

s. 22(1)(a)(ii)

Document 1

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**From:** s. 22(1)(a)(ii)  
**Sent:** Friday, 22 May 2020 6:35 PM  
**To:** s. 22(1)(a)(ii) @ozvhomes.com.au'  
**Cc:** s. 22(1)(a)(ii) @ecoplanning.com.au'  
**Subject:** 182 lot residential subdivision, Berringer and Cunjurong Roads, Manyana, NSW  
[SEC=UNCLASSIFIED]  
**Attachments:** Letter to Ozy Homes Pty Ltd re Manyana 220520.pdf

Dear s. 22(1)(a)(ii)

Please find attached a letter from the Department of Agriculture, Water and the Environment about the application of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to the above proposal.

I will be providing a hard copy of the letter via regular mail.

Regards.

s. 22(1)(a)(ii)

Assistant Director (ag) | Southern NSW and ACT Assessments Section | Environment Approvals Division  
John Gorton Building, King Edward Terrace, Parkes ACT | GPO Box 787 Canberra ACT 2601

s. 22(1)(a)(ii) [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au) s. 22(1)(a)(ii)



Australian Government  
Department of Agriculture,  
Water and the Environment

s. 22(1)(a)(ii)

Ozy Homes Pty Ltd  
PO Box 3163  
Centro Bankstown NSW 2200

Dear s. 22(1)(a)(ii)

I am writing to you about the application of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to the 182 lot residential subdivision at Berringer and Cunjurong Point Roads, Manyana, NSW (your ref: 171367) proposed by Ozy Homes Pty Ltd.

You may recall that the I wrote to you in December 2017 requesting that you consider referring this proposal to the then Department of the Environment and Energy (the Department) for assessment under the EPBC Act noting potential significant impacts to Matters of National Environmental Significance (MNES). I also acknowledge that, based on further information subsequently provided by you, I again wrote to you in August 2018 stating that I did not consider a referral was warranted for potential impacts on MNES.

However, in light of serious and substantial impacts to habitat for EPBC Act listed threatened species in the immediate vicinity of the proposed development as a result of the 2019/2020 bushfires, I am again requesting that you consider referring the proposal for assessment and approval under the EPBC Act. The Department has also received additional information from third parties which indicates the need for further investigation of the value of the development site as habitat for listed threatened species.

Based on the above, I wanted to again ensure that you are aware that in progressing with this development without a decision under the EPBC Act, Ozy Homes Pty Ltd carry all associated risks. As I have previously indicated, substantial penalties may apply to a person who takes such an action without approval. For your information, I have forwarded a copy of this letter to the Department's Office of Compliance.

I would appreciate acknowledgement of this letter by close of business Monday 25 May 2020.

If you have any further questions about the application of the EPBC Act to your proposal, please contact me at [s. 22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au) or [s. 22\(1\)\(a\)\(ii\)](tel:0293754699)

Yours sincerely, s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)

s. 22(1)(a)(ii) s. 22(1)(a)(ii)

Director  
Southern NSW & ACT Assessments

22 May 2020

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**From:** s. 22(1)(a)(ii) [[mailto:s. 22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)]  
**Sent:** Monday, 25 May 2020 5:47 pm  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Cc:** s. 22(1)(a)(ii) s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; Louise Vickery <[Louise.Vickery@environment.gov.au](mailto:Louise.Vickery@environment.gov.au)>  
**Subject:** RE: 182 lot residential subdivision, Berringer and Cunjurong Roads, Manyana, NSW [CBP-ACTIVE.FID1703177] [SEC=UNCLASSIFIED]  
**Importance:** High

Hi [s. 22\(1\)\(a\)\(ii\)](#),

I refer to the email you sent to [s. 22\(1\)\(a\)\(ii\)](#) of the Department last Friday evening, including reference to the letter sent to Minister Ley the previous Wednesday. Thank you also for our conversation earlier today, it was much appreciated.

You advised me that the work being undertaken on site is fencing being put up to exclude people, as apparently the ecologists were on site last week and saw a number of people wandering around. We are still getting advice from various members of the community and the media that "work is commencing on site" and just wanted to confirm that site works were limited to a safety/exclusion fence or advise whether there was any other work being undertaken on site.

