



Australian Government

Department of the Environment, Water, Heritage and the Arts

Approval

Harrington Grove Residential Development, western Sydney, NSW (EPBC 2009/4862)

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

Proposed action

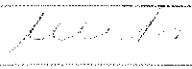
person to whom the approval is granted	Dandaloo Pty Ltd
proponent's ACN (if applicable)	ACN: 002338543
proposed action	A residential development of approximately 900 lots located at Harrington Grove, western Sydney, NSW.

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 2039.

Decision-maker

name and position	Michelle Wicks Assistant Secretary Environment Assessment Branch
signature	
date of decision	24 June 2010

Approval Conditions

No	Condition
1	The person taking the action must carry out the action in accordance with the conditions of this approval and as described in the referral documentation dated 16 April 2009, Preliminary Documentation dated 29 November 2009, the Planning Agreement with NSW Department of Planning (reference 15266/15343/80056275) and the additional information dated 25 May 2010. Where the referral, Preliminary Documentation, planning agreement and/or additional information and these conditions are contradictory, these conditions shall prevail to the extent of the contradiction.
2	Prior to works commencing, the person taking the action must demonstrate in writing to the Minister that a conservation covenant or covenants have been registered on the titles of all land identified as <i>Community Reserve</i>, <i>Council Reserve</i> and <i>Cultural Landscape</i> on Annexure 1. The conservation covenant/s must provide for the protection and active management of Cumberland Plain Woodlands and other matters of national environmental significance in perpetuity. Works may not commence until the Minister has notified the person taking the action, in writing, that the Minister is satisfied with the covenant and how it will protect and provide for the active management of Cumberland Plain Woodlands and other matters of national environmental significance in perpetuity.
3	Prior to the works commencing, the person taking the action must provide in writing to the Minister for approval a plan that includes a detailed schedule of expenditure for management activities and associated outcomes that will aid active recovery of Cumberland Plain Woodlands (CPW) on-site. The plan must demonstrate how no less than \$150,000 will be spent on on-ground recovery of CPW on-site. Activities are to complement the objectives of the draft <i>NSW and National Recovery Plan – Cumberland Plain Recovery Plan</i>. Activities and funding outlined in this plan must be demonstrated as being additional to that required by other approval conditions and already committed to in the Harrington Grove West Conservation Management Plan and Bushfire Management Plan, the Harrington Grove East Conservation Management Plan and Bushfire Management Plan and the \$150,000 contribution to conservation in accordance with the Planning Agreement with NSW Department of Planning. The plan is to include a monitoring and reporting component to measure and report the success of proposed outcomes. The plan must be implemented and outcomes reported to the department annually until such time as it is demonstrated that the activities and associated outcomes have been achieved to the satisfaction of the Minister. Works may not commence until the Minister has notified the person taking the action, in writing, that the Minister is satisfied with the proposed plan.
4	The person taking the action must undertake the action in accordance with the Voluntary Planning Agreement with Camden Council, dated 22 August 2008, specifically the implementation of the Harrington Grove West Conservation Management Plan and Bushfire Management Plan (August 2007) and the Harrington Grove East Conservation Management Plan and Bushfire Management Plan (August 2007). Any change, that has potential to have any impact to matters of national environmental significance and made prior to the transfer of conservation land to community or council ownership (as detailed in the Voluntary Planning Agreement with Camden Council), to: a) the Harrington Grove West Conservation Management Plan and Bushfire Management Plan (August 2007) and the Harrington Grove East Conservation Management Plan and Bushfire Management Plan (August 2007); or b) the elements of the Voluntary Planning Agreement which relate to the implementation of the Harrington Grove West Conservation Management Plan and Bushfire Management

	Plan (August 2007) and the Harrington Grove East Conservation Management Plan and Bushfire Management Plan (August 2007); requires the approval of the Minister. Approval of any amendment must be obtained by the Minister in writing prior to implementation of the amendment.
5	The person taking the action must ensure that the Community Management Statement requires the Harrington Grove Community Association and Camden Council to manage and maintain their respective transferred land, as defined in Annexure 1 and 2, in accordance with the Harrington Grove West Conservation Management Plan and Bushfire Management Plan (August 2007) and the Harrington Grove East Conservation Management Plan and Bushfire Management Plan (August 2007). Any change, that has potential to have any impact to matters of national environmental significance and made prior to the transfer of conservation land to community or council ownership (as detailed in the Voluntary Planning Agreement with Camden Council), to: a) the Harrington Grove West Conservation Management Plan and Bushfire Management Plan (August 2007) and the Harrington Grove East Conservation Management Plan and Bushfire Management Plan (August 2007); or b) the elements of the Community Management Statement which relate to the implementation of the Harrington Grove West Conservation Management Plan and Bushfire Management Plan (August 2007) and the Harrington Grove East Conservation Management Plan and Bushfire Management Plan (August 2007); requires the approval of the Minister. Approval of any amendment must be obtained by the Minister in writing prior to implementation of the amendment.
6	The person taking the action must ensure that any element of the Voluntary Planning Agreement with Camden Council, the Community Management Statement or conservation management plans that deal with management of conservation land include reference and equal level of protection and management to the conservation land to be dedicated to Camden Council as shown on Annexure 2.
7	Within 10 days of commencement of the action , the person taking the action must advise the department in writing of the actual date of commencement.
8	If, after 3 years from the date of this approval, the person taking the action has not substantially commenced the action to the satisfaction of the Minister , the person taking the action must obtain the written agreement of the Minister to commence or continue taking the action.
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 this approval, the person taking the action must submit for the Minister's approval a revised version of any such plan, report or strategy. The varied activity shall not commence until the Minister has approved the varied plan, report or strategy in writing. 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. Unless the Minister has approved the revised plan, report or strategy, then the person taking the action must

	continue to implement the plan, report or strategy originally approved under this approval
12	Within three months of every 12 month anniversary after the commencement of the action, the person taking the action must submit to the department an annual report addressing compliance with each of the conditions of this approval, including implementation of any management plans that have been approved by the Minister. Annual reports must be provided until the Minister is satisfied that the person taking the action has complied with all conditions of this approval
13	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of this approval, including measures taken to implement the management plans required by this approval, 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 posted on the Departments website. The results of audits may also be publicised through the general media

Definitions:

Commencement of action: Undertaking of any activity identified below under the definition of works.

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*

Substantially commenced: the commencement of the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation within Precincts E, F, G, H, I, J, L, M or O.

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.

ANNEXURE 1

