

- protect, create, and/or enhance habitat for local threatened species such as Squirrel Gliders, Woodland Birds and Sloane's Froglet.
- · restore local threatened ecological communities
- protect important landscape features (e.g. creek lines, rocky outcrops, wetlands, dams, large old trees etc.) and
- improve connectivity across the Albury landscape.

This program is targeted at supporting projects located on privately owned land zoned:

- C2 Environmental Conservation
- C3 Environmental Management
- Category 2 (regulated) rural land and properties that contain or are in proximity to important natural
  assets (e.g. public reserves, wildlife corridors, rivers, creek lines, wetlands, roadside vegetation,
  large old trees etc.)

Grants range from up to \$5,000 for individual landholders to \$25,000 for community groups or a collective of landholders. Applicants are expected to contribute funds either through contributions or in-kind labour<sup>40</sup>.

Over three rounds of funding since establishment of the LMIP in 2022, the program has granted \$294,000 to local landowners to improve biodiversity outcomes across the Albury LGA including in the Thurgoona Wirlinga Precinct and in partnership with local Landcare groups. Activities have included exclusion fencing, revegetation linking to remnant and existing vegetation, native planting, community education and habitat enhancement including thermoregulated nest boxes (Thurgoona), squirrel glider nest box renewal and establishing wildlife corridors (near Bowna Reserve and Bells Reserve).

In addition to the LMIP, ACC provides funding to Parklands Albury Wodonga Ltd to implement a Park Stewardship Program across non-certified lands.

<sup>&</sup>lt;sup>40</sup> AlburyCity Land Management Incentive Program Guidelines (LMIP)

Funding is also provided to Albury Conservation Co Ltd to carry out a threatened species monitoring program across Albury's growth area. Remote cameras are placed across the network to monitor threatened species.

#### 7. CONCLUSION

Biodiversity certification was conferred on Albury LEP 2010 pursuant to the TSC Act on 25 February 2011. The certification was for a 10-year period expiring on 24 February 2021 and applied to the Albury LGA excluding six mapped locations.

Biodiversity certification replaced site by site, development-by-development assessment of threatened species with a landscape wide strategic assessment. The principal objectives of biodiversity certification were noted as being to 'maintain or improve' biodiversity values and offer a more streamlined development approval process for applicants.

Instrumental to the conferring of biodiversity certification in 2011 were the Albury Ranges and the Thurgoona Threatened Species Conservation Strategies commissioned by the AWDC, and the transfer of over 600ha of land identified in the Strategies as having conservation value by the AWDC to the State of NSW (Department of Lands). The transfer of the AELs by the AWDC to the Department of Lands was accompanied by over \$6 million in funding for its future management. The AELs were subsequently transferred from the Department of Lands to ACC with the balance of the funding.

In 2020, ACC made application to extend biodiversity certification. The application was approved, and a five-year extension was granted. Biodiversity certification is now scheduled to expire on 24 February 2026 unless an extension is granted pursuant to this application.

ACC's application is premised on biodiversity certification being extended for the Thurgoona Wirlinga growth area only. The Thurgoona Wirlinga Precinct is the area where the most benefit can be derived from the strategic approach that biodiversity certification offers in providing housing and protecting biodiversity values.

If the application is successful, the balance of the Albury LGA situated outside the Thurgoona Wirlinga Precinct will no longer be biodiversity certified. This will mean that when the current biodiversity certification order expires on 24 February 2026, development or activities that are proposed on land situated outside the Thurgoona Wirlinga Precinct that was previously biodiversity certified, will no longer be taken to be not likely to significantly affect any threatened species, population or ecological community, or its habitat. Proposed development and activities will need to be assessed as required by the EP&A Act and the BC Act, and the BOS will apply.

The extent of biodiversity certified land within the Thurgoona Wirlinga Precinct is also proposed to be reduced. This is because any land situated in the Thurgoona Wirlinga Precinct that is currently biodiversity certified and that has been rezoned to C2-Environmental Conservation or C3-Environmental Management after 2017 will be excluded from biodiversity certification. However, any land situated in the Thurgoona Wirlinga Precinct and rezoned to Business, Industrial or Residential since 2017 that is currently not biodiversity certified, will remain excluded from biodiversity certification.

ACC acknowledges that any extension of biodiversity certification will not take account of any new listing of a species, population or ecological community since 2011 or the discovery of a species, population or ecological community not previously known in the area. This means that with respect to development assessments on certified land, applicants will continue to be required to assess impacts

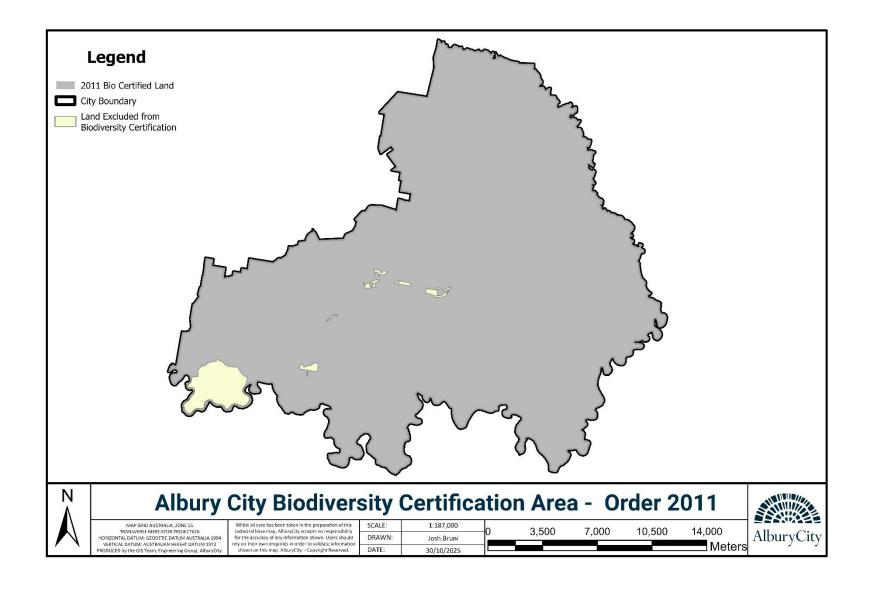
on newly listed or discovered species, population or ecological community using a ToS and, where impacts are determined likely to be significant, a BDAR must be prepared for the entire development site.

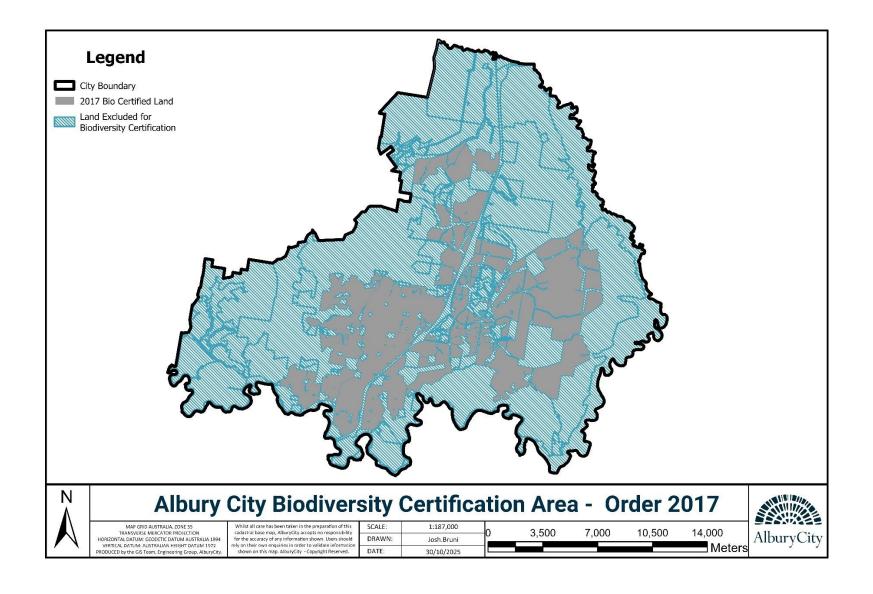
ACC is currently the only LGA in NSW with an environmental planning instrument that is biodiversity certified. This reflects the unique circumstances that existed in the LGA, most notably a significant amount of land in the LGA being in a single ownership (i.e. the AWDC) which facilitated a landscape wide assessment of, and strategic response to, the delivery of housing whilst protecting biodiversity values.

ACC believes it has satisfied the conditions of the extension to biodiversity certification that was approved in 2021. ACC also believes it is meeting the 'maintain or improve' requirements of biodiversity certification and has the financial resources, appropriately quarantined within its financial statements, to continue to do so for the period of the extension being sought and beyond.