You also advised that the consultant ecologists have collected field data and research over the past few days as to the likely impacts of the development on the environment, particular on nationally protected matters, and will prepare a report to the company later this week. You advised that you understood the plan is the owners will then form a view as to the likelihood of significant impact on matters of MNES and advise the Department accordingly. I understand you were not able to give me a timetable earlier today for when those ecological reports would be finalised but any indication of likely timing for the reports or the response to the Department of the owners intentions would be greatly appreciated.

Regards, <sup>s. 22(1)(a)(ii)</sup>

<sup>s. 22(1)(a)(ii)</sup>

Director NSW (South) and ACT Assessments Section | <sup>s. 22(1)(a)(ii)</sup> | Mobile: <sup>s. 22(1)(a)(ii)</sup>  
Department of Agriculture, Water and the Environment  
Environment Approvals and Wildlife Trade Branch | Environment Approvals Division  
John Gorton Building, King Edward Terrace, Parkes ACT 2600  
PO Box 787, CANBERRA ACT 2601

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The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

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**From:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> @cbp.com.au>  
**Sent:** Friday, 22 May 2020 7:13 PM  
**To:** <sup>s. 22(1)(a)(ii)</sup> @awe.gov.au  
**Cc:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> @cbp.com.au>; <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> @cbp.com.au>  
**Subject:** RE: 182 lot residential subdivision, Berringer and Cunjurong Roads, Manyana, NSW [SEC=UNCLASSIFIED] [CBP-ACTIVE.FID1703177]

Dear <sup>s. 22(1)(a)(ii)</sup>

We act for Ozy Homes.

We acknowledge receipt of the letter from the Department of Agriculture, Water and the Environment of today's date.

Please see the **attached** correspondence which we sent to Minister Ley by online submission on 20 May 2020 in relation to this development and the EPBC Act.

Regards

<sup>s. 22(1)(a)(ii)</sup>  
<sup>s. 22(1)(a)(ii)</sup>

**COLIN  
BIGGERS  
& PAISLEY  
LAWYERS**

Colin Biggers & Paisley Pty Ltd  
ABN 28 166 080 682  
Level 42, 2 Park Street Sydney NSW 2000 Australia  
D <sup>s. 22(1)(a)(ii)</sup> | F <sup>s. 22(1)(a)(ii)</sup> | M <sup>s. 22(1)(a)(ii)</sup>  
<sup>s. 22(1)(a)(ii)</sup> @cbp.com.au  
www.cbp.com.au

Follow us  



**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>  
**Date:** 22 May 2020 at 6:35:22 pm AEST  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ozyhomes.com.au>  
**Cc:** s. 22(1)(a)(ii) @ecoplanning.com.au" <s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Subject:** 182 lot residential subdivision, Berringer and Cunjurong Roads, Manyana, NSW  
[SEC=UNCLASSIFIED]

Dear s. 22(1)(a)(ii)

Please find attached a letter from the Department of Agriculture, Water and the Environment about the application of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to the above proposal.

I will be providing a hard copy of the letter via regular mail.

Regards.

s. 22(1)(a)(ii)

Assistant Director (ag) | Southern NSW and ACT Assessments Section | Environment Approvals Division  
John Gorton Building, King Edward Terrace, Parkes ACT | GPO Box 787 Canberra ACT 2601

s. 22(1)(a)(ii) @awe.gov.au s. 22(1)(a)(ii)

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s. 22(1)(a)(ii)

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**From:** s. 22(1)(a)(ii)  
**Sent:** Tuesday, 26 May 2020 1:14 PM  
**To:** s. 22(1)(a)(ii) @ecoplanning.com.au  
**Cc:** s. 22(1)(a)(ii)  
**Subject:** Manyana development [SEC=OFFICIAL]  
**Attachments:** 200507 Birdlife Shoalhaven Briefing Report.pdf; 200513 List of bushfire affected species at Manyana.pdf; 200513 s. 22(1)(a)(ii) Greater Glider Report.pdf; OMVI Ecological Review MBE post fires 13052020.pdf; 200511 Birdlife Shoalhaven Submission.pdf

