



Australian Government

Department of Climate Change, Energy,  
the Environment and Water

## Variation of conditions attached to approval

Residential subdivision, Lot 2 DP1100181 Berkeley Road, Glenning Valley, NSW (EPBC 2016/7829)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

### Approved action

<b>approval holder</b>	GV Nominee No 1 Pty Ltd ACN: 608 088 884
<b>approved action</b>	A residential subdivision development at Lot 2 DP1100181, Berkeley Rd, Glenning Valley, NSW. The subdivision will have 226 residential lots, public recreation spaces, an associated road network and other required infrastructure. [See EPBC Act referral 2016/7829].
<b>period for which the approval has effect</b>	This approval has effect until 31 December 2028.

### Variation

<b>variation of conditions attached to approval</b>	The variation is: Delete conditions 12 and 15 attached to the approval and substitute with the conditions specified in the table below.
<b>date of effect</b>	This variation has effect on the date this instrument is signed.

### Person authorised to make decision

<b>name and position</b>	Brendan Linton-Smith Acting Branch Head Environment Assessments (Vic and Tas) and Post Approvals Branch
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**signature**

<b>date of decision</b>	8 August 2025
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<b>date of decision</b>	<b>conditions attached to approval</b>
<i>Original dated 04/12/2018</i>	1) The person taking the action must implement conditions 1.4 to 1.8, the development of a <b>Wildlife Management Strategy</b> , of Schedule 1

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		of the <b>BioBanking Statement</b> issued under the <i>Threatened Species Conservation Act 1995</i> (NSW) to mitigate the impacts of the action on <b>Blackbutt Open Forest</b> that provides habitat for <b>protected matters</b> .
<i>Original dated 04/12/2018</i>	2)	The person taking the action must implement condition 1.13, the development of a <b>Vegetation and Fauna Management Plan</b> , of Schedule 1 of the <b>BioBanking Statement</b> issued under the <i>Threatened Species Conservation Act 1995</i> (NSW), to manage the impacts of the proposed action on retained vegetation that provides habitat for <b>protected matters</b> .
<i>Original dated 04/12/2018</i>	3)	The person taking the action must implement all obligations specified in Schedule 2 of the <b>BioBanking Statement</b> issued under the <i>Threatened Species Conservation Act 1995</i> (NSW) to offset the impacts of the action on <b>Blackbutt Open Forest</b> . If the ecosystem credits required under the obligations specified in Schedule 2 of the <b>BioBanking Statement</b> are retired under the <i>Biodiversity Conservation Act 2016</i> (NSW), the person taking the action must satisfy the ecosystem credit requirement specified in Part 2 of the <b>Statement of assessment of reasonable equivalence of biodiversity credits</b> issued under the <i>Biodiversity Conservation (Savings and Transitional) Regulation 2017</i> (NSW).
<i>Original dated 04/12/2018</i>	4)	The offset measures required under condition 3 must be provided by retiring credits which are <b>like for like</b> for the <b>protected matters</b> .
<i>Original dated 04/12/2018</i>	5)	The person taking the action must notify the <b>Department</b> in writing of any proposed change to Schedule 2 of the <b>BioBanking Statement</b> within 10 business days of formally proposing a change or being made aware of a proposed change. The person taking the action must also notify the <b>Department</b> in writing of any change to Schedule 2 of the <b>BioBanking Statement</b> within 10 business days of a change being finalised.
<i>Original dated 04/12/2018</i>	6)	To protect potential foraging habitat for <b>protected matters</b> the approval holder must not <b>clear</b> or modify more than 22.24 hectares of <b>Blackbutt Open Forest</b> in the area within the "Project Area Boundary" shown in Map 1. The person taking the action must not <b>clear</b> any areas outside the "Project Area Boundary" shown in Map 1.
<i>Original dated 04/12/2018</i>	7)	The approval holder must notify the <b>Department</b> in writing of the date of <b>commencement of the action</b> within 10 <b>business days</b> after the date of <b>commencement of the action</b> .

