

# **Bermagui Golf Course Subdivision ( Now known as Sapphire Cove Estate)**

## **ANNUAL COMPLIANCE REPORT FOR THE REPORTING YEAR 19/12/24 to 18/12/ 25.**

**A REPORT REQUIRED UNDER THE CONDITIONS OF APPROVAL,  
ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION  
APPROVAL 2022/09242.**



**Garret Barry Planning Services Pty Ltd**

February 2026

## Document Control

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| Revision | Date       | Prepared by (name) | Reviewed by (name) | Approved by (name) |
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| 01 DRAFT | January    | G Barry            | Sub team           | G Barry            |
| Final    | 28/02/2026 | G Barry            | M Lowry            | M Lowry            |
|          |            |                    |                    |                    |
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This report has been prepared by:

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Garret Barry, Director , GBPS.

Reviewers: Elisabeth Larsen, Local Environmental Solutions.

Michael Lowry, Director, Mundarra Pty Ltd

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# 1 INTRODUCTION AND DESCRIPTION OF ACTIVITIES

Mundarra Pty Ltd (ABN: 28 620 775 877) is the owner of lot 228 DP 1284959. This is an area of land zoned for urban purposes of approximately 20 ha.

The subject land is depicted in Figure 1. It is located on the western side of the Bermagui Township. It is bounded by Songlark Street in the north, Nutley's Creek Road in the west, private lands to the south and Bermagui Golf Club to the east.

On 21 September 2022, Bega Valley Shire Council approved development application 2021.386 for 188 residential lots and reserve lands. The layout of this approved subdivision is depicted in Figure 2. The project was originally named as the "Bermagui Golf Club subdivision" given the land originally was owned by that Club. However the estate name is now locally known as the Sapphire Cove estate.

The development consent was conditional on the developer obtaining an approval under the Federal Environment Protection and Biodiversity Conservation Act 1999. The approval was to address proposed clearing works affecting the Threatened Ecological Community "Lower Grassy Woodland". The approval is limited to allowing up to 10.46 ha of Lower Grassy Woodland as mapped in the approval.

On 19 December 2022, the Minister's Delegate granted EPBC Approval 2022/09242 to Mundarra. A copy of that approval forms Appendix 4.

One requirement of that approval is that the approval holder (Mundarra Pty Ltd) prepare and publish an annual report on progress relating to the Approval.

This is the annual report for the third year of the Approval covering the period 19 December 2024 to 18 December 2025.



Figure 1 Locality sketch



Figure 2: Subject land (showing approved subdivision layout) Image Nearmap 2024.



Figure 3 Drone image of the site taken 26 January 2026.

## 2 SUMMARY OF ACTIVITIES TOWARDS THE APPROVED ACTION DURING THE REPORTING PERIOD

### 2.1 Approved Action Progress

As of the close of this reporting year (18 /12/ 25), Almost all clearing approved has been effected as detailed in Appendix One. Figure 3 is a drone image of the estate as of January 2026. Prior to commencement of clearing, Subdivision Works Certificate approval of Council was obtained and the limits of approved clearing including a small buffer were marked by a registered surveyor.

As of the close of the reporting year the only outstanding clearing work relates to the clearing of the approved corridor for the proposed sewer main through the Natural Area North. That work is likely to be complete by March/ April 2026 and efforts will then turn to rehabilitation of that corridor.

Activity is now turning to rehabilitation and improvement of the reserve areas. Prior to commencement of the action the proposed reserves had infestations of a range of noxious weeds and exotic plants. A contractor work crew has been engaged and has effected much of the primary control of non-native species in the Natural Area North. The control work has been mostly manual/ hand clearing of pest species with some herbicide weed control. All works are being carried out in accordance with the approved Biodiversity Management Plan and the Landscape plan.

A nursery has been contracted to grow out some advanced specimens and tube stock of the endemic flora. It is proposed to effect the primary plantings as detailed in the Landscape Plan in the Autumn of 2026. The earthmoving contractor will carry out watering of planted areas in dry times up until establishment.

Stage 3 of the estate is targeted for completion and settlement of sales by the middle of 2026 and Stage 4 before the end of 2026. While there are a number of variables that will affect date of completion of the overall estate, work is proposed to continue through until completion of stage 8 perhaps in 2028.

### 2.2 Work in the reporting period on biodiversity improvements and rehabilitation

As reported last year, GBPS has assembled a subconsultant team to assist with biodiversity planning and rehabilitation requirements.

That team includes:

Site ecologist: Elisabeth Larsen.

Landscape designer: Trina Day.

Native nursery and rehabilitation specialist Merryn Carey.

Site engineer; Van Osgood.

Vegetation rehabilitation crew headed by Paddy Farrell.

The team have effected a number of site inspections through the reporting year and effected rehabilitation actions as outlined in Appendix 1. All work has followed the recommendations of the CEMP and BMP.

GBPS and Mundarraah are committed to using local experts and rehabilitation workers.

The team have collected seed on site at appropriate times and commenced propagation works so that seedlings are now advancing in a contracted nursery with sufficient stock and advancement in growth to ensure a good supply of mostly tube stock for the proposed street tree and reserve plantings in Autumn 2026.

## 3 ADDRESSING APPROVAL CONDITIONS IN THE REPORTING PERIOD

### 3.1 Compliance Table

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Appendix two presents a compliance table in accordance with the Department's "Annual Compliance Report Guidelines (2014)".