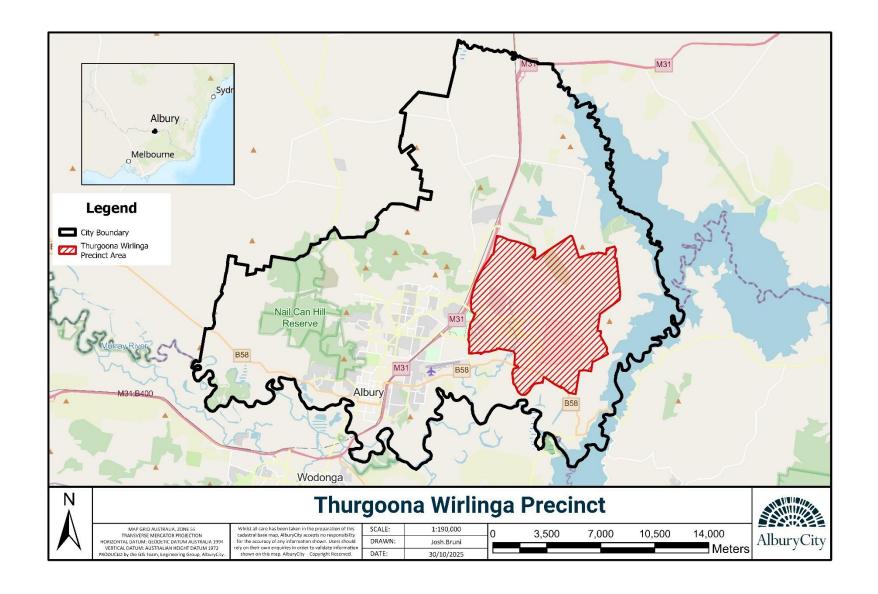
Approval of the application to extend biodiversity certification will enable a continuation of the strategic approach referred to above in the Thurgoona Wirlinga growth area and provide ACC with the opportunity to implement additional conservation measures and investigate options for transitioning to contemporary biodiversity certification pursuant to the BC Act noting that the BC Act provides for 'standard biodiversity certification' (available to planning authorities and to landowners) and 'strategic biodiversity certification' (available to planning authorities only).

### **APPENDICES**

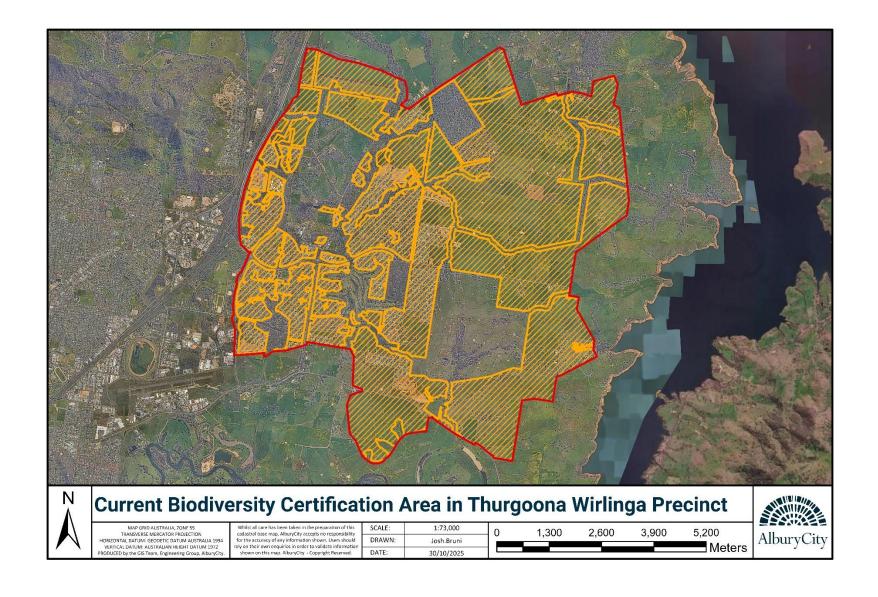




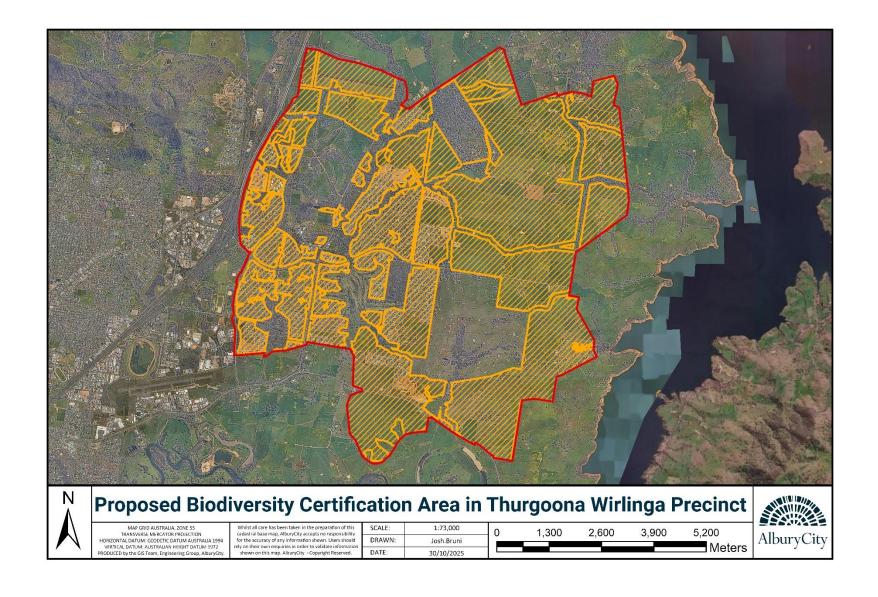
Attachment C - Map showing the location of the Thurgoona Wirlinga Precinct in relation to the Albury LGA



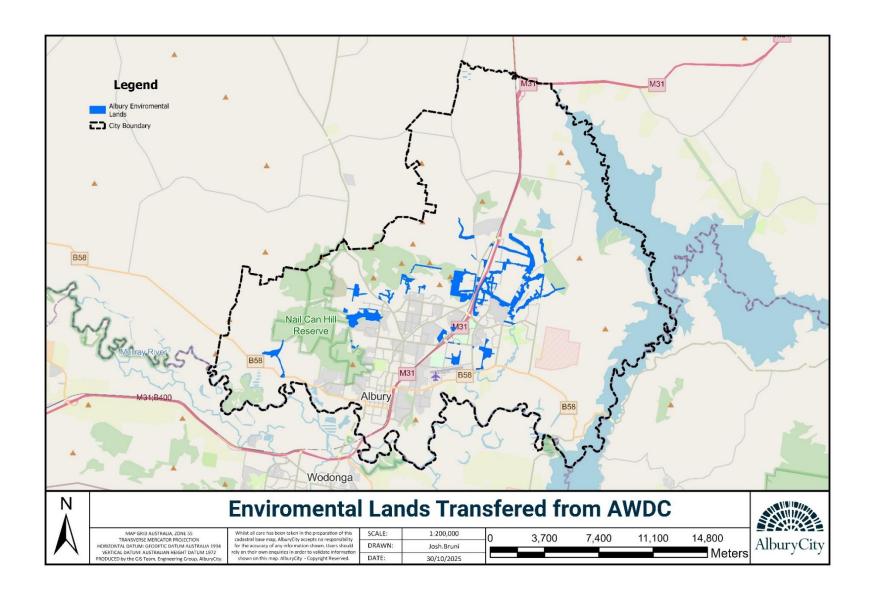
Attachment D - Map showing existing biodiversity certified land within the Thurgoona Wirlinga Precinct



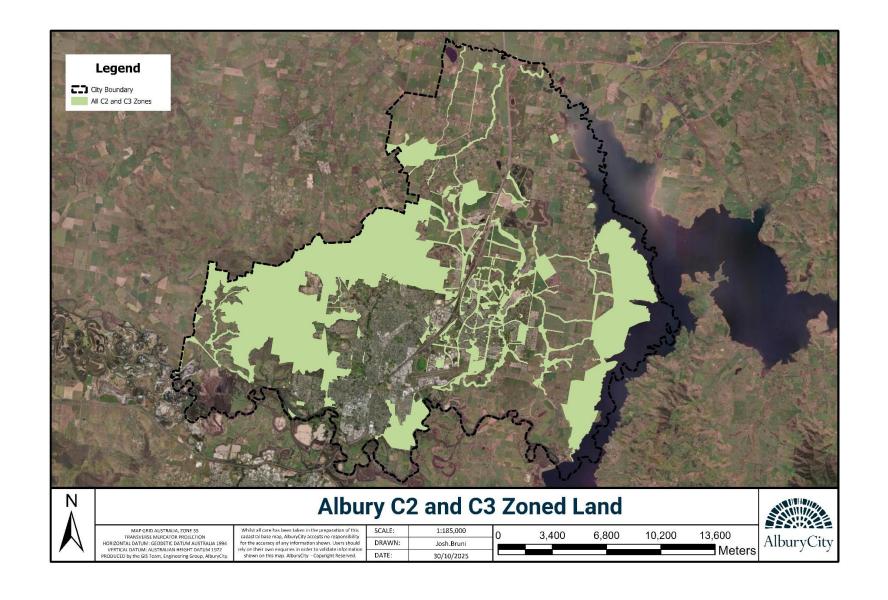
Attachment E - Map showing proposed biodiversity certified land within the Thurgoona Wirlinga Precinct