<i>Original dated 04/12/2018</i>	8) If the <b>commencement of the action</b> does not occur within 5 years from the date of this approval, then the approval holder must not <b>commence the action</b> without the prior written agreement of the <b>Minister</b> .
<i>Original dated 04/12/2018</i>	9) The approval holder must maintain accurate and complete <b>compliance records</b> .
<i>Original dated 04/12/2018</i>	10) If the <b>Department</b> makes a request in writing, the approval holder must provide electronic copies of <b>compliance records</b> to the <b>Department</b> within the timeframe specified in the request.
<b>Note: Compliance records</b> may be subject to audit by the <b>Department</b> or an independent auditor in accordance with section 458 of the <b>EPBC Act</b> , and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the <b>Department's</b> website or through the general media.	
<i>Original dated 04/12/2018</i>	11) The approval holder must: <ul style="list-style-type: none"> <li>a) submit the <b>Vegetation and Fauna Management Plan</b> and <b>Wildlife Management Strategy</b> electronically to the <b>Department</b> within two months of its approval;</li> <li>b) <u>publish the <b>Vegetation and Fauna Management Plan</b> and <b>Wildlife Management Strategy</b> on the <b>website</b> within two months of the date the <b>plan</b> is approved;</u></li> <li>c) keep <b>plans</b> published on the <b>website</b> until the end date of this approval.</li> </ul>
<i>As varied on the date this instrument was signed.</i>	12) The approval holder must prepare a <b>compliance report</b> for each 12 month period following the date of <b>commencement of the action</b> until 11 February 2025. The approval holder must: <ul style="list-style-type: none"> <li>a) publish each <b>compliance report</b> on the <b>website</b> within 60 <b>business days</b> following the relevant 12 month period;</li> <li>b) notify the <b>Department</b> by email that a <b>compliance report</b> has been published on the <b>website</b> within five <b>business days</b> of the date of publication;</li> <li>c) keep all <b>compliance reports</b> publicly available on the <b>website</b> until this approval expires;</li> <li>d) exclude or redact <b>sensitive ecological data</b> from <b>compliance reports</b> published on the <b>website</b>; and</li> </ul>

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- e) where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within 5 **business days** of publication.

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

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*Original dated  
04/12/2018*

- 13) The approval holder must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
- a) the condition which is or may be in breach; and
  - b) a short description of the **incident** and/or non-compliance.

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*Original dated  
04/12/2018*

- 14) The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:
- a) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
  - b) the potential impacts of the **incident** or non-compliance; and
  - c) the method and timing of any remedial action that will be undertaken by the approval holder.

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*As varied on the date  
this instrument was  
signed.*

- 15) The approval holder must ensure that **independent audits** of compliance with the conditions are conducted for the 12 month period from 30 November 2018 and for every subsequent 12 month period until 30 November 2023.

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*Original dated  
04/12/2018*

- 16) For each **independent audit**, the approval holder must:
- a) provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
  - b) only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and
  - c) submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.

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*Original dated  
04/12/2018*

- 17) The approval holder must publish the audit report on the **website** within 10 **business days** of receiving the **Department's** approval of
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	the audit report and keep the audit report published on the <b>website</b> until the end date of this approval.
<i>Original dated 04/12/2018</i>	18) Within 30 days after the <b>completion of the action</b> , the approval holder must notify the <b>Department</b> in writing and provide <b>completion data</b> .
<b>date of decision</b>	<b>definitions attached to approval</b>
<i>Original dated 04/12/2018</i>	<b>BioBanking Statement</b> means the BioBanking Statement (Statement ID 35) issued by the NSW Office of Environment and Heritage, dated 27 July 2017, at <u>Attachment A</u> , as in force or existing from time to time.
<i>Original dated 04/12/2018</i>	<b>Blackbutt Open Forest</b> includes Blackbutt Open Forest “shrubby” variant, Blackbutt Open Forest “shrubby” variant (Low Quality) and Blackbutt Open Forest “ferny” variant (see Map1). The Development will remove 21.05 ha of Blackbutt Open Forest and modify 1.19 ha of Blackbutt Open Forest for the creation of the Asset Protection Zone. In the BioBanking Statement Blackbutt Open Forest has been defined as Smooth-barked Apple – Turpentine – Blackbutt open forest on ranges of the Central Coast, (HU793, PCT 1579) plant community type and Blackbutt – Rough-barked Apple – Turpentine – ferny tall open forest of the Central Coast (HU778, PCT 1564) plant community type.
<i>Original dated 04/12/2018</i>	<b>Business days</b> means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
<i>Original dated 04/12/2018</i>	<b>Clear / Clearing</b> means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the <i>Australian weeds strategy 2017-2027</i> for further guidance).
<i>Original dated 04/12/2018</i>	<b>Commencement of the action</b> means the first instance of <b>construction</b> of any infrastructure. Commencement does not include minor physical disturbance necessary to: <ul style="list-style-type: none"> <li>i. undertake pre-clearance surveys or monitoring programs;</li> <li>ii. install signage and /or temporary fencing to prevent unapproved use of the project area;</li> <li>iii. protect environmental and property assets from fire, weeds and pests, including erection or <b>construction</b> of fencing and signage, and maintenance or use of existing surface access tracks, if agreed in writing by the <b>Department</b>; and</li> </ul>