The Guidelines require all conditions to be reported on and identified as :

- (a) Compliant
- (b) Non Compliant with explanation.
- (c) Not applicable if not yet actioned.

With one exception, all conditions are considered either compliant as detailed in Appendix 2 or not applicable.

The one non-compliant matter is considered to be only a technical non-compliance as there is no new shape file, beyond what the Department holds that can be provided unless the Department considers a registered surveyor's report and check survey is required. This report certifies that GBPS considers the areas required to be retained and not cleared have not just been retained but a small additional area has been conserved as detailed in Appendix 2.

## 4 NEW ENVIRONMENTAL RISKS

The Department Guidelines require reporting of any new environmental risks identified in the reporting period. No additional risks have been identified in this reporting year to those already identified in the development application reports such as the Biodiversity Development Assessment Report.

The approved CEMP and BMP include methodologies for monitoring all biodiversity actions including identification and actioning new risks. No new risks have been identified to date.

## Appendix 1: Diary of main actions over the reporting period

| DATE                      | ACTIVITY RELEVANT TO THE ACTION   |
|---------------------------|---|
| 30 January 2025           | Site meeting of most major players including biodiversity team, development contractor Millers and a delegation of Council officers from relevant sections of Council. General introduction and adoption of toolbox notes to guide contractor and ecologist.<br><br>Responsibilities and reporting lines confirmed.   |
| 7 February to 16 February | Mark out of limits for clearing with initial additional buffer and defined no go area with bright bunting to be obvious to contractor and sub-contractors. Resolved ecologist to be on site for most clearing action both to ensure compliance with approved plans and recovery of wildlife if disturbed. Fortunately much of the proposed clearing site is still relatively minor regrowth with only a few hollow bearing trees. Stage 3A preclearing fauna review effected. |
| 17 February               | Clearing work on the approved sections of stages 3 and 4 commences.<br><br>Rehabilitation team appointed.   |
| 27 February               | Resolved it should be possible to conserve some more existing native vegetation in the detention basin and ecologist marks with tape. Goal to retain as much as possible outside the detention basin itself.  |
| 4 March                   | Ecologist confirms no non-compliance issues observed to date.<br><br>Weed survey effected by ecologist to guide rehabilitation team coming work.  |
| 11 March                  | Preclearing survey effected for stage 3B.   |
| 12 March                  | Site meeting with Council biodiversity team. Agreed works are in compliance with approved plans.  |

|          |  |
|----------|--|
|          | Agreed to set camera traps for general monitoring and pre clearing surveys. Preclearing surveys complete now for remainder of stage 3 and part 4A  |
| 17 March | Preclearing surveys completed for 4A and part 4B. 3 monitoring cameras in action. Ground crew to start weed control in reserve next week.  |
| 18 March | Site meeting ecologist and contractors. All work to date considered compliant with CEMP, BMP and Landscape plan. Pre clearing survey completed for stage 4B. Strategy resolved with contractor to allow wildlife to leave clearing areas. Plan native grass seed collection for later use in the estate.   |
| 25 March | All work still considered to be compliant. Cameras to date have disclosed grey kangaroos, swamp wallabies and a wombat. Only 1 burrow found to date and empty. Further checking of burrows will be effected as clearing progresses.<br><br>Preclearing surveys completed for stages 6 and 7 which are mostly light regrowth. While all of these stages have been approved for clearing, initial work will be underscrubbing and retention of what trees can be set in rear of allotments.<br><br>Concern raised to accelerate soil and water measures given exposed areas. |
| 1 April  | Preclearance surveys effected in stage 8. Again retain most trees for now to allow phased wildlife retreat and to allow later decisions to conserve what fits the allotments.<br><br>Only additional fauna in camera traps to date is a bush rat ( <i>ratus fuscipes</i> )   |
| 2 April  | Clearing work being supervised in stage 8 west. Protocols met. Agree to hold on clearing of south west for now to allow time for wildlife shift.   |
| 8 April  | Additional fauna identified in cameras to date = black rat and long nose bandicoot.<br><br>2 new wombat burrows located and being surveyed for occupation. Cameras and sticks used to test for occupation.   |

|           |  |
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| 10 April  | Wombat burrows collapsed by contractor after confirmed empty by ecologist. Additional fauna fox.   |
| 16 April  | Site meeting confirms compliance to date. Cameras showing less wildlife activity now clearing advanced.  |
| 1 May     | Rehab team continue weed removal in natural area north.  |
| 12 May    | 3 wombat burrows discovered and surveyed . Collapsed after ecologist clearance.  |
| 14 May    | Log stock pile created for use as reserve habitat later.   |
| 21 May    | Preclearing survey in gullies west of detention basin. Protocols observed. Only grey kangaroos showing in recent camera shots.   |
| 27 May    | Topsoil management discussed re retention of native seed.  |
| 2 June    | Seed collection continuing. The bulk of the clearing action is now complete but minor additional clearing of trees within roads and other construction areas still to be effected across stages 5 to 8.                                  |
| 10 June   | Site meeting. All work to date confirmed in compliance with BMP and LP.  |
| 9 July    | Further weed control in Natural Area North. Cameras revealing little wildlife beyond kangaroos.  |
| 11 August | Ecologist raises concerns re better protection of retained tress in the approved clearing areas. VMP guidelines to be followed.<br>Council confirms postponement of clearing of sewer corridor in reserve to January 2026 is acceptable. |
| 15 August | Further rehab work in Natural Area North.  |

|                                 |  |
|---------------------------------|--|
| 30 August to<br>18<br>September | Resolve nursery action on street and reserve tree stock procurement and grow out.<br>Contractor directed to improve bunting around allotment retained trees. Workers counselled. |
| 29<br>September                 | Site clearing completed for all approved areas. Action now turns to rehabilitation.  |
| 14 November                     | 4 habitat logs placed by crane in Natural Area North as per concept in Landscape plan  |
|                                 |  |