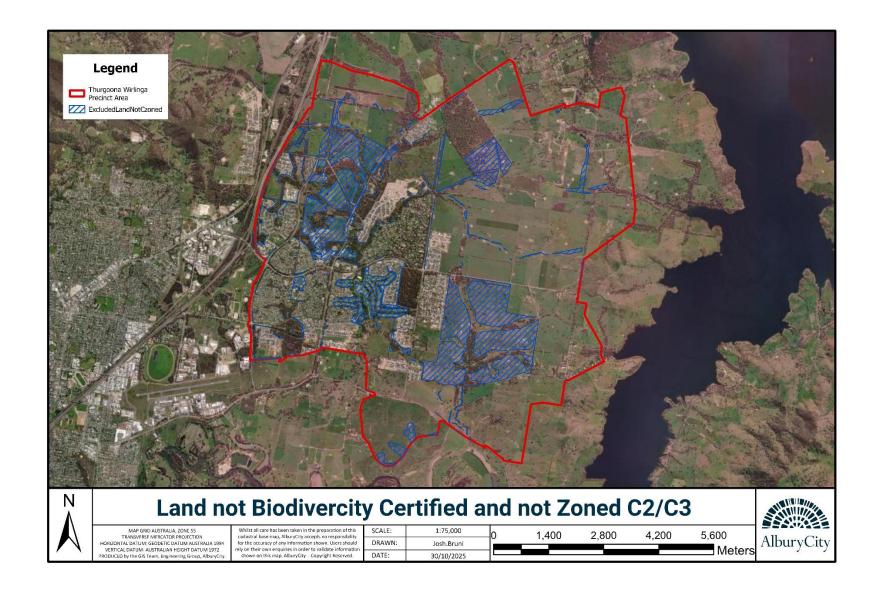
Attachment F - Map of the AELs transferred from the AWDC to the NSW Department of Lands and subsequently transferred to ACC



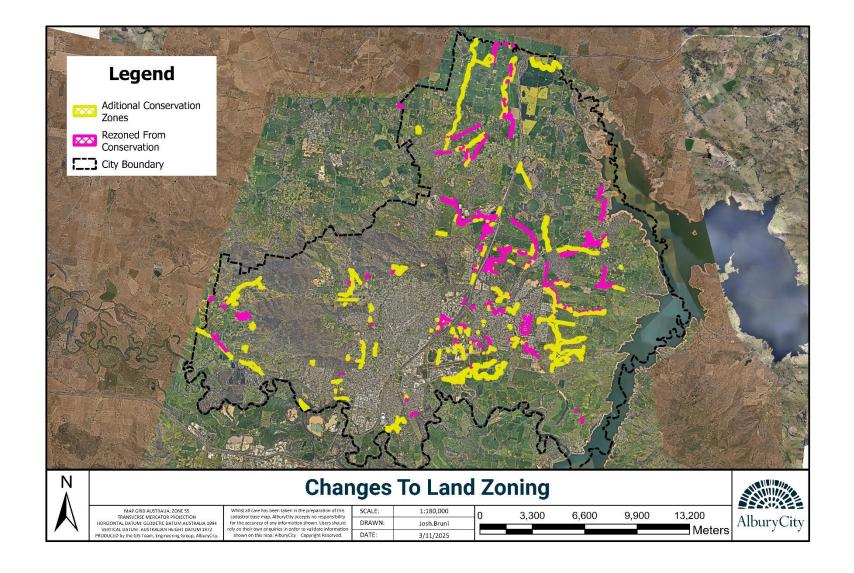
Attachment G - Map of the land zoned C2-Environmental Conservation and C3-Environmental Management pursuant to Albury LEP 2010



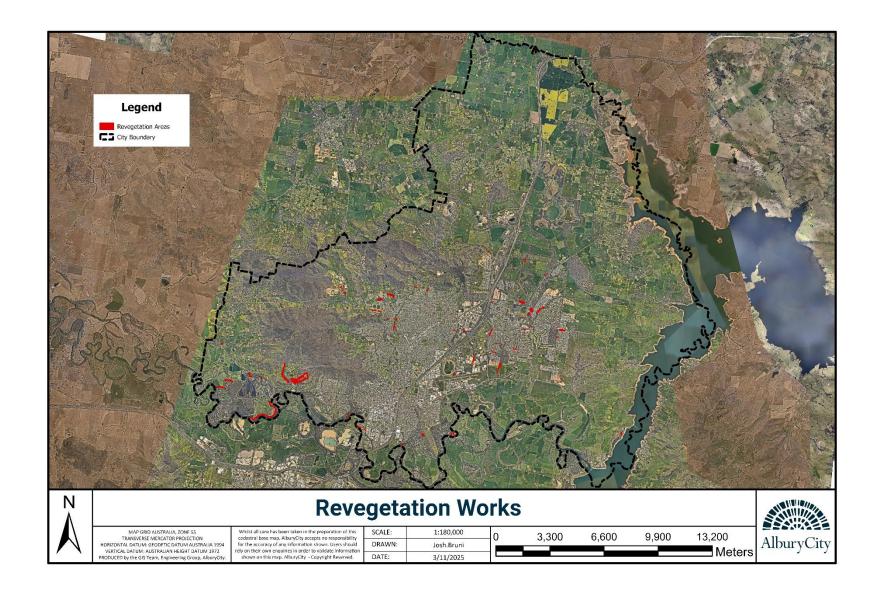
Attachment H - Map of the land that is not biodiversity certified and not zoned C2-Environmental Conservation and C3-Environmental Management



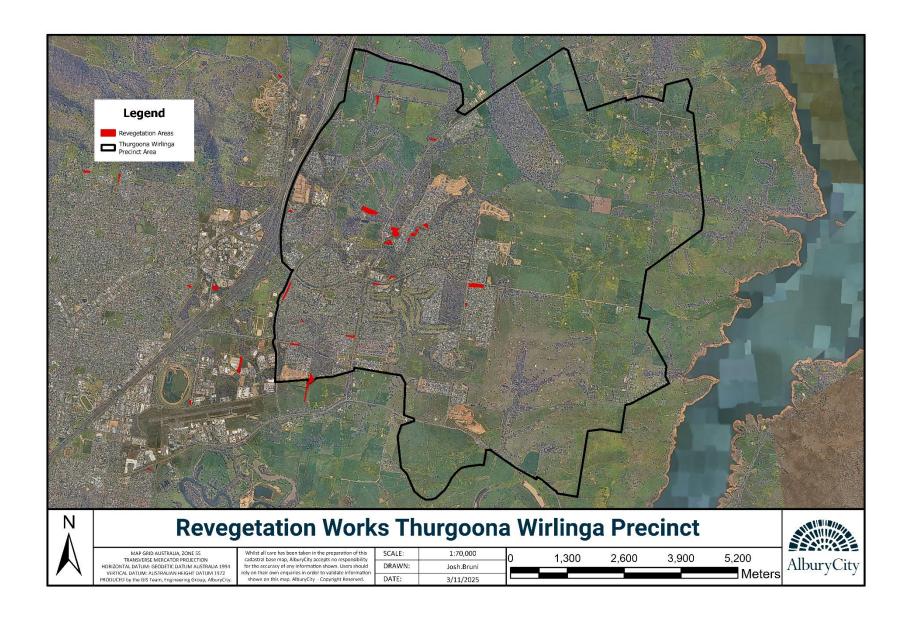
Attachment I - Map of the land that has been rezoned to C2-Environmental Conservation and C3-Environmental Management and rezoned to Business, Industrial or Residential since 2017



Attachment J - Map of the land situated within the Albury LGA and the Thurgoona Wirlinga Precinct that has been subject to revegetation works by ACC



Attachment J - Map of the land situated within the Albury LGA and the Thurgoona Wirlinga Precinct that has been subject to revegetation works by ACC



Attachment K - Environmental Approvals Required when Designing and Constructing Engineering and Building Works within AlburyCity Procedure

# **Environmental Approvals Required When Designing and Constructing Engineering and Building Works Within AlburyCity**



#### **PURPOSE**

The purpose of this procedure is to outline the main steps for environmental assessment and approvals for infrastructure projects at AlburyCity. This procedure ensure that Council meets its legislative responsibilities under relevant State and Federal environmental legislation and to reflect the value that AlburyCity places on promoting, protecting and enhancing the long term environmental values of our city.

This procedure will assist Council staff in understanding their roles and responsibilities regarding environmental management, and to provide guidance in their determination as to whether environmental approvals are required during the design phase and prior to the commencement of construction and maintenance activities undertaken on behalf of Council within the Albury Local Government Area (LGA).

#### **SCOPE**

This procedure is to be used to assess environmental impacts of all works carried out on behalf of AlburyCity in the Albury LGA. This procedure is to be used by all staff undertaking works including:

- AlburyCity Engineering
- AlburyCity Planning & Environment
- AlburyCity Community & Recreation

This procedure reflects Councils roles and responsibilities regarding environmental legislation and provides AlburyCity staff with a standard operating procedure and guidelines that provides the relevant information on processes that must be followed to ensure Council's environmental responsibilities are met.

#### **DEFINITIONS**

**SEA – Significant Environment Area:** Areas considered to be of high environmental significance including Environmental Zones (C2, C3, C4), remnant roadside vegetation of high and medium conservation value, Aboriginal scar trees, heritage conservation areas and riparian zones.

**KFH - Key Fish Habitat:** In understanding the definition of fish habitat it is important to remember that the term 'fish' includes all aquatic invertebrates such as yabbies, shrimps, oysters, mussels, insect larvae, etc.

Key Fish Habitat is made up of a number of waterways that include the following:

- Permanently flowing rivers and creeks including those where the flow is modified by upstream dam(s), up
  to the top of the natural bank regardless of whether the channel has been physically modified;
- Intermittently flowing rivers and creeks that retain water in a series of disconnected pools after flow
  ceases including those where the flow is modified by upstream dam(s), up to the top of the natural bank
  regardless of whether the channel has been physically modified.

- Billabongs, lakes, lagoons, wetlands associated with other permanent fish habitats (i.e. permanent rivers and creeks, estuaries etc).
- Weir pools and dams (i.e. Lake Hume), up to full supply level, where the weir/dam is across a natural stream channel or waterway.
- Flood channels or flood runners that may normally be dry but would be used by fish to move/migrate across or along floodplains between habitats during high flow events.

