



Australian Government

Department of the Environment, Water, Heritage and the Arts

APPROVAL

Rose Property Group Pty Ltd Catherine Hill Bay and Gwandalan Residential Development
EPBC 2007/3411

This decision is made under Section 133 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Proposed action

person to whom the approval is granted

Rose Property Group Pty Ltd
ACN: 123 982 141

proposed action

To develop approximately 60 ha at Montefiore Street, Catherine Hill Bay and approximately 18 ha at Kanagara Drive, Gwandalan for residential, retail and commercial purposes as outlined in the referral documentation dated 4 April 2007 and in the Preferred Project Report dated 6 December 2007.

Approval decision

relevant controlling provisions

The approval has effect for:

- Listed threatened species and communities (sections 18 & 18A)

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 2039

Person authorised to make decision

name and position

Peter Garrett
Minister for the Environment, Heritage and the Arts

signature

date of decision

27.2.09

Conditions attached to the approval

1. The person proposing to take the action must undertake the action generally as described in the final *Catherine Hill Bay and Gwandalan Concept Plan*, prepared for Rose Property Group Pty Ltd and dated December 2008, subject to the conditions contained within this approval and in accordance with the plan of subdivision at Annexure 1, including the dedication of Lots 104, 105 and 107 as conservation areas.
2. Prior to any works commencing the person proposing to take the action must prepare and have approved by the Minister a management plan which must make provision for:
 - a) the removal of *Cryptostylis hunteriana* individuals from Hamlet 6 for the purposes of research; and
 - b) the provision of funding of no less than \$15,000, by the person proposing to take the action, to facilitate the research referenced in this Condition.

The approved management plan must be implemented.

3. In order to minimise potential future impacts on *C. hunteriana* located in Hamlet 6 of Moonee Hamlets, prior to any works commencing and prior to the removal of the *C. hunteriana* individuals located in Hamlet 6 in accordance with Condition 2, the person proposing to take the action must prepare and have approved by the Minister a *C. hunteriana* management plan which must identify measures that will be taken to:
 - a) ensure that nutrient and sediment control measures are put in place to avoid any run off from Hamlet 6 or 7 having an adverse impact on the Narrabeen Doyalson Coastal Woodland, mapped as *Cryptostylis hunteriana* habitat at Annexure 2 and the *C. hunteriana* individuals located in Hamlet 6;
 - b) manage weeds to ensure that the Narrabeen Doyalson Coastal Woodland and the *C. hunteriana* individuals located in Hamlet 6 will not be subject to weed invasion and that weeds already present in the area will be actively managed;
 - c) ensure that if any controlled burning is to be undertaken during the *C. hunteriana* flowering period within the Narrabeen Doyalson Coastal Woodland mapped at Annexure 1, pre burning surveys will be undertaken for *C. hunteriana* in that area and if any *C. hunteriana* are detected, no burning will take place during that flowering period;
 - d) protect the *C. hunteriana* which occur in the area from uncontrolled burning in the Narrabeen Doyalson Coastal Woodland; and
 - e) ensure that public access to Hamlet 6 is actively managed to reduce the risks posed to the area through increased human access including, but not limited to illegal collection of *C. hunteriana*, trampling, and rubbish dumping.

The approved *C. hunteriana* management plan must be implemented.

4. In order to minimise the potential impacts on the *Environment Protection and Biodiversity Conservation Act 1999* listed threatened species that are known to or likely to occur in the development areas and their suitable habitat, prior to any works commencing the person proposing to take the action must prepare and implement an environmental management plan that:
 - a) identifies the measures to be taken to minimise the amount of clearing in areas defined as native vegetation communities;
 - b) provides details of species of local provenance to be used for future landscape works and seed stock for revegetation; and
 - c) identifies the measures to be taken to protect drainage lines during construction and nutrient and sediment control.

The final version of the plan is to be provided to the Department prior to works commencing.