## Appendix 2: COMPLIANCE TABLE

| Condition Number | CONDITION  | Is the project Compliant with Condition? | Evidence/ comments  |
|------------------|--|--|---|
|                  | <b>Conditions specific to the action section</b>   |  |   |
| 1                | The approval holder must not clear outside the development footprint.  | compliant                                | <p>The limits of the approved area were defined by registered surveyor prior to commencement of the clearing action. All boundaries where there is a work face have a full bunting fence to ensure no access by plant.</p> <p>The site ecologist has been on site for most clearing activities through the reporting period and reports regularly as to compliance as summarised in Appendix 1.</p> |
| 2                | The approval holder must not clear LGW within the retained areas on the development site.  | compliant                                | See comment in 1  |
| 3                | Within the development footprint, the approval holder must not clear more than 10.46 hectares of LGW. The approval holder must not clear LGW in any part of the development footprint other than that represented by the polygon hatched with white lines, designated as | compliant                                | <p>Indeed there is a small improvement in the area of LGW retained. The original approval envisaged full clearing of the area mapped as "Detention Basin".</p> <p>However Council has reviewed its requirements for active recreation supply for the estate and the</p>   |

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|   | BC and EPBC Listed TEC: Lowland Grassy Woodland in the South East Corner Bioregion in Attachment C.  |           | <p>detention basin will now be mostly regenerated to LGW species instead of becoming an active public park. Even the detention basin proper (approximately 1600m2) will now revert to native ephemeral wetland species once the water quality pond needs have passed (about 2028).</p> <p>As detailed on sheet 3 of the landscape plan, an additional 1080 square metres of LGW will be retained and a further approximately 1800 m2 regenerated to LGW following completion of the earthworks.</p> <p>In effect the Natural Area North and the Detention Basin as depicted in Figure 2, will merge into one mostly natural area reserve of approximately 2.2 ha whereas the original approvals envisaged a 1.7 ha nature reserve and a 5000m2 mostly cleared public park.</p> |
|   | <b>Action Management Plans Section</b>   |           |  |
| 4 | To avoid additional impacts on protected matters, the approval holder must submit, prior to the commencement of the Action, a Construction Environmental Management Plan (CEMP) for the Minister's written approval. The approval holder must not commence the Action until the CEMP has been approved by the Minister in writing. | compliant | Ministerial approval of the CEMP was achieved before the action commenced and a copy is on the web page.   |

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| 5 | The CEMP must meet the expectations set out in the environmental management plan guidelines.   | Compliant | As per 4 above, the Minister has approved the plan and it is being implemented.   |
| 6 | The approval holder must commence implementing the CEMP, as approved by the Minister, no later than at the commencement of the Action and continue to implement it until at least the completion of construction.  | Compliant | The requirements of the approved CEMP are considered to have been fully met to date and monitoring continues.   |
| 7 | To avoid additional impacts on protected matters, the approval holder must submit to the department, prior to the commencement of Stage 6, a Vegetation Management Plan (VMP) for the Minister's written approval. The approval holder must not commence Stage 6 until the VMP has been approved by the Minister in writing. | Compliant | The Minister approved both the CEMP and VMP on 22 January 2025. No clearing work commenced on any of the stages of the approval until 17 February 2025. |
| 8 | The VMP must meet the expectations set out in the environmental management plan guidelines   | compliant | The Minister has approved the VMP   |
| 9 | The approval holder must commence implementing the VMP, as approved by the Minister, prior to commencing Stage 6 and continue to implement the VMP until at least the end date of the period of effect of the approval.  | compliant | The VMP was actually approved before clearing work started on stage 3 and continues to be enforced .  |
|   | <b>Revision of Action Management Plans</b>   |           |   |

|       |  |           |  |
|-------|--|-----------|--|
| 10-15 |  | N/A       | These conditions relate to requirements should an action management plan require revision. As at the date of this report (18/12/25), the original action management plans approved by the Minister have not required revision. |
|       | <b>Submission and Publication of plans</b>   |           |  |
| 16-20 |  | Compliant | The CEMP and VMP have ministerial approval and have been published on the web page and made available to Council.  |
| 21    | <b>Compensation Measures.</b><br><br>To compensate for the clearance of 10.46 hectares of LGW, the approval holder must, prior to the commencement of the Action, provide the Department with written evidence that 138 credits have been retired. | Compliant | The Applicant has paid and met all biodiversity credit obligations as previously reported  |
|       | <b>Notification of Date of Commencement of the Action</b>  |           |  |
| 22-23 |  | Compliant | Notice of commencement was given on 17 February 2025.  |
|       | <b>Compliance Records</b>  |           |  |