**NW - Priority Weeds:** Some serious weeds are required by law to be controlled by all landholders in an area. These are known as priority weeds and the law that controls these in NSW is the *Biosecurity Act* (Former *Noxious Weeds Act*). Weeds that are declared priority (formerly known as noxious weeds) are those weeds that have potential to cause harm to the community and individuals, can be controlled by reasonable means and most importantly, have the potential to spread within an area and to other areas.

**TS - Threatened Species:** any species (including animals, plants, fungi, etc.) which are vulnerable to endangerment in the near future as declared under the federal *Environment Protection and Biodiversity Conservation Act* and the NSW *Biodiversity Conservation Act* (former *Threatened Species Conservation Act*).

**REF – Review of Environmental Factors:** is a document used by approval authorities to make an assessment under Part 5 of the *Environmental Planning and Assessment Act 1979 (EP&A Act*). The purpose of a REF is to undertake environmental impact assessment of activities taking place.

VMO – Vegetation Management Officer WO – Weeds Officer EP – Environmental Planner

#### **REFERENCES**

- Environmental Planning and Assessment Act;
- Water Management Act;
- Biosecurity Act (Former Noxious Weeds Act);
- Fisheries Management Act;
- Biodiversity Conservation Act (Former Threatened Species Conservation Act);
- National Parks and Wildlife Act;
- Heritage Act;
- Waste Avoidance and Resource Recovery Act;
- · Local Land Services Amendment Act; and
- Protection of the Environment Operations Act.

#### **ACTIVITY**

#### **Background:**

Environmental Assessments are a process for the orderly and systematic evaluation of a project, including its alternatives and objectives and its effects on the environment, including the mitigation and management of those effects. Environmental Assessment is integrated into AlburyCity's Project Management process, and

environmental issues should be considered from the early concept development stage through to planning and design, implementation, handover and where appropriate, decommissioning.

Environmental Assessments must be undertaken in order to ensure that projects:

- contribute to ecologically sustainable development;
- contribute to the corporate goal of improving the sustainability and reducing the environmental impact of AlburyCity's operations; and
- Meet the AlburyCity's legal obligations.

All AlburyCity projects must be assessed for potential environmental impacts. The team and Council Officer responsible for implementation of a project are responsible for ensuring that the appropriate environmental assessment is undertaken and that all the required approvals are obtained prior to the commencement of any onsite works. Advice regarding Environmental Assessment and approvals can be sought from the Natural Environment Group.

The majority of AlburyCity land is Biocertified- this means that AlburyCity has identified areas of high conservation value at a landscape scale and set these areas aside to be conserved, protected and enhanced. At the same time AlburyCity has identified areas suitable for development.

Biocertification allows for development to proceed on these identified development areas without the usual requirement under the *Environmental Planning and Assessment Act 1979* (EP&A Act) for site-by-site threatened species assessments such as a Species Impact Statement. This streamlines the approvals process and makes it less onerous.

#### When do Council Works Require Environmental Approval?

All Council works are required to be assessed under Part 5 of the EP&A Act (Review of Environmental Factors) OR Part 4 of the EP&A Act (Development Application) unless the works are classified as a routine activity such as the routine maintenance of infrastructure that has low environmental impacts.

Even though most of AlburyCity land is Biocertified there are still various environmental approvals that may be required when designing or undertaking any engineering works on AlburyCity land. The level of approvals required will largely depend on the location of the works, the zoning of the land and the scale of the environmental impacts.

Prior to commencing any design and construction works at AlburyCity there are various steps that need to be undertaken to ensure that your works can proceed with the appropriate level of Environmental Approvals in place.

It is important to address environmental issues early in the planning process as the collection of relevant information (for example, Aboriginal heritage surveys and threatened species assessments), and the process of obtaining external approvals/licences can take a number of months to complete. It also allows for alternative options to be considered and mitigation measures to be incorporated into planning and design.

#### What is a Review of Environmental Factors (REF) and why are they required?

Public authorities, such as local councils are generally permitted to carry out development without the requirement for development consent under Part 4 of the *Environmental Planning and Assessment Act* (EP&A Act). However, Part 5 of the EP& A Act still requires those authorities to assess the environmental impacts of their activities. This assessment is undertaken in the form of a Review of Environmental Factors. This is a document that assesses potential environmental impacts in relation to:

- Threatened Species
- Vegetation Clearing
- Protected Flora and Fauna
- Working in Waterways
- Erosion and Sediment Control.

The document is prepared by the appropriate Council Officer using the REF Template form. Once the REF is complete it is then assessed by the Environmental Planner.

In order to prepare a detailed REF that can be appropriately assessed it may be beneficial to organised a site visit with the Environmental Planner and where necessary (i.e. where works involve the removal of trees) the Community Arborist.

Please allow adequate time (minimum of two weeks) for the review and approval of an REF. The REF informs the environmental requirements to be included in project contract documentation (i.e. specific environmental management measures to be adhered to during construction, as well as any monitoring/ inspection requirements).

**Note:** Large and/or major projects should allow for appropriate lead-in times to ascertain, apply and receive the appropriate approvals prior to works commencing. Projects of this nature should allow for 9-12 months lead-in time as a **minimum** to ensure project delays do not occur. An inception meeting with the Environmental Planner at your earliest convenience will be the best way to ascertain what approvals may be required for your project.

#### **Environmental Assessment and Approval Requirements:**

The majority of AlburyCity projects are assessed for environmental impact through the completion of an REF which is reviewed and approved internally by the Environmental Planner.

However, there are also many instances where external legislative approvals are required. For example, where a project has the potential to impact on a matter of National Environmental Significance, it may require approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. Several separate approvals or authorisations such as an Aboriginal Heritage Impact Permit (AHIP) may also be required for specific aspects of a project, in addition to the overall REF for the whole project. These are discussed in more detail in the below sections.

#### **Steps in the Environmental Approvals Process:**

The steps outlined below set out the generic components of the EP& A Act Part 5 approvals process. Although they are set out in a linear process many of these steps are iterative. For example consultation with the community may occur at various steps in the project and new information may require re-evaluation of options. It is important to provide input throughout the design process to ensure that environmental issues are properly understood and given adequate consideration by the project team.

1: Use the land zoning (situated under Planning Controls/Local Environmental Plan/LEP 2010 dropdown layers) and Biodiversity Exclusion Zones (<u>Figure 1</u>) layers (situated under Planning Controls/Environmental dropdown layers) on Weave to check the zoning of the land where your proposed works will occur on weave. You will also need to check your proposed works are not within Mungabareena Reserve. Follow the steps outlined in <u>Table 1</u> to determine what initial environmental approvals are required based on your zoning.

#### What is a Biodiversity Exclusion Zone?

Biodiversity Exclusion Zones include environmentally sensitive sites such as Wonga Wetlands, 25ha of Grassy Box Gum Woodland in Glenroy, part of Springdale Heights Industrial Area that contain significant squirrel glider habitat and an area of the Ettamogah Rural Residential site that contains environmentally significant vegetation.

AlburyCity's Biocertification does not apply to these areas. Which means that regardless of the land zone a high degree of review is required to determine what levels of environmental approvals are required.

Please contact the Environmental Planner for further information.

- 2: The level of Environmental Approvals Required for works does not depend solely on the zoning of the land there are also various other factors that need to we considered such as, Threatened Species (TS), Key Fish Habitat (KFH), Significant Environmental Areas (SEA's), Sloane's Froglet LAMP, Priority Weeds (former Noxious Weeds) and Significant Trees. Layers for these are available on Weave. Check your project is not situated within these layers using weave.
- **3:** Follow the steps outlined in <u>Table 2</u> to determine if additional Environmental Approvals are required for your works.
- **4:** Undertake a site visit and desktop analysis with the Environmental Planner and where necessary (as detailed in <u>Tables 1 & 2</u>) the Community Arborist and Vegetation and Weed Management Officers to document the features of the environment and the potential environmental impacts of the project.
- **5**: Identify the key environmental impacts from the project (<u>Figure 2</u> provides more detail on the types of issues which need to be considered), and identify any legislative requirements for permits/authorisations/approvals.
- **6:** In consultation with the Environmental Planner, determine the appropriate level of environmental assessment and the approval process.
- **7:** In consultation with the Environmental Planner organise relevant site surveys (ie. Aboriginal Cultural Heritage Due Diligence Assessment), and investigations as appropriate.
- **8:** Formulate and evaluate project options to minimise impacts on the environment. If the project or portion of the project has a significant impact (such as, significant vegetation removal, damage to Aboriginal cultural heritage sites), alternatives (such as, realignment of the road or path) should be investigated and where necessary the project should be modified.
- **9:** Where necessary consult with relevant government agencies and stakeholders on the potential impacts, project options and mitigation measures.
- **10:** Select the most appropriate option.
- **11:** Identify and incorporate mitigation measures into project design plans. Design plans are to follow Environmental Specifications that are included in Council's Standard Engineering Specifications.

- **12:** Prepare a Construction Environmental Management Plan (CEMP) and where the proposed project requires extensive earthworks a site specific Erosion and Sediment Control Plan (ESCP) for the works should also to be prepared. Alternatively, conditions must be included in the Contract documents that require the Contractors to prepare a site specific CEMP and ESCP.
- 13: Consult key stakeholders on design plans.
- **14:** Final design plans are to include an Environmental Site plan that clearly defines the construction corridor, stockpile sites, site access, wash down areas, etc.
- **15:** Complete the environmental documentation (i.e. REF, Fisheries Permit), including incorporating appropriate environmental clauses into the Contract Documents.
- **16:** Complete all relevant environmental approvals documentation (including REF, Environmental Clauses in the Contract Documents, Threatened Species Impact Statements, Fisheries Permits application) and submit to the Environmental Planner and where relevant to appropriate external agencies for assessment and approval.
- **17:** Following the receipt of all Environmental Approvals (such as REF Assessment, Fisheries Permit, AHIP, etc) all recommendations/ approval conditions are to be incorporated into the final design.
- **18**: If departures from approval recommendations/ conditions are made, the final design plans are to be signed off by both the Engineering and Planning and Environment Directors.

