



Schedule 3 - Approval from Department of Environmenta and Energy

Approval

Residential subdivision at 1-41 Marsh Road, Silverdale, New South Wales
(Lot 1, DP 588912) (EPBC 2016/7684)

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 Simba Developments Pty Ltd

proponent's ACN 603 799 220

proposed action The subdivision of land at 1-41 Marsh Road, Silverdale, New South Wales (Lot 1, DP 588912), to accommodate residential development and associated infrastructure.

[See EPBC Act referral 2016/7684]

Approval

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approve

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 March 2027.

Decision-maker

name and position Kim Farrant
Assistant Secretary
Assessments (NSW, ACT) and Fuel Branch

signature

date of decision 14.6.17

Conditions attached to the approval

1. The person taking the action must not clear more than 9.25 hectares of **SSTF** ecological community and must limit all vegetation clearing to within the **project disturbance boundary**.
2. Prior to the **commencement of the action**, the person taking the action must secure a **Managed Reserve** as shown in **Annexure A**, and manage it in accordance with the Vegetation Management Plan approved by the Wollondilly Shire Council and in accordance with Schedule 1 of the **BioBanking Statement**.
3. To compensate for the loss of 9.25 hectares of **SSTF**, the person taking the action must **purchase** and **retire** a minimum of 365 *Narrow-leaved Ironbark – Broad-leaved Ironbark – Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion (HN556)* **credits**. **Credits** must be **retired** prior to the **commencement** of each stage of the action as described in **Annexure B** and Schedule 2 of the **BioBanking Statement**. **Credits** must be **retired** at a registered **BioBank Site**.
4. Within 2 weeks following the **retirement** of **credits** for each stage as described in **Annexure B** (required under condition 3), the person taking the action must submit a **BioBanking Retirement Credit Report** to the **Department** as evidence of compliance.
5. The person taking the action must ensure that the **BioBanking Agreement(s)** associated with the established **BioBank Site(s)** include:
 - a. specific reference to **EPBC Act** listed **SSTF**;
 - b. a description of the management measures that will be implemented, including a discussion of how the measures outlined take into account **EPBC Act** guidelines and policies relevant to **EPBC Act** listed **SSTF**;
 - c. performance indicators for evaluating the management of the **BioBank site(s)**;
 - d. corrective measures and contingency measures (including evaluation measures) that will be used in the event that performance indicators are not met.
6. As evidence of compliance, the person taking the action must provide the **Department** with a copy of the **BioBanking Agreement(s)**, 2 weeks prior to the **retirement** of **credits** as required under condition 3.

Administrative conditions

7. Within 14 days after the **commencement** of the action, the person taking the action must advise the **Department** in writing of the actual date of **commencement**.
8. Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on the Allam Property Group website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published. The report must remain published for the life of the approval. The person taking the action must continue to publish the report annually unless otherwise agreed to in writing by the **Minister**.

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, at any time after five (5) years from the date of this approval, the person taking the action has not **commenced** the action, then the person taking the action must not **commence** the action without the written agreement of the **Minister**.

Definitions

BioBanking Agreement – the conservation covenant that is attached to the land title of a **BioBank Site**. The **BioBanking Agreement** specifies the management actions that are required to be undertaken on **BioBank sites** in order for **credit** to be created.

BioBanking Credit Retirement Report – the report issued by NSW Office of Environment and Heritage under the NSW *Threatened Species Conservation Act 1995* that confirms the **retirement** of **credits** required under the **BioBanking Statement**.

BioBank sites – A **BioBanking Site** is the offset area established by a landowner under the NSW *Threatened Species Conservation Act 1995*. A **BioBank Site** will be managed in accordance with the **BioBanking agreement**.

BioBank Statement – the BioBanking Statement ID 32 issued by **NSW OEH** under the NSW *Threatened Species Conservation Act 1995* that confirms the number and type of **credits** required to be **purchased** and **retired** by the person taking the action.

BioBanking Methodology – refer to the methodology established under section 127B of the NSW *Threatened Species Conservation Act 1995* for the compensation of biodiversity impacts.

Credits – means ecosystems credits for vegetation types that meet the definition of the EPBC Act listed **SSTF** ecological community, calculated under the NSW **BioBanking Methodology**.

Commence / Commencement / Commencement of the action – the first instance of any activity to implement the action described in **preliminary documentation**, including any preparatory works (excluding fences and signage), earthworks / clearing of vegetation, the erection of any onsite temporary structures / building compound facilities, or the first instance of any use of heavy duty equipment for breaking ground, or of clearance of any vegetation.

Department – the Commonwealth Department responsible for administering the **EPBC Act**.

EPBC Act – the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*

Managed Reserve – a reserve that includes the Managed Reserve, Drainage reserve and Asset Protection Zones), to be established across the centre of the **project disturbance boundary**, as illustrated in **Annexure A**, to protect and manage **SSTF**.

Minister – the Minister responsible for the administration of the **EPBC Act** and includes a delegate of the Minister.

NSW OEH – NSW Office of Environment and Heritage is the NSW Department responsible for administering the NSW **BioBanking Methodology**.