|    |   |           |  |
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| 24 | The approval holder must maintain accurate and complete compliance records  | Compliant | GBPS retains compliance records and the on-site ecologist throughout the clearing works is maintaining a work diary of all actions.                                |
| 25 | If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.   | Compliant | No request has been made to date.  |
| 26 | The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the department's Guidelines for biological survey and mapped data (2018), or any subsequent official version or as otherwise specified by the Minister in writing.                       | Compliant | These requirements have been incorporated in the CEMP, BMP and Landscape plan and all have received Ministers approval.  |
| 27 | The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the department's<br><br>Guide to providing maps and boundary data for EPBC Act projects (2021), or any subsequent official version or as otherwise specified by the Minister in writing. | compliant | The project surveyor has accurately defined the limits of the action and a protective bunting set to ensure the contractors stay out of this defined "no go" zone. |
| 28 | The approval holder must submit all monitoring data (including sensitive ecological data), surveys, maps,   | Compliant | No additional data has been assembled over the course of the reporting year and the Department   |

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|    | other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the department within 12 months of the approval and henceforth annually, for the life of the approval.   |  | currently holds a copy of all such data as submitted in the approvals process. As such there are no new data to submit for this reporting year.<br><br>This report contains in Appendix one, a summary of the action activities through the year   |
|    | <b>Annual Compliance Reporting</b>  |  |  |
| 29 | The approval holder must prepare a compliance report for each 12-month period following the date of this approval, or as otherwise agreed to in writing by the Minister.  | Compliant  | This report.   |
| 30 | Each compliance report must be consistent with the Department's Annual Compliance Report Guidelines (2014), or any subsequent official version.   | Compliant  | The guidelines have been followed to the best of ability.  |
| 31 | Each compliance report must include:<br><br>a. Accurate and complete details of compliance and any non-compliance with the conditions and the plans, and any incidents.<br><br>b. One or more shapefiles showing all clearing of any protected matters, and/or their habitat, undertaken within the 12-month period at the end of which that compliance report is prepared. | (a) Compliant<br><br>(b) Technically not Compliant | This report so addresses.<br><br>Shape files were provided to the Department of the limits of the approved clearing before the Action commenced. The limits were accurately marked by registered surveyor prior to clearing action. As such the shape file remains unchanged. Should the Department require, the applicant is prepared to obtain and supply a report from the registered |

|    |  |  |  |
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|    | <p>c. A schedule of all plans in existence in relation to these conditions and accurate and complete details of how each plan is being implemented.</p>  | (c) compliant  | <p>surveyor to the effect the protected areas remain uncleared.</p> <p>The Department holds the CEMP, BMP and Landscape plan these are the plans relevant to these conditions. This report addresses compliance with the plans and both the on-site ecologist and surveyor are charged with compliance review.</p> |
| 32 | <p>The approval holder must:</p> <p>a. Publish each compliance report on the website within 60 business days following the end of the 12-month period for which that compliance report is required.</p> <p>b. Notify the department electronically, within 5 business days of the date of publication that a compliance report has been published on the website.</p> <p>c. Provide the weblink for the compliance report in the notification to the department.</p> <p>d. Keep all published compliance reports required by these conditions on the website until the expiry date of this approval.</p> <p>e. Exclude or redact sensitive ecological data from compliance reports published on the website or otherwise provided to a member of the public.</p> | <p>Compliant</p> <p>Compliant</p> <p>Compliant</p> <p>Compliant</p> <p>Compliant</p> | <p>This report has been published on the project website within the 60 days.</p> <p>The Department has been so notified.</p> <p>The link has been provided.</p> <p>All 3 reports to date are on the web.</p> <p>Nothing considered in need of redaction.</p>   |

|       |  |           |   |
|-------|--|-----------|---|
|       | f. If sensitive ecological data is excluded or redacted from the published version, submit the full compliance report to the department within 5 business days of its publication on the website and notify the department in writing what exclusions and redactions have been made in the version published on the website. | Compliant | Nothing considered in need of redaction..   |
|       | <b>Reporting Non-Compliance</b>  |           |   |
| 33-35 |  | Compliant | We do not consider there has been any non - compliance  |
|       | <b>Independent Audit</b>   |           |   |
| 36-39 |  | N/A       | The audit is only required 5 years after commencement of the action. The action commenced 17 February 2025 so the independent audit is not required until the close of the 2029 reporting year. |
|       | <b>Completion of the Action</b>  |           |   |
| 40-41 |  | N/A       | The action has commenced but the expiry period is some years off.   |

## Appendix 3: Title Declaration of Accuracy

### Declaration of accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed \_\_\_\_\_



Full name (please print) Michael Lowry

Position (please print) Managing Director

Organisation (please print including ABN/ACN if applicable) Mundarra Pty Ltd

ABN: 28 620 775 877

Date 2 / 03 / 2026





## Notification of approval

### Bermagui Golf Club Proposed Subdivision, NSW (EPBC 2022/09242)

This decision is made under section 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Note that section 134(1A) of the EPBC Act applies to this approval. That provision provides, in general terms, that if the approval holder authorises another person to undertake any part of the Action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such conditions.