# Table 1: Land Zoning and the Various Environmental Approvals That May be required.

# Environmental Conservation (C2), Environmental Management (C3) or Environmental Living (C4) Zoned Land.

- a) A Review of Environmental Factors (REF) is generally required for works in these areas. This is regardless of whether you are doing any vegetation clearing. Please contact the Environmental Planner for further assistance
- b) As of 27 August 2017 the *Biodiversity Conservation Act* now applies to these areas. Approval and environmental assessment under this Act may be required for any native vegetation clearing. Some exemptions may apply. Please contact the Environmental Planner for further information.

#### Residential or Business or Industrial Zoned Land

- a) As the Biocertification applies to these areas further environmental approvals are generally not required.
- b) Council still needs to consider threatened species such as Sloane's Froglet etc that may be present on site. It is an offence to harm threatened species and/or their habitat under the new Biodiversity Conservation Act (former Threatened Species Conservation Act) regardless of whether Biocertification applies or not.
- c) Check the threatened species and Sloane's Froglet LAMP layers on Weave and seek guidance from the Environmental Planner if any

## Rural, Special Purpose, Recreational or Waterways Zoned Land.

- a) A Review of Environmental Factors is generally required for works in these areas-regardless of whether you are doing any vegetation clearing. Please contact the Environmental Planner for further assistance.
- b) As a Public Authority Council is exempt from having to obtain approvals for works within a waterway or waterfront land under the Water Act. However, works still need to be assessed under an REF to ensure there are no significant impacts. If impacts are deemed to be significant further approvals may be required.

### Biodiversity Exclusion Zones (i.e. Wonga Wetlands)

- a) AlburyCity's Biocertification does not apply to these areas regardless of what they are zoned.
- b) Works in these areas generally need a high degree of review to determine what levels of approvals are required. Please contact the Environmental Planner for further information.

#### Mungabareena Reserve

- a) ANY WORKS in Mungabareena Reserve will require a Due Diligence and/or a Aboriginal Cultural Heritage Assessment.
- b) Depending on the level of assessment this process can take up to nine to twelve (9-12) months. Early planning and lead-in times are essential to ensure project delays do not occur. Contact the Environmental Planner for further information.

Mungabareena Reserve is listed as an Aboriginal Place. This means that the area has important cultural, spiritual and historical significance.

Aboriginal sites are often places that are tied to the

c)	Site	Specific	threatened		
spe	cies i	mpacts as	ssessments		
ma	may also be required for works				
in t	hese a	areas. Plea	ase contact		
the	Envir	onmental	Planner for		
furt	her in	formation			

threatened species may be present on site prior to works commencing this will determine whether further actions and/or a REF is required.

d) Works within waterways (i.e. Creek Crossings) and/or significant environmental areas may also require further approvals. See <u>Table 2</u> below.

- c) Additionally approvals from
  NSW Fisheries may also be
  required if working in or near a
  waterway. This will depend on
  the nature of the works;
  Council does not have
  exemptions under this NSW
  Fisheries Act 1994. See the Do
  I need a Fisheries Permit?
  further
  (Appendix 1) flow chart for
  further information.
  - **d)** Vegetation clearing in these areas may require approval under the **Biodiversity** Conservation Act and/or the Local Land Services Amendment Act which were introduced on 27 August 2017 replacing the former Native Vegetation Act. Approval is generally required for the any vegetation clearing. Some exemptions may apply. Please contact the Environmental Planner for further information.

community history and may include natural features, places where aboriginal political events commenced or particular buildings.

#### Table 2: Additional Environmental Factors to be Considered When Designing and Constructing Works in AlburyCity

Check the following layers on Weave:

- Significant Environmental Areas (SEA's)
- Threatened Species (TS)
- Sloane's Froglet

- Key Fish Habitat (KFH)
- Priority/Noxious Weeds
- Significant and Street Trees

### Significant Environmental Areas (SEA'S)

- a) An REF is generally required for works in these areas. However, some exemptions may occur.
   Contact the Environmental Planner for further advice.
- **b)** A "Working in SEA's" form will need to be completed for all works in SEA's. Please contact the Environmental Planner for further advice.

#### What is a SEA?

Albury supports a number of distinctive natural assets, from the **Endangered Ecological Community** (EEC) Box Gum Grassy Woodland, to the Forward Tree Plantings of Thurgoona. Albury's biodiversity assets also include a number of threatened species, remnant roadside vegetation corridors, significant trees, suburban gardens, revegetation areas, unique wildlife, riparian areas and the magnificent Murray River. These biodiversity assets have been identified and mapped to comprise AlburyCity's Significant Environment Areas (SEAs).

# Waterways and Key Fish Habitat Areas (KFH)

- a) Any works that are located within 40m of a Waterway and Key Fish habitat (KFH) areas are likely to require approval from NSW Fisheries as well as the completion of an REF.
- b) A permit may be required under s.219 of the *Fisheries Management Act* for any work within waterways and/or creek/stream/riverbanks. Check the Do I need a Fisheries Permit? (Appendix 1) flowchart for further information and contact the Environmental Planner for further advice
- c) All waterway crossings in KFH areas must be designed in accordance with the relevant policy and guidelines for Fish Passage, "Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings", (NSW DPI Fisheries)

#### Threatened Species (TS)

a) Further Environmental
Approvals are generally
required for works in areas
where TS may occur.

b) Whilst the majority of

- AlburyCity land is
  Biocertified, threatened
  species and communities
  declared under Federal
  legislation are not included in
  the Biocertification. It is also
  an offence to knowingly
  impact on habitat of known
  TS under NSW legislation,
  regardless of whether the
  land has been Biocertified or
  not.
- **c)** Please Contact the Environmental Planner for further information.

#### Sloane's Froglet Habitat

- a) Any works that may impact upon Sloane's Froglet habitat will need to be discussed with the Environmental Planner.

  Approvals from the Office of Environment and Heritage are likely to be required.
- **b)** Please contact the Environmental Planner for further advice.
- The Sloane's Froglet is a declared species under the NSW Biodiversity
  Conservation Act (which replaced the Threatened
  Species Conservation Act). It is an offence to knowingly impact the froglet's habitat regardless of whether the land is Biocertified or not.

#### **Significant and Street Trees**

Where works are located within close proximity to either Street or Significant Trees (i.e. within the dripline of the tree) or require tree removal please contact the Community Arborist and Environmental Planner to allow for assessment of the trees.

#### Priority Weeds (formerly known as Noxious Weeds)

- a) In areas of particularly bad weed infestations. <u>Vehicle</u> and <u>Machinery Hygiene</u> <u>Protocols</u> will need to be implemented.
- b) Where works are located in areas of Priority Weed Infestations or "Red Guide Post" areas additional care needs to be taken to prevent the spread of these weeds.
- c) Please contact the Weed Management and/or Vegetation Management Officer for further assistance.

#### **Aboriginal Cultural Heritage**

- a) Are works located within 200m of a water course? Do they require the removal of significant old trees? Are they in areas where caves or rock overhangs exist?
- b) Any works located within these areas have the potential to impact on items of Aboriginal Cultural Heritage Significance and will therefore require a Cultural Due Diligence Assessment as well as an REF to be completed.
- c) Check the <u>Do I need any</u>
  <u>Aboriginal Cultural Heritage</u>
  <u>Approvals?</u> (Appendix 2)
  flowchart for further
  information and see guidance
  from the Environmental
  Planner.

# Figure 2: Activities that need to be considered when designing construction and maintenance works as they have the potential to cause Environmental Impacts

Note - this list is indicative, not exhaustive. It serves as a guide only, not a comprehensive listing.

#### Barriers and fencing

Remember that the construction footprint will extend outwards either side of the barrier/fence. If solid fences are proposed, will there be any impacts on wildlife movement, free flow of stormwater runoff/floodwaters etc?

#### • Site Office or Depot facilities, stockpiling sites, turnaround areas

How big will the Contractor's Activity Zone need to be to accommodate these? Should it be bunted/flagged off or secured with temporary fencing?

#### Demolition

Do the works require any demolition? How will demolition waste be disposed of? Can it be reused/ recycled? Is the structure likely to contain asbestos? What precautions are required?

#### Earthworks

How long with bare earth be exposed? Is stabilisation required? How will sediment-laden run-off be managed? Will dust be a problem? Is a wash-down station or various control measures such as rumble grids, etc needed to stop trucks dragging mud onto adjacent roads?

Potential for soil contamination?

Potential for Aboriginal artefacts to be encountered?

Will vegetation be de-stabilised by batters? Can batter slopes be steepened to minimise impacts?

#### Excavation

Where will excess material be stockpiled or disposed of?

Will groundwater be intercepted? How will this be managed?

#### Lighting

Does the placement of light poles require any tree removal/pruning (canopy and roots)?

Will lights be a nuisance to any adjacent land uses?

#### Materials

Where will materials be sourced from? If recycled materials are to be used, what is the risk of contamination and how can this be managed? Will borrow pits are to be created/expanded, or haul roads created? What are the impacts on vegetation, drainage patterns etc?

