



Australian Government
Department of the Environment

Proposed Approval
Subdivision and Urban Development at Catherine Hill Bay and Gwandalan, NSW
(2012/6382).

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted Rose Property Group Pty Ltd

proponent's ACN 123 982 141

proposed action To undertake a residential subdivision and development at Catherine Hill Bay and Gwandalan, NSW (EPBC Act referral 2012/6382).

DECISION to approve:
Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18, 18A)	Approved

conditions of approval
This approval is subject to the conditions specified below.

expiry date of approval
This approval has effect until 31 December 2028

Decision-maker

name and position
James Tregurtha
Assistant Secretary
South-Eastern Australia Environment Assessments Branch

Signature **Proposed only, do not sign**

date of decision **Proposed only, do not date**

Proposed Conditions of Approval:

1. Clearance of native vegetation must not exceed 72 hectares at the Catherine Hill Bay site and 18 hectares at the Gwandalan site and must only occur within the “Proposed Development Footprint” at each site as shown in the map at Schedule 1 of this notice.
2. Asset Protection Zones must only occur within the “Proposed Development Footprint” at Catherine Hill Bay and Gwandalan sites as shown in the map at Schedule 1 of this notice.
3. To compensate for the loss of approximately 189 clumps of Black-eyed Susan (*Tetradlea juncea*) and 10 Leafless Tongue-orchid (*Cryptostylis hunteriana*) plants at the Catherine Hill Bay Site and 180 clumps of Black-eyed Susan at the Gwandalan site, the person taking the action must provide for the protection of offset lands identified as “Offset Area” on the map at Schedule 1 of this notice. Protection of this site is to be achieved through management of the land by NSW National Parks and Wildlife Service as a State Conservation Area. Evidence of compliance against this condition must be provided to the Department prior to the commencement of the action.
4. The person taking the action must provide a textual description and map to clearly define the location and boundaries of the Offset Area. This must be accompanied with the offset attributes and a shapefile.
5. The person taking the action must submit for approval by the Minister an Environmental Management Plan for each of the two development sites (Catherine Hill Bay and Gwandalan) that provides for the management of ecological values, monitoring and reporting requirements to minimise environmental impacts. The Environmental Management Plan must include as a minimum the following sub-plans:
 - a) Flora and Fauna Management sub-plan. This sub-plan must:
 - Be prepared by a suitably qualified and experienced ecologist.
 - Provide a practical guide for the management and protection of Black-eyed Susan and Leafless Tongue-orchid within the study area and development footprint, detailing how potential impacts on ecological values will be minimised and managed.
 - Detail mitigation measures, procedures and work practices to minimise the potential for damage to Black-eyed Susan and Leafless Tongue-orchid; and
 - Apply to the development prior to, during, and after undertaking the action.
 - b) Weed management sub-plan. This sub-plan must:
 - Include methods and controls for the effective management of *Phytophthora cinnamomi*.
 - Be prepared by a suitably qualified and experienced ecologist.

The Environmental Management Plan must provide clear objectives and performance indicators for all management actions, mitigation measures and practices prescribed by the plan including details of the monitoring to be undertaken to demonstrate the effectiveness of the measures and details of the parameters to be monitored, methods, timing, frequency and location of monitoring.

The plan must demonstrate for all actions, mitigation measures and practices prescribed by the plan clear objectives and performance indicators as well as corrective actions for circumstances where an action, mitigation measure or practice fails to meet its prescribed objective or performance indicator.

Actions, mitigation measures and practices prescribed by the plan must be clear, measurable, auditable and time bound.