#### Proposed action

|   |  |
|---|--|
| <b>person to whom the approval is granted (approval holder)</b> | Mundarra Pty Ltd   |
| <b>ACN of approval holder</b>                                   | ACN: 620 775 877   |
| <b>Action</b>   | To construct residential lots and associated infrastructure on the western side of the Bermagui township, NSW (See EPBC Act 2022/09242). |

#### Approval decision

**decision** My decision on whether or not to approve the taking of the Action for the purposes of the controlling provision for the Action is as follows.

| Controlling Provision  | Decision |
|--|----------|
| Listed threatened species and communities (section 18 and section 18A) | Approved |

**period for which the approval has effect** This approval has effect until 1 January 2048.

**conditions of approval** The approval is subject to conditions under the EPBC Act as set out in Annexure A.

#### Person authorised to make decision

**name and position** Kate Gowland  
Branch Head (A/g)  
Environment Assessments (NSW and ACT) Branch

**signature**

**date of decision** 19 December 2022

## Annexure A

Note: Words appearing in **bold** have the meaning assigned to them at PART C – DEFINITIONS.

|   |
|---|
| <p><b>Conditions</b></p> <p><b>Part A – Conditions Specific to the Action</b></p> <ol style="list-style-type: none"> <li>1. The approval holder must not <b>clear</b> outside the <b>development footprint</b>.</li> <li>2. The approval holder must not <b>clear LGW</b> within the <b>retained areas</b> on the <b>development site</b>.</li> <li>3. Within the <b>development footprint</b>, the approval holder must not <b>clear</b> more than 10.46 hectares of <b>LGW</b>. The approval holder must not <b>clear LGW</b> in any part of the <b>development footprint</b> other than that represented by the polygon hatched with white lines, designated as BC and EPBC Listed TEC: Lowland Grassy Woodland in the South East Corner Bioregion in <u>Attachment C</u>.</li> </ol>  |
| <p><b>Action Management Plans</b></p> <ol style="list-style-type: none"> <li>4. To avoid additional impacts on <b>protected matters</b>, the approval holder must submit, prior to the <b>commencement of the Action</b>, a Construction Environmental Management Plan (CEMP) for the <b>Minister’s</b> written approval. The approval holder must not <b>commence the Action</b> until the CEMP has been approved by the <b>Minister</b> in writing. By implementing the CEMP, the approval holder must achieve the following environmental outcomes:             <ol style="list-style-type: none"> <li>a. to ensure the action has no impacts on <b>protected matters</b> within the <b>development footprint</b>, other than the impacts that are conditioned for in this approval, and</li> <li>b. to ensure that the action has no impacts on <b>protected matters</b> outside the <b>development footprint</b>.</li> </ol> </li> <li>5. The CEMP must meet the expectations set out in the <b>environmental management plan guidelines</b>, and must include:             <ol style="list-style-type: none"> <li>a. A statement of, and commitment to, achieve the environmental outcomes.</li> <li>b. Specific and auditable mitigation, management and monitoring measures to avoid and minimise impacts and threats to <b>protected matters</b> from <b>construction</b> activities within the <b>development footprint</b> including: hygiene controls (including weed and pathogen mitigation measures), performance indicators, trigger levels, risk management, adaptive management strategies and corrective actions.</li> <li>c. Performance and completion criteria against which mitigation measures and achievement of the environmental outcomes can be assessed.</li> <li>d. Interim milestones that set targets at regular intervals for mitigation measures and environmental objectives towards achieving the performance and completion criteria.</li> <li>e. A detailed assessment of the risks to achieving the environmental outcomes and measure to be implemented to address these risks.</li> <li>f. The governance structure, including roles and responsibilities for the implementation of the CEMP.</li> </ol> </li> </ol> |

6. The approval holder must commence implementing the CEMP, as approved by the **Minister**, no later than at the **commencement of the Action** and continue to implement it until at least the completion of **construction**.
7. To avoid additional impacts on **protected matters**, the approval holder must submit to the **department**, prior to the **commencement of Stage 6**, a Vegetation Management Plan (VMP) for the **Minister's** written approval. The approval holder must not **commence Stage 6** until the VMP has been approved by the **Minister** in writing. By implementing the VMP, the approval holder must achieve the following environmental outcomes:
  - a. Ensure that the action has no impacts on **protected matters** outside the **development footprint**.
  - b. Ensure the ongoing management of **LGW** within the **retained area**.
8. The VMP must meet the expectations set out in the **environmental management plan guidelines**, and must include:
  - a. Specific and auditable mitigation, management and monitoring measures to avoid and minimise impacts and threats to **protected matters** post **construction**, including: hygiene controls (including weed and pathogen mitigation measures), performance indicators, trigger levels, risk management, adaptive management strategies and corrective actions.
  - b. A detailed assessment of the risks to achieving the environmental outcome and measures to be implemented to address these risks.
9. The approval holder must commence implementing the VMP, as approved by the **Minister**, prior to **commencing Stage 6** and continue to implement the VMP until at least the end date of the period of effect of the approval. If the development **stages** are not completed in numerical order, the approval holder must not commence more than two **stages** unless the VMP has been approved by the **Minister** in writing.

Note: provided the **stages** are undertaken in numerical order the VMP can be submitted while **construction** for **Stages 3-5** is being undertaken.