Hi <sup>s. 22(1)(a)(ii)</sup>

As discussed on the phone, please find below links to the recommendations and guidance material produced by the Wildlife and threatened species bushfire recovery Expert Panel <https://www.environment.gov.au/biodiversity/bushfire-recovery/expert-panel>. Your report should reference species specific information from these reports when assessing the potential significant impact of the Manyana proposal on listed threatened species. The panel's report on [priority animals](#) for example specifically mentions the Greater glider and its increased threat status as a result of the bushfires and also includes [guidance](#) on conducting post-fire reconnaissance surveys including a section on the Greater glider. Your report should reference the relevant section on the Greater glider including the survey requirements, the risk status given to the species and recommended actions and detail how the Manyana proposal is consistent with these recommendations.

With this email I am also attaching information provided to the Department by third parties relating to potential impacts on listed threatened species again for referencing in your report.

As mentioned the Department would appreciate seeing a copy of your updated biodiversity report when available.

Regards

<sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)

Assistant Director (ag) | Southern NSW and ACT Assessments Section | Environment Approvals Division  
John Gorton Building, King Edward Terrace, Parkes ACT | GPO Box 787 Canberra ACT 2601

s. 22(1)(a)(ii) [@awe.gov.au](mailto:@awe.gov.au) s. 22(1)(a)(ii)

**Australian Government****Department of Agriculture, Water and the Environment**

MC20-007161

**s. 22(1)(a)(ii)**

s. 22(1)(a)(ii)

Colin Biggers & Paisley Pty Ltd  
Level 42 Park Street  
SYDNEY NSW 2000

**s. 22(1)(a)(ii)** [@cbp.com.au](mailto:cbp@cbp.com.au)Dear **s. 22(1)(a)(ii)**

Thank you for your letter of 20 May 2020 to the Minister for the Environment, the Hon Sussan Ley MP, concerning the Manyana proposal. Your letter has been passed to my branch to reply.

The Minister and Department are pleased to hear that Ozy Homes Pty Ltd intend to conduct additional ecological surveying of the proposed development site in light of the impact of 2019/2020 bushfires on listed threatened species.

As you may know, the Minister for the Environment established the Wildlife and Threatened Species Bushfire Recovery Expert Panel in February 2020, to provide advice on critical interventions required to support the immediate survival of affected animals, plants and ecological communities and to control pests. Additionally, the Panel is assessing the scale of the bushfires on our environment to assist with the prioritisation of recovery efforts. Further information on the Panel is available at: <http://www.environment.gov.au/biodiversity/bushfire-recovery>.

I would like to request that your consultant's updated ecological assessment is undertaken in accordance with survey guidelines published by the Expert Panel. In addition, your assessment should reference species specific information from the Expert Panel's reports when assessing the potential significant impact of the Manyana proposal on listed threatened species.

The Department would appreciate the opportunity to review your updated ecological survey reports and conclusions made regarding potential significant impacts on Matters of National Environmental Significance prior to any decisions being made to commence works on site.

Please don't hesitate to contact the relevant officer in my Branch, **s. 22(1)(a)(ii)** on **s. 22(1)(a)(ii)** if you have any queries or would like to discuss further.

Yours sincerely

**s. 47F(1)**

Louise Vickery **s. 47F(1)**  
Assistant Secretary  
Environment Approvals (NSW ACT) and Wildlife Trade Branch  
27 May 2020

s. 22(1)(a)(ii)

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**From:** Louise Vickery  
**Sent:** Friday, 5 June 2020 5:21 PM  
**To:** s. 22(1)(a)(ii)@cbp.com.au  
**Cc:** s. 22(1)(a)(ii); s. 22(1)(a)(ii) s. 22(1)(a)(ii) ; s. 22(1)(a)(ii) s. 22(1)(a)(ii)  
**Subject:** Letter to Ozy Homes on Manyana 050620 [SEC=OFFICIAL]  
**Attachments:** Letter to Ozy Homes 050620 (003).docx

Dear <sup>s. 22(1)(a)(ii)</sup>

Please find attached a follow up letter concerning the proposed development by Ozy Homes at Manyana, NSW.