5. In order to minimise the potential impacts on the *Environment Protection and Biodiversity Conservation Act 1999* listed threatened species and their suitable habitat that is known to or likely to occur in the conservation lands, prior to any works commencing a management and monitoring plan must be in place that addresses the following management issues in the conservation areas:

- a) pedestrian access arrangements;
- b) edge effects due to disturbance of adjacent areas;
- c) sediment and erosion control measures;
- d) water quality and quantity;
- e) domestic animals; and
- f) spread of exotic and invasive species.

This management plan is to identify monitoring and mitigation measures which ameliorate impacts on adjoining conservation areas.

The final version of the plan must be implemented and provided to the Department prior to works commencing.

6. In order to minimise the potential impacts on the *Environment Protection and Biodiversity Conservation Act 1999* listed threatened species and suitable habitat that is known to, or likely to occur in the conservation lands and/or the marine environment, prior to any works commencing, the person proposing to take the action must prepare Stormwater Management Plans which ensure that stormwater discharged from the Catherine Hill Bay development site meets the objective reductions set out in the October 2007 draft *Managing Urban Stormwater: environmental targets, Department of Environment and Climate Change NSW*, and that the stormwater discharged from the Gwandalan site meets the objective reductions set out in the October 2007 draft *Managing Urban Stormwater: environmental targets, Department of Environment and Climate Change NSW*, the 2008 Wyong Water Sensitive Urban Design Development Control Plan (DCP No. 97) and the July 1999 Wyong Shire Council Urban Stormwater Quality Management Plan for the Tuggerah Lakes and Coastal Catchments.

The plan must be implemented and the final version provided to the Department prior to works commencing.

7. Within 10 days of commencement of the action, the person taking the action must advise the Department of the actual date of commencement.
8. If, at any time after three years from the date of this approval, the Minister notifies the person taking the action in writing that the Minister is not satisfied that there has been **substantial commencement*** of the action, the action must not thereafter be commenced without the written agreement of the Minister.

***Substantial commencement** for this action is defined as the commencement of any works.

9. 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.
10. If the person taking the action wishes to carry out any activity otherwise than in accordance with the plans, reports or strategies referred to in the conditions of this approval, the person taking the action must submit for the Minister's approval a revised version of any such plan, report or strategy. If the Minister approves such a revised plan, report or strategy, that plan, report or strategy must be implemented in place of the plan, report or strategy originally approved.

11. If the Minister believes that it is necessary or desirable for the better protection of listed threatened species and ecological communities to do so, the Minister may request that the person taking the action make specified revisions to the plans, reports or strategies approved pursuant to the conditions of this approval and submit the revised plan, report or strategy for the Minister's approval. The person taking the action must comply with any such request. The revised approved plan, report or strategy must be implemented.
12. Within three months of every 12 month anniversary after the commencement of the action, the person taking the action must provide a report to the Department addressing compliance with each of the Conditions of this approval over the previous 12 months. These reports must be provided to the Department each year for ten years after the commencement of the action.
13. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the above conditions of approval, and make them available upon request to the Department. Such records may be subject to audit by the Department, and used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.

Definitions:

Commencement of the action: commencement of any works.

Conservation areas: includes Lots 104, 105 and 107 as identified in the plan of subdivision at Annexure 1, and Point Wolstoncroft State Recreation Area north of the Gwandalan site and Munmorah State Conservation Area to the south of the Catherine Hill Bay site.

Controlled burning: a fire planned and executed to achieve management goals. All other fires are considered uncontrolled burning.

***Cryptostylis hunteriana* flowering period:** 1 August through to the end of February.

Department: the Australian Government Department responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

Minister: The Minister responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

Native vegetation communities: are those described in Part 3 and mapped in figure 3.1 of the Ecological Assessment Report which forms Annexure C to the Catherine Hill Bay and Gwandalan Preferred Project Report for Concept Plan MP 06 0330 dated 6 December 2007.

Works- includes any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and the use of heavy equipment for the purpose of breaking the ground for buildings or infrastructure. Works excludes any activity required to be undertaken to fulfil the requirements of conditions 2, 3, 4, 5, and 6 above.