#### Revision of Action Management Plans

10. The approval holder may, at any time, apply to the **Minister** for a variation to an action management plan approved by the **Minister** or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the **EPBC Act**. If the **Minister** approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous Action management plan.
11. The approval holder may choose to revise an action management plan approved by the **Minister** under conditions 4 and 7 or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the Action in accordance with the RAMP would not be likely to have a **new or increased impact**.
12. If the approval holder makes the choice under condition 11 to revise an action management plan without submitting it for approval, the approval holder must:
  - a. Notify the **department** electronically within 10 **business days** that the approved action management plan has been revised and provide the **department** with:

- i. An electronic copy of the RAMP.
- ii. An electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP.
- iii. An explanation of the differences between the approved action management plan and the RAMP.
- iv. The reasons the approval holder considers that taking the Action in accordance with the RAMP is or would not be likely to have a **new or increased impact**.
- v. Written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least **20 business days** after the date of providing notice of the revision of the Action management plan, or a date agreed to in writing by the **Minister**.

Note: the proponent is not required to provide a RAMP when the changes are minor and administrative, and do not relate to **protected matters**.

- b. Subject to condition 14, implement the RAMP from the RAMP implementation date.

13. The approval holder may revoke its choice to implement a RAMP under condition 11 at any time by giving written notice to the **department**. If the approval holder revokes the choice under condition 11, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 11.

14. If the **Minister** gives notice to the approval holder that the **Minister** is satisfied that the taking of the Action in accordance with the RAMP is likely to have a **new or increased impact**, then:

- a. Condition 11 does not apply, or ceases to apply, in relation to the RAMP.
- b. The approval holder must implement the action management plan specified by the **Minister** in the notice.

15. At the time of giving the notice under condition 14, the **Minister** may also notify that for a specified period of time, condition 11 does not apply for one or more specified Action management **plans**.

Note: Conditions 10, 11, 12, 13, 14 and 15 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised Action management plan, at any time, to the **Minister** for approval.

### Submission and Publication of Plans

16. The approval holder must submit all **plans** required by these conditions electronically to the **department**.

17. Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish each **plan** on the **website** within **15 business days** of the date:

- a. of this approval, if the version of the plan to be implemented is specified in these conditions; or
- b. the plan is approved by the **Minister** in writing, if the plan requires the approval of the **Minister**; or

- c. the plan is submitted to the **department** in accordance with a requirement of these conditions, if the plan does not require the approval of the **Minister**; or
  - d. the plan is approved by a state government official as required under a state government condition which must be complied with in accordance with these **EPBC Act** conditions.
18. The approval holder must keep all published **plans** required by these conditions on the **website** until the expiry date of this approval.
19. The approval holder must exclude or redact **sensitive ecological data** from **plans** published on the **website** or otherwise provided to a member of the public.
20. If **sensitive ecological data** is excluded or redacted from a **plan** in accordance with condition 19, the approval holder must notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

### Compensation Measures

21. To compensate for the **clearance** of 10.46 hectares of **LGW**, the approval holder must, prior to the **commencement of the Action**, provide the **department** with written evidence that 138 **credits** have been **retired**.

### Part B – Standard administrative conditions

#### Notification of Date of Commencement of the Action

22. The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 5 **business days** of **commencement of the Action**.
23. If the **commencement of the Action** does not occur within 5 years from the date of this approval, then the approval holder must not **commence the Action** without the prior written agreement of the **Minister**.

#### Compliance Records

24. The approval holder must maintain accurate and complete **compliance records**.
25. If the **department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **department**, or by an independent auditor in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's** website or through the general media.

26. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the **department's Guidelines for biological survey and mapped data (2018)**, or any subsequent official version or as otherwise specified by the **Minister** in writing.
27. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the **department's**

*Guide to providing maps and boundary data for EPBC Act projects (2021)*, or any subsequent official version or as otherwise specified by the **Minister** in writing.

28. The approval holder must submit all **monitoring data** (including **sensitive ecological data**), surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the **department** within 12 months of the approval and henceforth annually, for the life of the approval.

### Annual Compliance Reporting

29. The approval holder must prepare a **compliance report** for each 12-month period following the date of this approval, or as otherwise agreed to in writing by the **Minister**.

30. Each **compliance report** must be consistent with the **department's Annual Compliance Report Guidelines** (2014), or any subsequent official version.

31. Each **compliance report** must include:

- a. Accurate and complete details of compliance and any non-compliance with the conditions and the **plans**, and any **incidents**.
- b. One or more **shapefiles** showing all **clearing** of any **protected matters**, and/or their habitat, undertaken within the 12-month period at the end of which that **compliance report** is prepared.
- c. A schedule of all **plans** in existence in relation to these conditions and accurate and complete details of how each **plan** is being implemented.

32. The approval holder must:

- a. Publish each **compliance report** on the **website** within 60 **business days** following the end of the 12-month period for which that **compliance report** is required.
- b. Notify the **department** electronically, within 5 **business days** of the date of publication that a **compliance report** has been published on the **website**.
- c. Provide the weblink for the **compliance report** in the notification to the **department**.
- d. Keep all published **compliance reports** required by these conditions on the **website** until the expiry date of this approval.
- e. Exclude or redact **sensitive ecological data** from **compliance reports** published on the **website** or otherwise provided to a member of the public.
- f. If **sensitive ecological data** is excluded or redacted from the published version, submit the full **compliance report** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

Note: **Compliance reports** may be published on the **department's** website.

### Reporting Non-Compliance

33. The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident** and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a **plan**.

34. The approval holder must specify in the notification:

- a. Any condition or commitment made in a **plan** which has been or may have been breached.
- b. A short description of the **incident** and/or potential non-compliance and/or actual non-compliance.
- c. The location (including co-ordinates), date, and time of the **incident** and/or potential non-compliance and/or actual non-compliance.