Preliminary documentation – means the final assessment documentation provided to the **Department**, being the final preliminary documentation package prepared by Biosis and dated 11 November 2016.

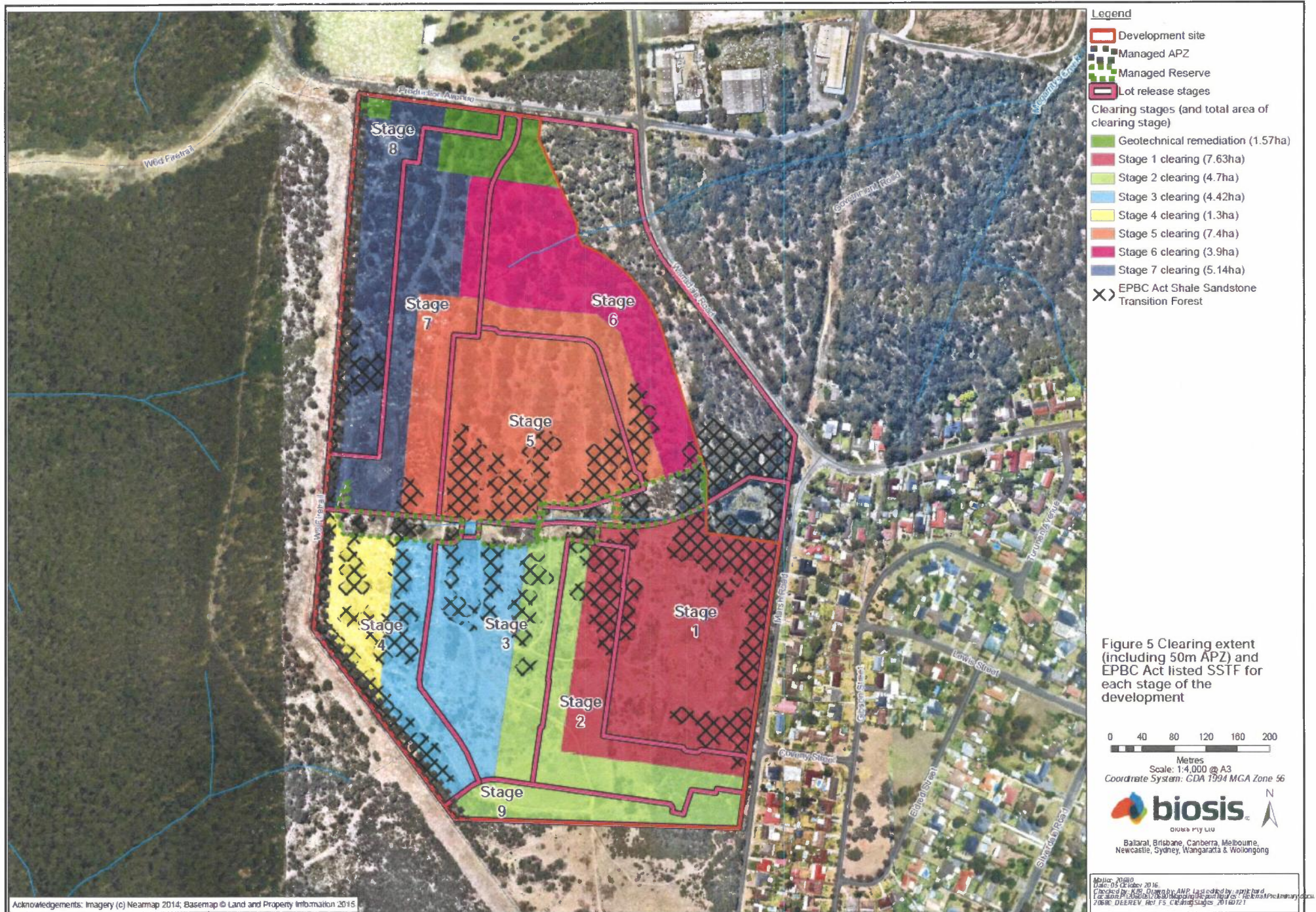
Project disturbance boundary refers to 1 – 41 Marsh Road, Silverdale, New South Wales, as shown in **Annexure A**.

Purchase – means the purchasing of **credits**, in accordance with the NSW **BioBanking Methodology**.

Retire / Retirement – means retire / retirement of **credits** in accordance with **BioBanking Methodology** to make credits no longer available to be bought or sold.

SSTF – *Shale Sandstone Transition Forest of the Sydney Basin Bioregion* ecological community is listed under the **EPBC Act**.





Shale Sandstone Transition Forest of the Sydney Basin Bioregion offset liabilities by stage

Clearing Stage	Impact (ha)	SSTF BioBanking credits required to be retired
Stage 1	2.71	129
Stage 2	1.10	84
Stage 3	1.97	99
Stage 4	0.74	26
Stage 5	2.11	74
Stage 6	0.29	11
Stage 7	0.33	11
Stage 8 - Indirect impacts on Managed Reserves	1.68	35