Regards

**Louise Vickery**

Assistant Secretary | Environment Approvals and Wildlife Trade Branch

Environment Approvals Division

Department of Agriculture, Water and Environment

t **s. 47F(1)** | m **s. 47F(1)** | e [louise.vickery@environment.gov.au](mailto:louise.vickery@environment.gov.au)



**Australian Government**

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**Department of Agriculture, Water and the Environment**



**Australian Government**  
**Department of Agriculture,  
Water and the Environment**

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Colin Biggers & Paisley Pty Ltd  
Level 42 Park Street  
SYDNEY NSW 2000

s. 22(1)(a)(ii) [@cbp.com.au](mailto:s.22(1)(a)(ii)@cbp.com.au)

Dear s. 22(1)(a)(ii)

I am writing to you as a follow up to our letter of 27 May 2020, concerning the proposed development by Ozy Homes at Manyana, NSW.

As previously requested, the Department of Agriculture, Water and the Environment would like the opportunity to review any expert advice or reports resulting from your recent ecological surveys. Of specific interest are survey records from the site and any records or observations of the surrounding area. The outcomes for bushfire impacted species, such as the Greater Glider, are dependent on recovery of the south coast forests. The relative importance of unburnt areas relates strongly to the rate of recovery of the burnt areas.

To proceed forward, I would welcome a meeting with your client to consider the results of the survey work undertaken by your client and several other parties, over the last few weeks and to discuss possible next steps.

Please don't hesitate to call my EA s. 22(1)(a)(ii) on s. 22(1)(a)(ii) to discuss these matters further or to set up a meeting.

Yours sincerely

s. 47F(1)

Louise Vickery  
Assistant Secretary  
Environment Approvals and Wildlife Trade Branch  
5 June 2020

s. 47F(1)

s. 22(1)(a)(ii)

Document 6

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**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Sent:** Thursday, 11 June 2020 4:46 PM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii) 2019-237  
**Subject:** RE: Manyana development [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>,

Thanks for the email, all good here. We are currently finalising our report which we will send through to the Legal Team this evening. As I understand they will pass it onto Louise Vickery soon after, prior to tomorrows meeting.

Cheers, <sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)

<sup>s. 22(1)(a)(ii)</sup> | s. 22(1)(a)(ii) | s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M: s. 22(1)(a)(ii)




---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Sent:** Wednesday, 10 June 2020 11:49 AM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; 2019-237 <a71bf109.ecoplanning.com.au@apac.teams.ms>  
**Subject:** RE: Manyana development [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

How are things going? Any idea when you will be able to send through your updated survey report for the Department to review?

Thanks

<sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)

Assistant Director (ag) | Southern NSW and ACT Assessments Section | Environment Approvals Division  
 John Gorton Building, King Edward Terrace, Parkes ACT | GPO Box 787 Canberra ACT 2601

s. 22(1)(a)(ii) [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au) s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Sent:** Tuesday, 26 May 2020 9:04 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; 2019-237 <a71bf109.ecoplanning.com.au@apac.teams.ms>  
**Subject:** RE: Manyana development [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Good to chat to you earlier. We will review and definitely consider them documents in our report. Note we have completed 5 nights of spotlighting for Greater Glider, which is consistent with the post fire assessment survey guidelines which estimates 0.97 probability of detection. We haven't detected any onsite, or in the adjacent bushland.

We will send the associated reports from the survey through when complete.