#### New transport infrastructure / major upgrades- (i.e. Roads, Cycle Paths)

What are the likely noise and air quality impacts for surrounding residents/businesses? Will noise treatments be required?

Will it result in severance or changed access?

Will it inhibit wildlife movement?

Will it affect views or the setting of heritage items/areas?

Are there any opportunities to improve the sustainability of the infrastructure/ reduce greenhouse gas emissions?

#### Noisy construction activities

Are there any sensitive receivers (e.g. hospitals, schools, residential areas, etc) that would be affected by the noise and/or vibration? Are dilapidation surveys necessary? How can impacts be minimised? What consultation is required?

Are any night-works planned?

Do you need to do any Service relocation?

Remember that the overall footprint will be bigger than just the trench – it depends on the width and height of the machine being used for trenching. What clearance is required between trenches and tree roots?

#### Stockpiling areas

Where/how long will materials be stockpiled? Should they be covered to prevent dust/runoff? Is there a risk of runoff from stockpiles entering watercourses?

#### Structures in waterways

Will there be any changes to flow patterns, effects on fish passage, is scour protection required, etc Do you need approvals from NSW DPI-Fisheries?

#### • Vegetation removal

What is the quality of the vegetation on site? Does it have particular habitat, cultural, amenity value? Will removal result in erosion or other flow-on effects?

#### • Weeds

Will construction activities result in the spread of weeds? Are special wash-down procedures necessary? How will weed species be disposed of? What sort of weed control will be necessary post-construction?

#### **DOCUMENTATION**

Working in Significant Environmental Areas – Site Management List Template- DOC17/6066 Review of Environmental Factors Template- DOC12/23241 Vehicle and Machinery Hygiene Protocol to Prevent the Spread of Weeds- DOC17/105980

**Appendix 1:** Do I Need a Fisheries Permit for My Works?

Appendix 2: Do I need any Aboriginal Cultural Heritage Approvals?

#### **AUTHORISATION**

Owner	Directorate	Planning and Environment- Natural Environment Group
	Responsible Officer	Environmental Planner
Authorisation	Authorisation Approved Manex	
	5 December 2017	
<b>Review Date</b>	5 December 2021	
Register	Internal Policy and Procedure Register	
Record of	Insert date	Provide brief description of the change.
Amendments	Amendments Insert date Provide brief description of the change.	

#### Appendix 1: Do I need a Fisheries Permit for My Works?

Under the NSW Fisheries Management Act it is an Offence to undertake works in a waterway or on its banks which may impact on fish habitat or passage. The Key Fish Habitat (KFH) mapping on weave is set by NSW Fisheries and whilst not all areas mapped may look like fish habitat they are still subject to the provisions of the Fisheries Management Act. Approvals are also required even when creeks/streams are not flowing.

Even though Council is considered a Public Authority- Local Government is not exempt to the provisions of the Fisheries Management Act.

### Do the works: 1: Have the potential to temporarily or permanently obstruct fish passage? (i.e. Do I need to dam a waterway? Will I be doing any dewatering works during the construction of crossings? Will I be constructing sediment fence or any other sediment and erosion controls across the waterway?) 2: Involve excavation into the bed or banks of the waterway? No to all 3: Include the placement of material, (i.e. fill, sand, and gravel, rock breeching) in the bed or banks of the waterway? 4: Involve the cutting, removing, destroying, transplanting, shading or damaging in any way of Riparian Vegetation? Works can proceed without a permit. Complete Review of Environmental Yes to any or Factors (REF) and/or the Working in Significant Environmental Areas all (SEA's) form and submit to the Environmental Planner for assessment prior to the commencement of works.

Permit required.

Contact the Environmental Planner for assistance in completing the Permit

Application

#### Appendix 2: Do I need any Aboriginal Cultural Heritage Approvals?

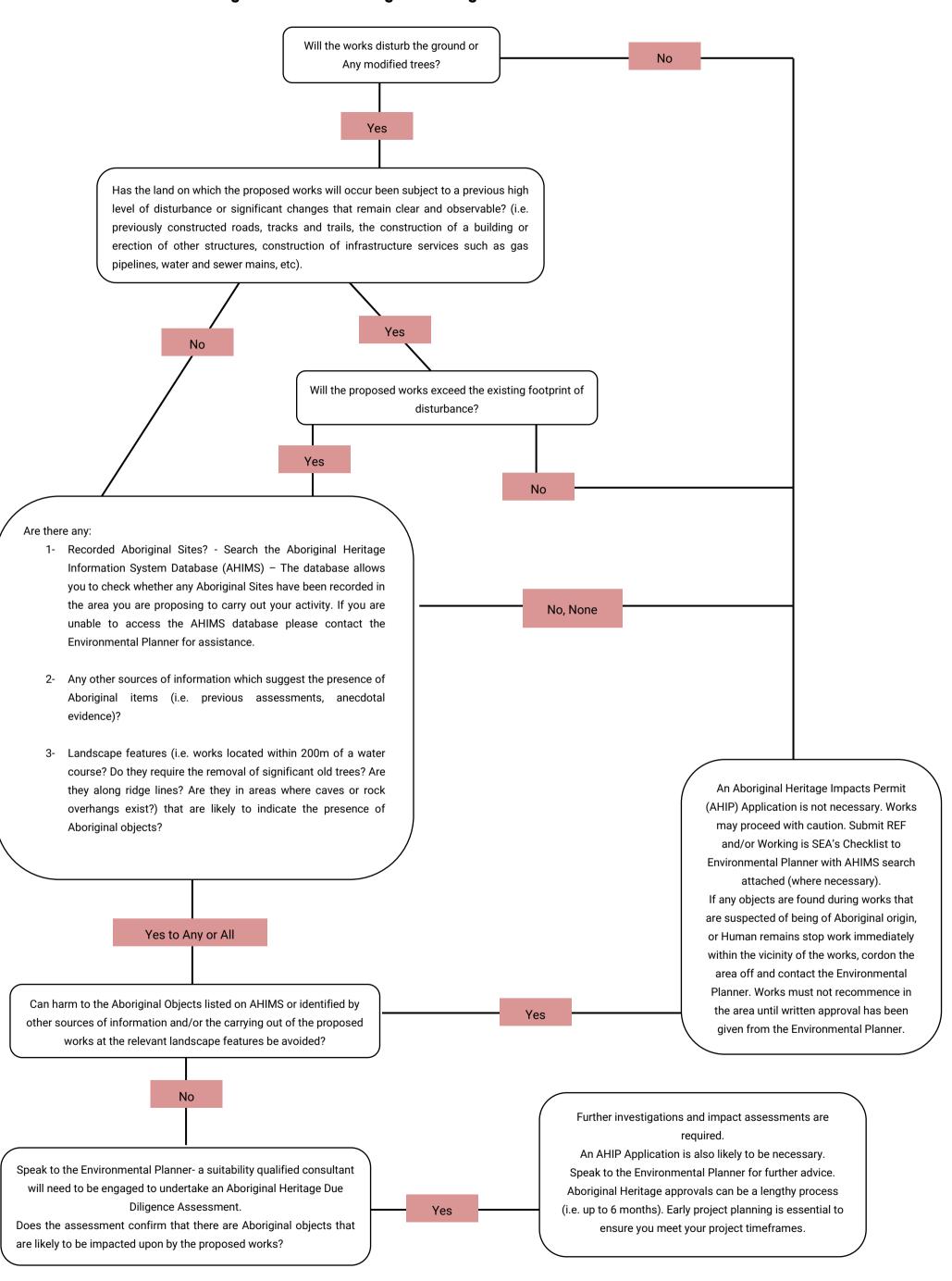
All Aboriginal objects and places are protected under the NSW *National Parks and Wildlife Act* (NPW Act) and consideration of the potential impacts of Aboriginal Cultural Heritage is a key part of the environmental assessment process under the *Environmental Planning and Assessment Act*. In the past, if a person harmed an Aboriginal object unknowingly they did not commit an offence. However, NPW Act has been amended so that it is now an offence to harm Aboriginal objects or Aboriginal places in NSW even if the offender did not know it was an Aboriginal object or place. This means that ignorance is no longer a defence and appropriate precautionary steps need to be taken to protect Aboriginal objects and declared Aboriginal places.

Without exemptions or defences such as the exercise of due diligence, penalties now apply if you:

- knowingly harm or desecrate an Aboriginal object or Aboriginal place (the 'knowing' offence)
- unknowingly harm or desecrate an Aboriginal object or Aboriginal place (the 'strict liability'
  offence)

If the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* is followed and we act in good faith when planning or authorising an activity, AlburyCity and its staff are unlikely to be found personally liable for any consequences of that activity. A defence to the 'strict liability' offence applies if AlburyCity can demonstrate that the due diligence was exercise prior to undertaking the activity and it was reasonably determined that the activity would not harm an Aboriginal object. Hence it is important that the *Due Diligence Code* of Practice steps outlined in the <u>table below</u> are followed to ensure that adequate consideration has been given to the likelihood of your proposed works impacting on Aboriginal Cultural Heritage.