Note: If the exact information cannot be provided, the approval holder must provide the best information available.

35. The approval holder must provide to the **department** in writing, within 10 **business days** of becoming aware of any **incident** and/or potential non-compliance and/or actual non-compliance, the details of that **incident** and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a **plan**.

The approval holder must specify:

- a. Any corrective action or investigation which the approval holder has already taken.
- b. The potential impacts of the **incident** and/or non-compliance.
- c. The method and timing of any corrective action that will be undertaken by the approval holder.

### **Independent Audit**

36. The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every five-year period following the **commencement of the Action** until this approval expires, unless otherwise specified in writing by the **Minister**.

37. For each **independent audit**, the approval holder must:

- a. Provide the name and qualifications of the nominated **independent** auditor, the draft audit criteria, and proposed timeframe for submitting the **audit report** to the **department** prior to commencing the **independent audit**.
- b. Only commence the **independent audit** once the nominated **independent** auditor, audit criteria and timeframe for submitting the **audit report** have been approved in writing by the **department**.
- c. Submit the **audit report** to the **department** for approval within the timeframe specified and approved in writing by the **department**.
- d. Publish each **audit report** on the **website** within 15 **business days** of the date of the **department's** approval of the **audit report**.
- e. Keep every **audit report** published on the **website** until this approval expires.

38. Each **audit report** must report for the five-year period preceding that **audit report**.

39. Each **audit report** must be completed to the satisfaction of the **Minister** and be consistent with the **department's** *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines (2019)*, or any subsequent official version.

### **Completion of the Action**

40. The approval holder must notify the **department** electronically 60 **business days** prior to the expiry date of this approval, that the approval is due to expire.

41. Within 20 **business days** after the **completion of the Action**, and, in any event, before this approval expires, the approval holder must notify the **department** electronically of the date of **completion of the Action** and provide **completion data**.

**Part C - Definitions**

In these conditions any bolded use of a word or term refers to the below definition of that word or term:

**Audit report** means a written report of compliance and fulfilment of the conditions attached to this approval, objectively evaluated against the audit criteria approved by the **Minister**.

**Business day(s)** means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the Action.

**Clear, cleared, clearing or clearance** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation, but does not include control of **weeds** (including Weeds of National Significance and **weeds** listed under the NSW *Biodiversity Conservation Act 2016*).

**Commence the Action** or **Commencement of the Action** means the date on which the first instance of any activity associated with the Action (including **clearing** and **construction**) is undertaken. **Commencement of the Action** does not include minor physical disturbance necessary to:

- a. Undertake pre-clearance surveys or monitoring programs.
- b. Install signage and /or temporary fencing to prevent unapproved use of the project area.
- c. Protect environmental and property assets from fire, **weeds**, pathogens and feral animals, including use of existing surface access tracks.
- d. Install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on any **protected matter**.

**Commence** or **commenced** in respect of **commencing** a **stage** means to undertake any **construction** within the area designated for the undertaking of that **stage**.

**Commence Stage 6 / Commencement of Stage 6** means to undertake any **clearing** or **construction** in the area represented in Attachment B by all polygons enclosed by a pink dotted line that contain 6 in pink lettering.

**Completion data** means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The **department's** chosen format for spatial data is a **shapefile**.

**Completion of the Action** means the date on which all activities associated with this approval have permanently ceased and/or been completed.

**Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.

**Compliance report** means a written report of compliance with, and in fulfilment of, the conditions attached to the approval.

**Construction** means the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; any work which involves breaking of the ground (including pile driving) or bulk earthworks; the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.

**Credits** means credits under the *Biodiversity Conservation Act 2016 (NSW)*.

**Department** means the Australian Government agency responsible for administering the **EPBC Act**.

**Development footprint** means the 16.76 hectare area represented in Attachment A by the zone hatched with red lines and enclosed by the red line, designated as 'Development Footprint'.

**Development site** means the area 19.78 hectare area represented by in Attachment C by the zone enclosed by the broken black line, designated as 'Development Site'.

**Environmental management plan guidelines** means the [\*Environmental Management Plan Guidelines\*](#), Commonwealth of Australia, 2014, and subsequent iterations.

**EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.

**Incident(s)** means any event which has the potential to, or does, impact on any **protected matter**.

**Independent** means a person or firm who does not have any individual, financial\*, employment\* or family affiliation or any conflicting interests with the project, the approval holder or the approval holder's staff, representatives or associated persons.

\*Other than for the purpose of undertaking the role for which an independent person is required

**Independent audit** means an audit conducted by an **independent** and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines (2019)*, or any subsequent official version.

**LGW** means the Lowland Grassy Woodland in the South East Corner Bioregion threatened ecological community listed under the **EPBC Act**. Within the **Development Footprint**, **LGW** is represented in Attachment by the polygons designated as "PCT 834 EEC" (both "Derived Grassland Low" and "Woodland Moderate").

**Minister** means the Australian Government Minister administering the **EPBC Act**, including any delegate thereof.

**Monitoring data** means the data required to be recorded under the conditions of this approval.

**New or increased impact** means any direct or indirect increase in the impacts of an Action, an increase to the likelihood of an impact occurring, a reduction to the monitoring or mitigation measures for a **protected matter**, and/or a change to the nature or management of an environmental offset as outlined in the *Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals* (2017), or any subsequent official version.