Best regards, <sup>s. 22(1)(a)(ii)</sup>

**s. 22(1)(a)(ii)**

<sup>s. 22(1)(a)(ii)</sup> | **s. 22(1)(a)(ii)** | **s. 22(1)(a)(ii)**

**s. 22(1)(a)(ii)**

**M: s. 22(1)(a)(ii)**



---

**From:** **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>

**Sent:** Tuesday, 26 May 2020 1:14 PM

**To:** **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** [@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>

**Cc:** **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** [@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>

**Subject:** Manyana development [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

As discussed on the phone, please find below links to the recommendations and guidance material produced by the Wildlife and threatened species bushfire recovery Expert Panel

<https://www.environment.gov.au/biodiversity/bushfire-recovery/expert-panel>. Your report should reference species specific information from these reports when assessing the potential significant impact of the Manyana proposal on listed threatened species. The panel's report on [priority animals](#) for example specifically mentions the Greater glider and its increased threat status as a result of the bushfires and also includes [guidance](#) on conducting post-fire reconnaissance surveys including a section on the Greater glider. Your report should reference the relevant section on the Greater glider including the survey requirements, the risk status given to the species and recommended actions and detail how the Manyana proposal is consistent with these recommendations.

With this email I am also attaching information provided to the Department by third parties relating to potential impacts on listed threatened species again for referencing in your report.

As mentioned the Department would appreciate seeing a copy of your updated biodiversity report when available.

Regards

<sup>s. 22(1)(a)(ii)</sup>

**s. 22(1)(a)(ii)**

Assistant Director (ag) | Southern NSW and ACT Assessments Section | Environment Approvals Division  
John Gorton Building, King Edward Terrace, Parkes ACT | GPO Box 787 Canberra ACT 2601

**s. 22(1)(a)(ii)** [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au) **s. 22(1)(a)(ii)**

s. 22(1)(a)  
(ii)

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Sent:** Friday, 12 June 2020 9:04 AM  
**To:** Louise Vickery  
**Cc:** s. 22(1)(a)(ii), s. 22(1)(a)(ii), s. 22(1)(a)(ii) s. 22(1)(a)(ii) ; s. 22(1)(a)(ii)  
**Subject:** RE: Letter to Ozy Homes on Manyana 050620 [SEC=OFFICIAL]  
**Attachments:** Letter to Louise Vickery 12.06.2020(14318785.1).pdf; Ecoplanning 2020 - Matters of National Environmental Significance Assessment\_20200611.pdf

Dear Louise

We **attach** correspondence of today's date and the report of Ecoplanning.

Kind regards

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

**COLIN  
BIGGERS  
& PAISLEY  
LAWYERS**

Colin Biggers & Paisley Pty Ltd  
 ABN 28 166 080 682  
 Level 42, 2 Park Street Sydney NSW 2000 Australia  
 D s. 22(1)(a)(ii) | F s. 22(1)(a)(ii)  
 s. 22(1)(a)(ii)@cbp.com.au  
[www.cbp.com.au](http://www.cbp.com.au)

Follow us  

**From:** Louise Vickery <Louise.Vickery@awe.gov.au>  
**Sent:** Friday, 5 June 2020 5:21 pm  
**To:** s. 22(1)(a)(ii)s. 22(1)(a)(ii)@cbp.com.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** Letter to Ozy Homes on Manyana 050620 [SEC=OFFICIAL]

Dear <sup>s. 22(1)(a)(ii)</sup>

Please find attached a follow up letter concerning the proposed development by Ozy Homes at Manyana, NSW.

Regards

**Louise Vickery**

Assistant Secretary | Environment Approvals and Wildlife Trade Branch

Environment Approvals Division

Department of Agriculture, Water and Environment

t s. 47F(1) | m s. 47F(1) | e [louise.vickery@environment.gov.au](mailto:louise.vickery@environment.gov.au)



**Australian Government**

**Department of Agriculture, Water and the Environment**

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s. 22(1)(a)(ii)

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**From:** s. 22(1)(a)(ii)  
**Sent:** Tuesday, 16 June 2020 9:59 PM  
**To:** s. 22(1)(a)(ii); s. 22(1)(a)(ii)  
**Cc:** '2019-237'; s. 22(1)(a)(ii)  
**Subject:** RE: Fauna surveys at Manyana [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>Try s. 22(1)(a)(ii), s. 22(1)(a)(ii) s. 22(1)(a)(ii) [@environment.nsw.gov.au](mailto:s.22(1)(a)(ii)@environment.nsw.gov.au)

Cheers

<sup>s. 22(1)(a)(ii)</sup>

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Sent:** Tuesday, 16 June 2020 9:32 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Cc:** 2019-237 <a71bf109.ecoplanning.com.au@apac.teams.ms>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Subject:** RE: Fauna surveys at Manyana [SEC=OFFICIAL]

Thanks <sup>s. 22(1)(a)(ii)</sup>

I've tried this landline a couple of times in the past few days, but only get a message saying the office is rarely manned.