#### Aboriginal Cultural Heritage Due Diligence Code of Practice Process Guide.



### Attachment L Review of new listings of a species, population or ecological community or discovery of a species, population or ecological community since 2011

Sloane's Froglet (Crini	Sloane's Froglet (Crinia sloanei)		
Habitat and lifecycle	Sloane's Froglet is typically associated with periodically inundated areas in grassland, woodland, and disturbed habitats.  Important Sloane's Froglet habitat occurs on land zoned for development and on land zoned for environmental management in the Albury area.  Breeding is rainfall dependent and occurs during winter and spring mainly between May and October.		
Local records	One of the largest known populations of Sloane's Froglet in NSW occurs in Thurgoona and Wirlinga, in an area defined by the Sloane's Froglet Thurgoona Wirlinga priority area extent.		
Threats and mitigation	Key threats are habitat loss and degradation, including loss of connectivity between wetlands and landscape fragmentation, changes in hydrology, and degradation of water and habitat quality from land clearing and stock.		
	On its own, land zoned for environmental management is insufficient to ensure the species' future.		
	Securing a viable population of Sloane's Froglet within the Thurgoona Wirlinga priority area extent is critical to securing the species in NSW. The persistence of Sloane's Froglet within the Thurgoona Wirlinga priority area extent will depend on the presence of sufficient connected habitat across the area to support a viable population. Consequently, maintaining or creating connected breeding habitat on developable lands is necessary.		
	The Sloane's Froglet stormwater wetland design guidelines (ACC & OEH 2017) (Sloane's Froglet Guidelines) aim to incorporate Sloane's Froglet breeding habitat into all new stormwater wetlands within the Thurgoona Wirlinga priority area extent. The Sloane's Froglet Guidelines provide information that will assist in preparing and assessing a ToS for this species.		
Southern Whiteface (A	pophelocephala leucopsis)		
Habitat and lifecycle	Open woodlands, shrublands, and grassy woodlands.		
	A grassy or shrubby understory is crucial, along with herbaceous litter on the ground for foraging.		
	A low density of trees is preferred, and the presence of hollows in dead or living trees is essential for roosting and nesting.		
	Breeding takes place from July to October throughout most of the species' range,		

Local records	Recorded in Albury LGA in both natural areas and enhancement plantings. The majority of habitat for this species is located within the existing conservation zones.
Threats and mitigation	Degradation of ground-level vegetation and loss of standing dead timber
	Clearing of woody vegetation for agriculture leading to loss of available nesting sites and reduction in recruitment of future hollows
	Loss of standing dead timber and fallen woody debris due to firewood collection, fire management and land management causing simplification of habitat
Magpie Goose ( <u>Anseral</u>	nas semipalmata)
Habitat and lifecycle	Occupies shallow wetland habitats. Nests are formed in trees over deep water. Breeding is unlikely in south-eastern NSW.
	Potential habitat in conservation zones and at Wonga Wetlands and Mungabareena Reserve may be important for persistence of the species locally.
Local records	No local resident populations are known from the Albury area, however it has been recorded in Corrys Wood, Thurgoona, and Gilgai Reserve north of the airport.
Threats and mitigation	Changed hydrological regimes of wetland habitats
Dusky Woodswallow (A	rtamus cyanopterus cyanopterus)
Habitat and lifecycle	Inhabits dry, open eucalypt forests and woodlands.
	Mature living and standing dead trees provide important foraging and nesting habitat.
	Nest sites vary greatly, but generally occur in shrubs or low trees, living or dead, horizontal or upright forks in branches, spouts, hollow stumps or logs, behind loose bark or in a hollow at the top of a wooden fence post. Nest sites may be exposed or well concealed by foliage.
Local records	The majority of habitat for this species is located within the existing conservation zones, including enhancement plantings.
	Recorded across the LGA, predominantly in rural areas, but some urban.

Reduction in area, and increased isolation of patches of remnant woodland and open forest.		
Ongoing degradation of habitat through the loss of dead timber, removal of coarse woody debris and other disturbances of the ground		
layer.		
Habitat degradation from invasion by weeds including exotic grasses and woody weeds.		
assimilis)		
Occurs in grassy, open woodland, inland riparian woodland and native grasslands. It preys on terrestrial mammals, birds and reptiles, occasionally insects.		
Large living and dead paddock trees are likely to provide important habitat. Plantings that aimed to restore and enhance the environment provide foraging habitat and increase prey availability.		
Locations of key breeding habitat and understanding of breeding ecology and success is limited.		
Recorded in North Albury and Lavington.		
Loss of foraging and breeding habitat, particularly that which affects prey densities. Loss of mature trees from rural landscapes.		
Varied Sittella (Daphoenositta chrysoptera)		
Inhabits eucalypts forests and woodlands, especially those with rough-barked species. Mature smooth-barked gums with dead branches also provide good foraging opportunities.		
Large old trees, alive and dead, are likely to provide important habitat.		
The majority of habitat for this species is located within the existing conservation zones. Mostly recorded in the west and north of the LGA.		
The sedentary nature of the Varied Sittella makes cleared land a potential barrier to movement.		
Threats include habitat degradation through small-scale clearing, loss of paddock trees and connectivity, invasive weeds, and overgrazing.		
Black Falcon ( <u>Falco subniger</u> )		
Inhabits grassy, open woodland, inland riparian woodland and native grasslands. Plantings that aimed to restore and enhance the environment provide foraging habitat and increase prey availability.		
Living and dead paddock trees, particularly those with stick nests (including stick nests built by corvids), provide breeding habitat.		
In NSW there is assumed to be a single population, widely and sparsely distributed.		

	The majority of habitat for this species is located within the existing conservation zones.
	Recorded across the LGA (including rural areas), including at Wonga Wetlands, Nine Mile and Bells Travelling Stock Reserves and Lake Hume at Bowna Waters.
Threats and mitigation	Loss of large old trees from the landscape, a resource that is critical for nesting and hunting.
Little Lorikeet (Glossops	sitta pusilla)
,	Forages primarily in the canopy of open eucalypt forest and woodlands, mostly on nectar and pollen, but occasionally on fruits of mistletoe.
	Hollow-bearing trees provide nesting habitat for the species.
	Native plantings, particularly for corridor enhancement, provide habitat and assist with the movement of birds across the landscape.
	The majority of habitat for this species is located within the existing conservation zones. Recorded across the LGA, including urban and rural areas.
Threats and mitigation	Loss of large old <i>Eucalyptus</i> trees for foraging and hollow bearing trees for breeding. Degradation of woodland habitat structure from overgrazing and weed invasion.
Little Eagle (Hieraaetus	morphnoides)
1	Inhabits open eucalypt forest, woodland and open woodland, including riparian woodlands. Nests in tall living trees in a remnant patch, where pairs build a large stick nest in winter.
	Prey availability is linked to the complexity of vegetation structure. Areas with greater complexity (i.e. that include shrubs, ground covers and grasses) are likely to provide a greater prey resource.
Local records	The majority of breeding habitat for this species is located within the existing conservation zones.
	Recorded across the LGA, with a cluster of records at Wonga Wetlands, and a loose cluster to the north of Albury.
Threats and mitigation	Rural subdivision threatens Little Eagle, directly and indirectly, by disturbing breeding habitat and nest sites and degrading foraging habitat, particularly in or adjacent to areas of Box-Gum Woodland.
Scarlet Robin ( <u>Petroica boodang</u> )	

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Habitat and lifecycle	Inhabits dry eucalypt forests and woodlands, usually with open understorey. Habitat usually contains abundant logs and fallen timber; these are important components of its habitat.
	Plantings of locally native trees and shrubs, particularly those which provide a variety of structural variation, including open areas, grass cover and fallen timber are likely habitat.
	Corridors that allow the movement of birds across the landscape are important for this species.
Local records	Habitat for this species is mostly located within the existing conservation zones. Recorded across the LGA.
Threats and mitigation	Reduction in the size of remnant patches, reduction in structural complexity of habitat and isolation of habitat patches.
	Weed invasion and dense regeneration are detrimental.
	Domestic and feral cats roaming in bushland areas is a threat to the species.
Flame Robin ( <u>Petroica</u>	phoenicea)
Habitat and lifecycle	Flame Robins migrate to the region in winter and inhabit dry forests, open woodlands and in pastures and native grasslands, with or without scattered trees. Corridors that allow the movement of birds across the landscape are important for this species.
	Plantings of locally native trees and shrubs, particularly those which provide a variety of structural variation, including open areas, grass cover and fallen timber are likely habitat.
Local records	Habitat for this species is located primarily within the existing conservation zones. Recorded across the LGA.
Threats and mitigation	Clearing and degradation of breeding and wintering habitats.
	Reduction in structural complexity of habitat and isolation of habitat patches. Weed invasion and dense regeneration are detrimental.
	Domestic and feral cats roaming in bushland areas is a threat to the species.
Eastern False Pipistre	elle ( <u>Falsistrellus tasmaniensis</u> )
Habitat and lifecycle	Hollow-bearing trees, particularly in Box-Gum Woodland and Dry Sclerophyll Forests.
Local records	There is limited potential habitat for this species in the LGA. Albury LGA is located at the known western extent for this species.
Threats and mitigation	Loss or disturbance of breeding and winter roosting sites.
Grey-headed Flying-fo	ox (Pteropus poliocephalus)