	iv. Geotechnical Investigations if they cause only minor physical disturbances.
<i>Original dated 04/12/2018</i>	<b>Completion data</b> means an environmental report and spatial data information clearly detailing how the conditions of this approval have been met. The <b>Department's</b> preferred spatial data format is shapefile.
<i>Original dated 04/12/2018</i>	<b>Completion of the action</b> means <b>construction</b> associated with the action have permanently ceased.
<i>Original dated 04/12/2018</i>	<b>Compliance records</b> 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.
<i>Original dated 04/12/2018</i>	<p><b>Compliance reports</b> means written reports:</p> <ul style="list-style-type: none"> <li>i. providing accurate and complete details of compliance, <b>incidents</b>, and non-compliance with the conditions and the <b>plans</b>;</li> <li>ii. consistent with the <b>Department's Annual Compliance Report Guidelines</b> (2014);</li> <li>iii. include a shapefile of any clearance of any <b>protected matters</b>, or their habitat, undertaken within the relevant 12 month period; and</li> <li>iv. annexing a schedule of all <b>plans</b> prepared and in existence in relation to the conditions during the relevant 12 month period.</li> </ul>
<i>Original dated 04/12/2018</i>	<b>Construction</b> 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; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of fences and signage. Construction does not include pre clearance surveys, installation of signage or temporary fencing and minor geotechnical investigations.
<i>Original dated 04/12/2018</i>	<b>Department</b> means the Australian Government agency responsible for administering the <b>EPBC Act</b> .
<i>Original dated 04/12/2018</i>	<b>EPBC Act</b> means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).

<i>Original dated 04/12/2018</i>	<b>EPBC Regulations</b> means the <i>Environment Protection and Biodiversity Conservation Regulations 2000</i> (Cth).
<i>Original dated 04/12/2018</i>	<b>Incident</b> means any event which has the potential to, or does, impact on <b>protected matter(s)</b> .
<i>Original dated 04/12/2018</i>	<b>Independent audit:</b> means an audit conducted by an independent and <b>suitably qualified person</b> as detailed in the <i>Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines</i> (2015).
<i>Original dated 04/12/2018</i>	<b>Like for like</b> means of direct benefit to the specific protected matter impacted by the action.
<i>Original dated 04/12/2018</i>	<b>Minister</b> means the Australian Government Minister administering the <b>EPBC Act</b> including any delegate thereof.
<i>Original dated 04/12/2018</i>	<b>Plan/s</b> means <b>Vegetation Fauna Management Plan</b> and the <b>Wildlife Management Strategy</b> .
<i>Original dated 04/12/2018</i>	<b>Project Area</b> the area identified in Map 1 which shows the area to be developed within the site boundary.
<i>Original dated 04/12/2018</i>	<b>Protected matter</b> means a matter protected under a controlling provision in Part 3 of the <b>EPBC Act</b> for which this approval has effect. <b>Protected matters</b> include the Regent Honeyeater ( <i>Anthochaera phrygia</i> ), Swift Parrot ( <i>Lathamus discolor</i> ), Grey-headed Flying-fox ( <i>Pteropus poliocephalus</i> ), the Koala ( <i>Phascolarctos cinereus</i> ) (combined populations of Queensland, New South Wales and the Australian Capital Territory) and the Long-nosed Potoroo (SE Mainland) ( <i>Potorous tridactylus tridactylus</i> ).
<i>Original dated 04/12/2018</i>	<b>Sensitive ecological data</b> means data as defined in the Australian Government Department of the Environment (2016) <i>Sensitive Ecological Data – Access and Management Policy V1.0</i> .
<i>Original dated 04/12/2018</i>	<b>Site</b> means a residential subdivision to be developed at Lot 2 DP1100181, Berkeley Road, Glenning Valley, NSW 2261.
<i>Original dated 04/12/2018</i>	<b>Suitably qualified person</b> 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.

<i>Original dated 04/12/2018</i>	<b>Statement of assessment of reasonable equivalence of biodiversity credits</b> means the statement of assessment of reasonable equivalence of biodiversity credits (DOC18/170629) issued by the NSW Office of Environment and Heritage on 20 April 2018 under the <i>Biodiversity Conservation (Savings and Transitional) Regulation 2017</i> (NSW), at <u>Attachment B</u> .
<i>Original dated 04/12/2018</i>	<b>Vegetation and Fauna Management Plan</b> , as described in BioBanking Statement No 35 Schedule 1, Condition number 1.13, is required to be approved by Council prior to the issuing of the construction certificate for the relevant stage of the project. The <b>Vegetation and Fauna Management Plan</b> , should be published on the project website within two months of its approval.
<i>Original dated 04/12/2018</i>	<b>Website</b> means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.
<i>Original dated 04/12/2018</i>	<b>Wildlife Management Strategy</b> , as described in BioBanking Statement No 35 Schedule 1, Condition number 1.4 to 1.8, is required to be approved by Council prior to the issuing of the construction certificate for the relevant stage of the project. The <b>Wildlife Management Strategy</b> , should be published on the project website within two months of its approval.
<b>date of decision</b>	<b>Annexure</b>
<i>Original dated 04/12/2018</i>	<a href="#">Annexure A</a> - Map 1

# Annexure A