Do you have an email or mobile contact for s. 22(1)(a)(ii) ?

Cheers, <sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)

<sup>s. 22(1)(a)(ii)</sup> | s. 22(1)(a)(ii) | s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M:s. 22(1)(a)(ii)



---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Sent:** Monday, 15 June 2020 3:22 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Subject:** FW: Fauna surveys at Manyana [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii) details below.

Cheers

<sup>s. 22(1)(a)(ii)</sup>

(Ulladulla NPWS office - s. 22(1)(a)(ii))

s. 22(1)(a)(ii)

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Sent:** Friday, 19 June 2020 7:29 AM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii); 2019-237  
**Subject:** Re: Referral process [SEC=OFFICIAL]

Thanks s. 22(1)(a)(ii) we're pretty good with the process, s. 22(1)(a)(ii) has lodged a few online ones for us before.

We spoke to s. 22(1)(a)(ii) who gave us details of Greater Glider, only 2 found during survey up near Sussex Inlet. None near Manyana. s. 22(1)(a)(ii) also did more survey with s. 22(1)(a)(ii) on Tuesday night, still no G Gliders onsite.

Did you have any comment about potential gaps in the MNES Report we prepared before we lodgr Referral?

Cheers s. 22(1)(a)(ii)

sent from phone

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>  
**Sent:** Thursday, June 18, 2020 2:06:48 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** Referral process [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

With the submission of the Manyana referral, let me know how you get on with the online referral forms etc / or aren't sure of any part of the submission form (it might have been updated since you last submitted a referral). My colleague s. 22(1)(a)(ii) can help out with any technical questions about the referral process/ documentation requirements if it isn't clear from the form or the online guidance. Please also drop me a line when you actually lodge the documents etc so I can keep an eye out for it in our system expedite the process etc.

Regards  
s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Sent:** Tuesday, 16 June 2020 9:32 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>  
**Cc:** 2019-237 <a71bf109.ecoplanning.com.au@apac.teams.ms>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @cbp.com.au>  
**Subject:** RE: Fauna surveys at Manyana [SEC=OFFICIAL]

Thanks s. 22(1)(a)(ii)

I've tried this landline a couple of times in the past few days, but only get a message saying the office is rarely manned.

Do you have an email or mobile contact for s. 22(1)(a)(ii) ?

Cheers, s. 22(1)(a)(ii)

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii) s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)  
M:s. 22(1)(a)(ii)



---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>  
**Sent:** Monday, 15 June 2020 3:22 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Subject:** FW: Fauna surveys at Manyana [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>  
s. 22(1)(a)(ii) details below.  
Cheers  
<sup>s. 22(1)(a)(ii)</sup>

(Ulladulla NPWS office -s. 22(1)(a)(ii))

s. 22(1)(a)(ii)

Document 10

s. 22(1)(a)(ii)

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**From:** noreply@environment.gov.au <noreply@environment.gov.au>  
**Sent:** Friday, 19 June 2020 9:41 PM  
**To:** <sup>s. 22(1)(a)(ii)</sup>@ozyhomes.com.au  
**Cc:** <sup>s. 22(1)(a)(ii)</sup>@ozyhomes.com.au; **s. 22(1)(a)(ii)** @ecoplanning.com.au  
**Subject:** EPBC Act Referral Submission Confirmation



## EPBC Act referral submission confirmation

Hello <sup>s. 22(1)(a)(ii)</sup>

Thank you for submitting your EPBC Act referral for the project **Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW**. Your EPBC no is **2020/8704**.

Please note that your EPBC Act referral will not be processed until all parties listed in the referral have signed the declaration form provided in the EPBC Act referral PDF attached to this e-mail.

Please send a signed copy of your EPBC Act referral signature page to [EPBC.referrals@awe.gov.au](mailto:EPBC.referrals@awe.gov.au).