Habitat and lifecycle	Inhabit tall sclerophyll forests, woodlands, heaths and swamps, as well as urban gardens.
	Grey-headed Flying-fox feed on the nectar and pollen of native trees, in particular
	Eucalyptus, Melaleuca and Banksia, typically within 20km of camp.
	Native vegetation plantings likely provide foraging habitat locally, including in urban settings.
Local records	Recorded predominantly across urban areas. There is an active camp at Leaney's Bend on the Murray River.
Threats and mitigation	Loss of roosting and foraging habitat.
	Activities that disrupt Grey-headed Flying-fox breeding camps, such as noise and vibration, threaten breeding success of this species.
	Powerlines and barbed wire are an entanglement risk.
Southern Greater Glide	r (Petauroides volans)
Habitat and lifecycle	Inhabit tall sclerophyll forests, woodlands, heaths and swamps. This includes: Whitebox-Blakelys Red Gum Forest, Whitebox Woodland and Blakelys Red Gum Grassy Woodland. forests, woodlands, heaths and swamps, as well as urban gardens.
	Usually solitary, though mated pairs and offspring share a den during the breeding season.
	Can glide up to horizontal distance of 100m including changes in direction up to 90 degrees.
	Feeds exclusively on eucalypt leaves, buds, flowers and mistletoe.
Local records	No records in Thurgoona Wirlinga. Located in the ranges to the south and east in Victoria or north-east at Woomargama National Park.
Threats and mitigation	Loss of hollow-bearing trees and foraging habitat.
	Loss of habitat including fragmentation and lack of connectivity to surrounding habitat as a result of human activities including farming, forestry, urbanisation and rural development.
	Alteration of microclimate conditions (level of moisture on food tree leaves) due to climate change.
	Barbed wire fences can entangle greater gliders and damage their gliding membranes.
Hoary Sunray (Leucoch	rysum albicans subsp. tricolor)
Habitat and lifecycle	The Hoary Sunray is an everlasting daisy that blooms from October to December. It has a yellow inner flowerhead, surrounded by papery white petal-like bracts that sometimes have red shades at the outer layers.
	In lowland areas, the most common habitat type is grassy woodland of Manna Gum Eucalyptus viminalis, Swamp Gum Eucalyptus ovata and/or Snow Gum Eucalyptus pauciflora, with a grassy layer of Themeda triandra, Spear-grasses Austrostipa spp. and Long-hair Plume-grass Dichelachne crinita.

Local records	No records in Thurgoona Wirlinga. Records focused around Nail Can Hill and associated ranges.		
South-eastern Glossy I	South-eastern Glossy Black-Cockatoo (Calyptorhynchus lathami)		
Habitat and lifecycle	Inhabit open forest and woodlands of the coast and Great Dividing Range where stands of sheoak occur.  Black Sheoak and forest Sheoak are important food sources.  Dependent on large hollow bearing eucalypts for nest sites.		
Local records	Single record within Thurgoona (2020) and one Atlas of Living Australia record near Urana Road in Albury LGA (2021).		
Threats and mitigation	Reduction of suitable habitat through clearing for development.  Decline of hollow-bearing trees.  Excessive frequent fires which eliminates sheoaks from areas, prevents the development of mature sheoaks stands, and destroys nest trees.		
Blue-winged Parrot (Ne	eophema chrysostoma)		
Habitat and lifecycle	Inhabit Narrow-leaved Ironbark – White Cypress Pine – Buloke tall open forest on lower slopes and flats in the Pilliga Scrub and surrounding forests in the central north Brigalow Belt South Subregion.  Throughout their range, they favour grasslands and grassy woodlands. They are often found near wetlands both near the coast and in semi-arid zones. Blue-winged Parrots can also be seen in altered environments such as airfields, golf courses and paddocks.		
Local records	No records in Thurgoona Wirlinga but Atlas of Living Australia records close-by.		
Threats and mitigation	Insufficient understanding of species/community ecology.  Loss, degradation, and fragmentation of habitat as a consequence of land clearing and modification associated with development and agriculture.		
Common Greenshank ( <i>Tringa nebularia</i> )			
Habitat and lifecycle	Common Greenshanks are found both on the coast and inland, in estuaries and mudflats, mangrove swamps and lagoons, and in billabongs, swamps, sewage farms and flooded crops.  Migratory - Greenshanks arrive in Australia in August and numbers increase slowly until September, with larger numbers arriving until November.  Greenshanks eat insects, worms, molluscs, small fish and crustaceans, feeding both by day and night. They feed by picking from the surface, probing, sweeping and lunging at the edges of mudflats or shallows.		

Local records	No records in Thurgoona Wirlinga but potential habitat with large wetlands within Thurgoona and Lake Hume.
Threats and mitigation	Loss of foraging habitat.
	Predation by domestic and feral predators.
Caladenia callitrophila	(Caladenia callitrophila)
Habitat and lifecycle	The species occurs in woodland. May be found in White-box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland.
	Underground dormancy and persist as a tuber with rain and soil moisture determinant in re-emergence of the orchid.
	Flowers are seasonal but not every year. Seed dust like and dispersed by wind.
Local records	No records in Thurgoona Wirlinga. Recorded west of Howlong.
Threats and mitigation	Habitat clearing and fragmentation.
	Herbivore grazing pressure by domestic, native and feral pests.
	Weed competition.
Black-tailed Godwit (Li	mosa limosa)
Habitat and lifecycle	Migratory Wading bird that breeds in Mongolia and Eastern Siberia and flies to Australia arriving in August and leaving in March.
	Primarily coastal species but can be found further inland on mudflats, and around muddy lakes and swamps where water is less than 10cm.
	Roosts and loafs on low banks of mud, sand and shell bars.
	May occupy sewage treatment works
Local records	No records in Thurgoona Wirlinga. Potential habitat with large wetlands within Thurgoona and Lake Hume, but closest records are from Shepperton, VIC and Leeton, NSW.
Threats and mitigation	Hydrological changes to inland lakes and estuaries.
	Human disturbance to roosting and foraging sites (walkers, fishing, pets, 4WD).
	Habitat loss due to development, erosion, and climate change (sea level rise).
Sharp-tailed Sandpiper ( <i>Calidris acuminata</i> )	

Habitat and lifecycle	Migratory Wading bird that breeds in Eastern Siberia, leaving during July and flies to Australia arriving in southeastern Australia between September and December.  Fairly flexible in habitat requirements. Grassy edges of shallow inland freshwater wetlands attract large numbers of the species.  Also found around sewage treatment works, flooded fields and coastal mangroves and rocky shores.
Local records	No records in Thurgoona Wirlinga but records close by at Lake Hume, Murray River Floodplain and Wonga Wetlands. Areas such as David Mitchell Wetlands at Charles Sturt University would provide suitable habitat.
Threats and mitigation	Increasing severity and frequency of droughts as a result of climate change.  Pollution from domestic, industrial and aquaculture discharges.  Reduction in extent and quality of habitat (e.g. restricted inflow of sediment)
Key's Matchstick Grass	shopper (Keyacris scurra)
Habitat and lifecycle	Usually found in native grasslands and open woodlands.  Opportunistic sightings have reported the species in wet sclerophyll forest, montane low forest, dry woodlands and montane grasslands.  Does not disperse large distances.  Opportunistic feeder.
Local records	No records in Thurgoona Wirlinga. However, the species is probably severely under surveyed in Albury LGA. Native woodlands/grasslands may provide suitable habitat for this species
Threats and mitigation	Loss and degradation of habitat by urban, residential, infrastructure and agricultural development.  Modification of agricultural practices.  Invasion of habitat particularly by exotic pasture weeds.
South-eastern Hooded	Robin (Melanodryas cucullata)
Habitat and lifecycle	Occupies a range of structurally diverse habitat. Prefers lightly wooded country, usually open eucalypt woodland, acacia scrub and mallee, often in or near clearings or open areas.  Often perches on low dead stumps and fallen timber or on low-hanging branches.  Territories range from 10 ha (breeding) to 30 hectares (non-breeding)  May breed between July and November.

Local records	Recorded at Eight Mile Creek, Williams Road & Thurgoona Drive.
Threats and mitigation	Clearing of woodlands, resulting in loss or fragmentation.
	Modification or destruction of ground habitat (e.g. removal of litter and fallen timber).
	Competition with more aggressive birds (e.g. Noisy Miners)
White-throated Needle	etail (Hirundapus caudacutus)
Habitat and lifecycle	Migratory, breeding in Siberia, Mongolia, Korean Peninsula and northern Japan and usually seen in Australia from October to April.
	More common in coastal areas, less common inland.
	Most often seen in eastern Australia before storms, low pressure troughs and approaching cold fronts.
Local records	Recorded at multiple locations within Thurgoona Wirlinga but generally whilst in flight.
Threats and mitigation	Vegetation Clearing.
	Rotor strike from windfarms.
	Lack of knowledge on many aspects of foraging patterns and habitat use.
Latham's Snipe (Gallin	ago hardwickii)
Habitat and lifecycle	Non-breeding migrant visitor to southeastern Australia. Arrival to Southeast Australia in September
	Usually found as small groups or individuals on seasonal wetlands.
	Found in vegetation around wetlands (sedges, grasses, lignum and rushes) but also in saltmarsh and creek edges.
Local records	Seasonal visitor to Thurgoona Wirlinga over Spring/Summer. Common across wetlands.
Threats and mitigation	Loss of habitat (particularly wetlands).
	Loss of swamps and paddocks for feeding.
	Development in rural and urban areas which deplete habitat.
Curlew Sandpiper (Calidris ferruginea)	

Habitat and lifecycle	Highly gregarious migratory shorebird. Breeds in Siberia and migrates to Australia for non-breeding period.
	Sometimes occurs in freshwater wetlands in the Murray Darling Basin.
	Forages in or near edge of shallow water.
Local records	No records in Thurgoona Wirlinga but there is potential habitat at large wetlands within Thurgoona and Lake Hume.
Threats and mitigation	Development pressure and human disturbance.
	Transformation of habitat due to agriculture and industry in river catchments.
	Human disturbance at roosting and foraging sites.