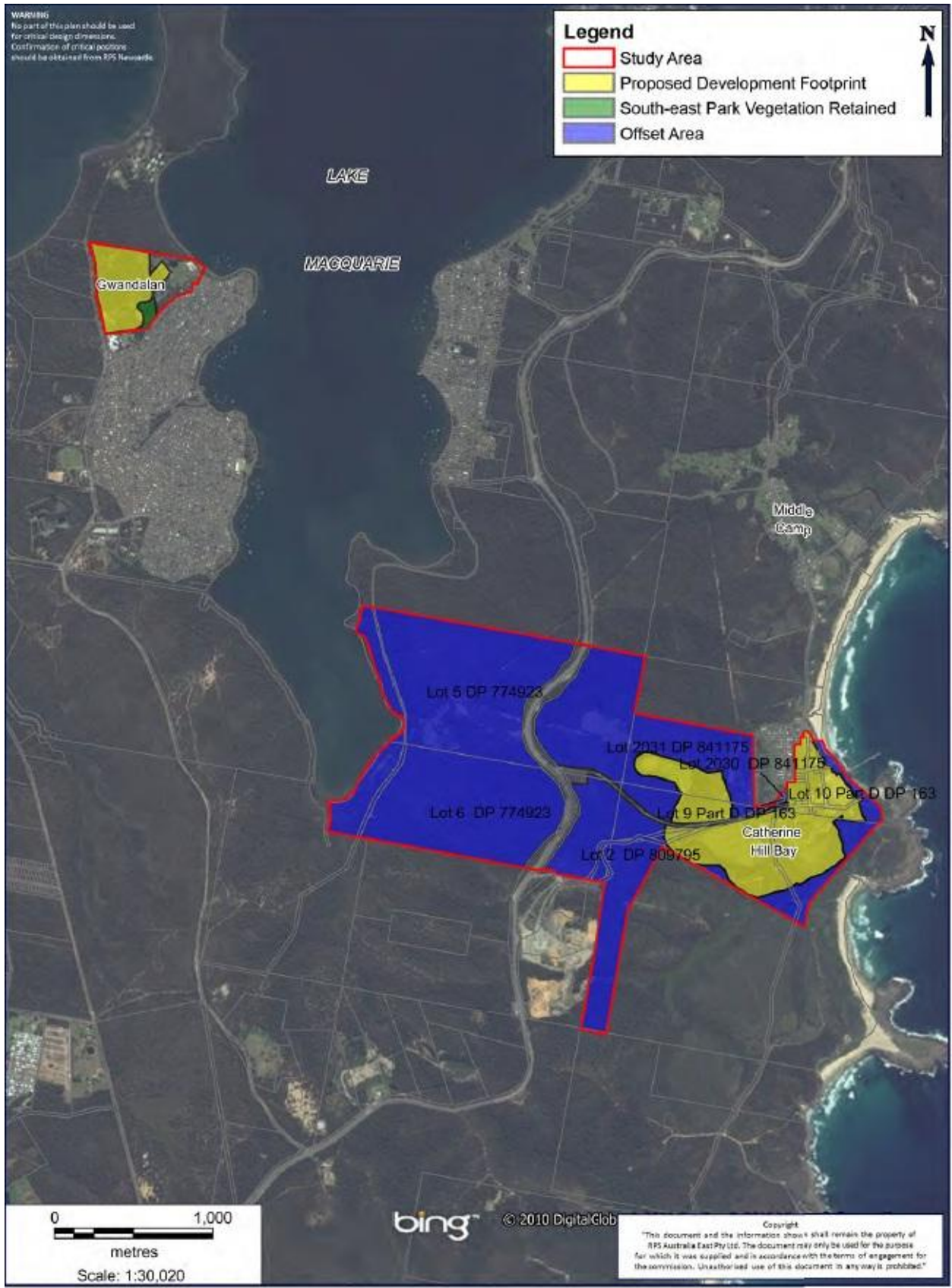
The action must not commence until the Environmental Management Plans, including sub-plans, have been approved by the Minister. The approved Environmental Management Plans must be implemented and must be published on the approval holder’s website within one month of approval.

6. Unless otherwise agreed to in writing by the Minister, the person taking the action must provide a copy of each approved management plan referred to in these conditions of approval to members of the public upon request. Copies must be provided within a reasonable time of the request.
7. Within 30 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.
8. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including measures taken to implement the management plans, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be published on the Department's website. The results of audits may also be publicised through the general media.
9. Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published. Non-compliance with any of the conditions of this approval must be reported to the Department at the same time as the compliance report is published.
10. Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.
11. If, at any time after 5 years from the date of this approval, the person taking the action has not commenced the action, then the person taking the action must not commence the action without the written agreement of the Minister.
12. If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plans as specified in the conditions, the person taking the action must submit to the department for the Minister's written approval a revised version of the management plans. The varied activity shall not commence until the Minister has approved the varied management plans, in writing. The Minister will not approve a varied management plan, unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan, that management plan, must be implemented in place of the management plan originally approved.
13. If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the Minister may request that the person taking the action make specified revisions to the management plan specified in the conditions and submit the revised management plan for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plans must be implemented. Unless the Minister has approved the revised management plans then the person taking the action must continue to implement the management plans originally approved, as specified in the conditions.

Definitions

- a) Asset Protection Zones are areas cleared of flammable material as a measure employed to protect an asset from bushfire threat.
- b) Commence/ Commencement means the earthworks, vegetation removal or construction of any infrastructure, associated with the proposed action on either Catherine Hill Bay or Gwandalan sites.
- c) Department, the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.
- d) Minister, the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.
- e) Offset attributes mean an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.
- f) Shapefile means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the Offset Area, including the shape, EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format.

Schedule 1



TITLE: FIGURE 2: DEVELOPMENT & OFFSET AREAS	LOCATION: CATHERINE HILL BAY & GWANDALAN SITE	DATUM: (GDA 94) PROJECTION: MGA ZONE 56	DATE: 25-6-2013 PURPOSE: EPBC PD	LAYOUT REF: 210892463463 - Catherine Hill Bay VERSION (PLAN BY): B A4 (MD)
CLIENT: ROSE GROUP PTY LTD JOB REF: 24619	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) 241 DENISON STREET BROADMEADOW PO BOX 428 HAMILTON NSW 2303 T: 02 4940 4200 F: 02 4961 6796 www.rpsgroup.com.au			RPS