Please note that your EPBC Act referral will not be processed until the EPBC referral fee has been paid. You will receive a separate email with your EPBC Act referral fee tax invoice, unless you have requested a waiver or exemption.

To view your EPBC Act referral, please click the 'My applications' button below. Alternatively you can right-click, **copy link address**, and paste the link into your browser.

[My applications](#)

Regards,

**Online Services**



**Australian Government**

**Department of Agriculture, Water and the Environment**

If you require any further assistance with Online Services, please visit our

[Help Centre](#)

s. 22(1)(a)(ii)

Document 11

s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Sent:** Tuesday, 23 June 2020 8:16 AM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>  
**Cc:** 2019-237 <a71bf109.ecoplanning.com.au@apac.teams.ms>  
**Subject:** RE: Referral process [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Just checking you got the Referral OK? We lodged and paid on Friday, can you let me know so I can confirm the 20 days have commenced?

With thanks, s. 22(1)(a)(ii)

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii) | s. 22(1)(a)(ii) | s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)  
M: s. 22(1)(a)(ii)



---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Sent:** Friday, 19 June 2020 7:29 AM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>; 2019-237 <a71bf109.ecoplanning.com.au@apac.teams.ms>  
**Subject:** Re: Referral process [SEC=OFFICIAL]

Thanks s. 22(1)(a)(ii) we're pretty good with the process, s. 22(1)(a)(ii) has lodged a few online ones for us before.

We spoke to s. 22(1)(a)(ii) who gave us details of Greater Glider, only 2 found during survey up near Sussex Inlet. None near Manyana. s. 22(1)(a)(ii) also did more survey with s. 22(1)(a)(ii) on Tuesday night, still no G Gliders onsite.

Did you have any comment about potential gaps in the MNES Report we prepared before we lodgr Referral?

Cheers s. 22(1)(a)(ii)

sent from phone

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>  
**Sent:** Thursday, June 18, 2020 2:06:48 PM

**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** Referral process [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

With the submission of the Manyana referral, let me know how you get on with the online referral forms etc / or aren't sure of any part of the submission form (it might have been updated since you last submitted a referral). My colleague <sup>s. 22(1)(a)(ii)</sup> can help out with any technical questions about the referral process/ documentation requirements if it isn't clear from the form or the online guidance. Please also drop me a line when you actually lodge the documents etc so I can keep an eye out for it in our system expedite the process etc.

Regards

<sup>s. 22(1)(a)(ii)</sup>

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Sent:** Tuesday, 16 June 2020 9:32 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>  
**Cc:** 2019-237 <a71bf109.ecoplanning.com.au@apac.teams.ms>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @cbp.com.au>  
**Subject:** RE: Fauna surveys at Manyana [SEC=OFFICIAL]

Thanks <sup>s. 22(1)(a)(ii)</sup>

I've tried this landline a couple of times in the past few days, but only get a message saying the office is rarely manned.

Do you have an email or mobile contact for s. 22(1)(a)(ii) ?

Cheers, <sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)  
<sup>s. 22(1)(a)(ii)</sup> | s. 22(1)(a)(ii) | s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)




---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>  
**Sent:** Monday, 15 June 2020 3:22 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Subject:** FW: Fauna surveys at Manyana [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii) details below.

Cheers

<sup>s. 22(1)(a)(ii)</sup>

(Ulladulla NPWS office -s. 22(1)(a)(ii))

s. 22(1)(a)(ii)

Document 12

---

**From:** s. 22(1)(a)(ii)  
**Sent:** Tuesday, 23 June 2020 9:14 AM  
**To:** s. 22(1)(a)(ii)  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]  
**Attachments:** Section 9.1.JPG

Hi s. 22(1)(a)(ii)

Thank you for sending through these signed declarations. Can I please ask that a small amendment be made to the declarations? The second half of the 'Person proposing the action' section needs to be left blank or be completed. I have attached a screenshot of the section I am referring to. Could you please re-sign this page, either leaving this section blank, or writing 'I, s. 22(1)(a)(ii) the person proposing the action, consent to the designation of Manyana Coast Pty Ltd as the proponent for the purposes of the action described in this EPBC Act referral.'

