



EPBC ref: 2022/09242

Mr Michael Lowry  
Developer  
Mundarra Pty Ltd  
Level 1, 68 Alfred Street  
MILSONS POINT NSW 2061

**Decision to approve Bermagui Golf Club Proposed Subdivision, NSW  
(EPBC 2022/09242)**

Dear Mr Lowry

I am writing to you about your proposal to construct residential lots and associated infrastructure on the western side of the Bermagui township, NSW (EPBC 2022/09242) (Proposed Action).

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Mundarra Pty Ltd. The details of my decision are attached. The proposal must be undertaken in accordance with the conditions specified in the approval.

Any plans required to be implemented under the conditions of approval will be regarded as public documents unless the approval holder provides sufficient justification to warrant a commercial-in-confidence status.

Approval under the EPBC Act does not affect obligations to comply with any other laws of the Commonwealth, state or territory that are applicable to the action. Neither does this approval confer any right, title or interest that may be required to access land or waters to take the action.

Section 142 of the EPBC Act requires an approval holder to comply with conditions attached to an approval. Penalties may apply to approval holders who contravene conditions.

The department actively monitors and audits proposals referred or approved under the EPBC Act. The audit program aims to ensure approval holders comply with conditions of approval and implement any commitments made in management plans. Your project may be selected for audit by the department at any time and all related records and documents may be examined. Information about the department's compliance monitoring and auditing program is attached.

I have also written to the following parties to advise them of this decision:

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The Minister for Indigenous Australians	the Hon Linda Burney MP
The NSW Minister for Planning and Homes	the Hon Anthony Roberts MP

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## OFFICIAL

The department received comments on the proposed decision from the National Indigenous Australians Agency (NIAA) on behalf of the Minister for Indigenous Australians, the Hon Linda Burney MP. The NIAA recommends that you engage with the South Coast People, the Merrimans Local Aboriginal Land Council and other relevant First Nations stakeholders to discuss whether the ACHAR is agreed with, and if there are other preferred management approaches for the known cultural heritage artefacts and construction activities. Additionally, the NIAA recommends consideration of any intangible cultural heritage values related to the project area, including culturally significant species, ecological communities, biogeographic features or storylines.

Should First Nations stakeholder have other management preferences, the NIAA recommends that you develop an agreed Cultural Heritage Management Plan that incorporates measures for protection and management of known cultural heritage, and protocols for monitoring, identification, protection and management of any cultural heritage values discovered during construction.

The NIAA recommends that you consider providing employment and business opportunities to the local First Nations community and recommend engaging with Supply Nation to connect with First Nations businesses to support project implementation. The development of a First Nations employment and procurement plan with participation targets could help provide these opportunities. The Department of Infrastructure, Transport, Regional Development, Communications and the Arts' [Indigenous Employment and Supplier-use Infrastructure Framework](#) and the Australian Government's Indigenous Procurement Policy (<https://www.niaa.gov.au/indigenous-affairs/economic-development/indigenous-procurement-policy-ipp>) contain useful tools for setting employment and procurement targets respectively.

Please advise the department when you commence the action and ensure you keep the details of the person responsible for administration of the approval decision up-to-date throughout the life of the approval via email to [epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au). You will soon receive a letter regarding the requirements of the approval conditions. For general enquiries regarding post approval matters, e.g. approval of management plans, please contact [PostApproval@dcceew.gov.au](mailto:PostApproval@dcceew.gov.au).

If you have any questions about this decision, please contact the project manager, Bryce Neville, by email to [Bryce.neville@dcceew.gov.au](mailto:Bryce.neville@dcceew.gov.au), or telephone 02 5156 3438 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Kate Gowland

Branch Head (A/g)

Environment Assessments (NSW and ACT) Branch

19 December 2022

### Attachments:

A: Decision Notice

B: Compliance Monitoring and Auditing Factsheet