**Plan(s)** means any of the documents required to be prepared, approved by the **Minister**, implemented by the approval holder and/or published on the **website** in accordance with these conditions (includes action management plans and/or strategies).

**Protected matter(s)** means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect, including **LGW**.

**Retained area** means the 0.39 ha of **LGW** represented in Attachment C by the as PCT 834 (EEC) Derived Grassland Low, located outside the **development footprint**.

**Retired** means retirement of **credits** under the *Biodiversity Conservation Act 2016* (NSW), such that the **credits** can no longer be bought or sold.

**Sensitive ecological data** means data as defined in the Australian Government Department of the Environment *Sensitive Ecological Data – Access and Management Policy V1.0* (2016), or any subsequent official version.

**Shapefile(s)** means location and attribute information about the Action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

**Stage(s)** means each of the components of the action as distinguished by the numbered areas of the **development footprint** in which they will be undertaken as represented in Attachment B by the areas enclosed by pink dashed lines each of which contain a pink number, as follows: Stage 3 (which is the first stage of this action, comprising 3A and 3B), Stage 4 (comprising 4A and 4B), Stage 5, Stage 6, Stage 7 and Stage 8.

**Suitably qualified person** means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

**Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

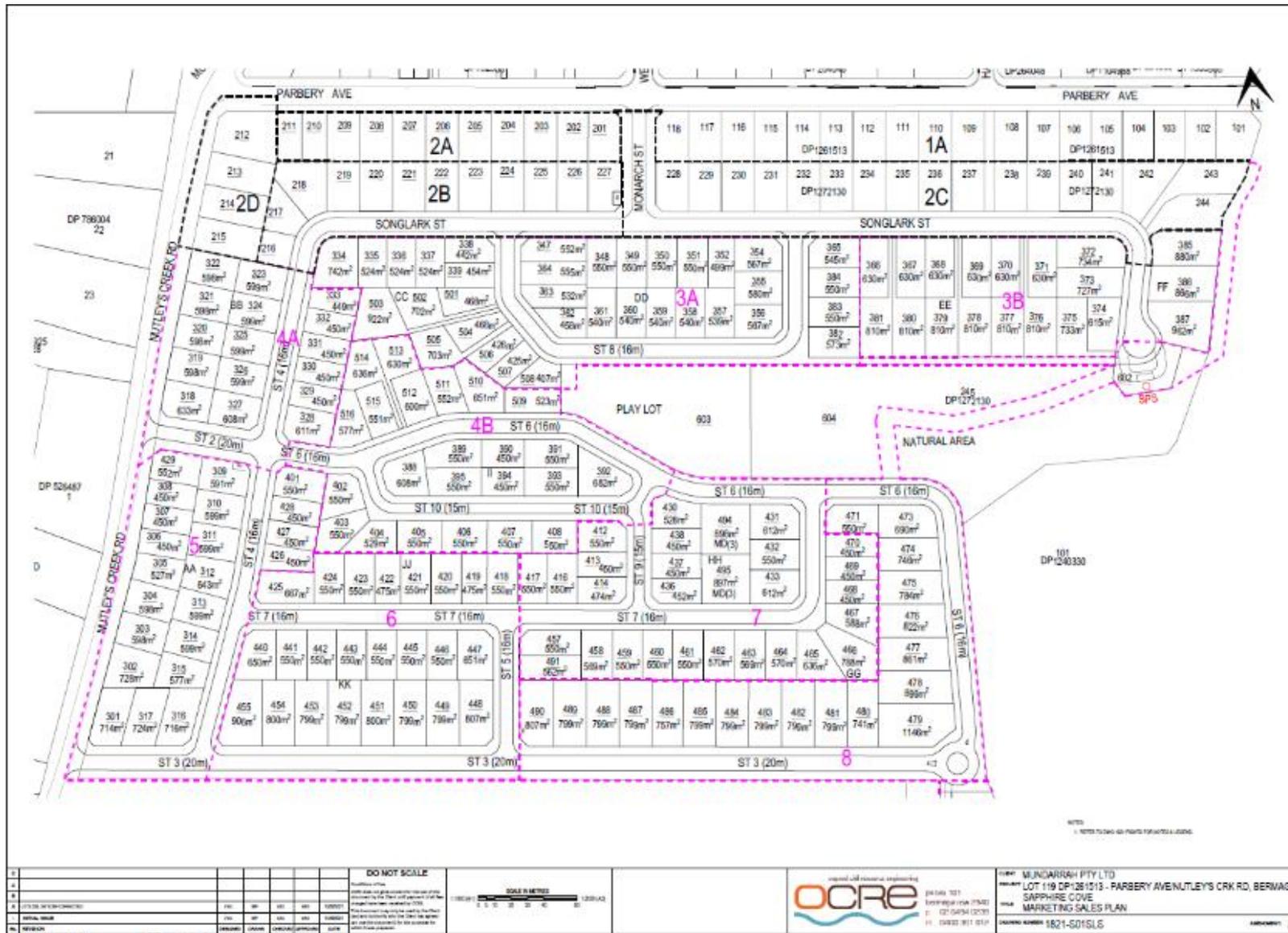
**Weed/weeds** means any 'weeds' as defined in the *Australian Weeds Strategy 2017 to 2027*, Commonwealth of Australia 2017.

Attachments

Attachment A Development Footprint



Attachment B Proposed Staging Plan



Attachment C Vegetation distribution across the development site