If you have any questions please do not hesitate to ask.

s. 22(1)(a)(ii)

Assessment Officer  
Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
E: s. 22(1)(a)(ii)@awe.gov.au

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ozyhomes.com.au>  
**Sent:** Tuesday, 23 June 2020 8:33 AM  
**To:** EPBC.referrals@awe.gov.au  
**Cc:** s. 22(1)(a)(ii) @ecoplanning.com.au; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hello s. 22(1)(a)(ii)

Please find attached signed declaration as requested. payment has also been made as required.

Regards

s. 22(1)(a)(ii) - s. 22(1)(a)(ii)  
Mob. s. 22(1)(a)(ii)

 2A, 148-150 Canterbury Road  
Bankstown NSW 2200  
 1300 093 704  
 sales@ozyhomes.com.au  
www.ozyhomes.com.au





**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Sent:** Monday, 22 June 2020 3:51 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ozyhomes.com.au>  
**Cc:** s. 22(1)(a)(ii) @ecoplanning.com.au; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>  
**Subject:** Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Good afternoon s. 22(1)(a)(ii)

The Department has reviewed your application: 2020/8704 Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW, and unfortunately it does not yet meet the requirements to be considered a valid referral under the EPBC Act. To be considered valid, the Department requires amended or additional information on the proposed action. This information is outlined below.

Please note that you will need to provide this information by re-submitting the application through Online Services. The Department is unable to accept changes/revisions to your submission outside of this system. I have attached a copy of your current application for reference.

### **Section 1 – Summary of your proposed action**

#### **1.15 Is this action part of a staged development (or a component of a larger project)?**

The Department notes that you have selected 'yes' to the above question. The Department believes this should be a 'no' rather than 'yes', as the action subject to this referral is being referred as a single action. The use of 'staged development' in this question relates to situations where a larger development is referred to the Department in separate stages. It is our understanding that this is not the case with your project, and that the whole action is covered in this referral. Please review and amend.

#### **Attachments**

The Department notes that Appendix A of attachment 'Ecoplanning 2020 - MNES Assessment' includes staff CVs. As the referral and supporting documentation will be published on the Department's website, we suggest that you provide a copy of the MNES Assessment with the staff CVs redacted for us to publish in order to protect this personal information.

#### **Signatures and Payment**

We have not yet received signed declaration pages (Section 9) or payment for this referral. We will not be able to complete the validation of the referral until we have received both payment and signatures.

#### **Next Steps**

I have re-opened your application in Online Services to allow you to make the above changes. Upon resubmission, the Department will review the information provided to ensure it meets the requirements for a valid referral. Once complete, the referral will be published online and made available for public comment and assessment by the Department. You will be notified when the referral has been published, and be advised on the next steps in the process.

If you have any questions, please do not hesitate to contact me.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer

Southern NSW & ACT Assessments | Environment Approvals Division

**Department of Agriculture, Water and Environment**

John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601

E: s. 22(1)(a)(ii)@awe.gov.au

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii)  
**Sent:** Tuesday, 23 June 2020 9:23 AM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii)  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Thank you for sending through this information. Please note that you will need to provide this information by re-submitting the application through Online Services. The Department is unable to accept changes/revisions to your submission outside of this system.

Please access the referral through the Online Services to make the requested changes below. The application has been re-opened to allow you to make these changes/add the extra attachment.

In regards to the statutory timeframe, the clock will not start until the referral has been validated and published on the Department's website, correct signatures received, and payment processed. You will receive a formal letter confirming when the clock has started.

If you need any assistance, please let me know.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
 Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
 John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
 E: <sup>s. 22(1)(a)(ii)</sup> [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

---

**From:** s. 22(1)(a)(ii) <<sup>s. 22(1)(a)(ii)</sup> [s.22\(1\)\(a\)\(ii\)@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>  
**Sent:** Tuesday, 23 June 2020 9:03 AM  
**To:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [s.22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>  
**Cc:** <sup>s. 22(1)(a)(ii)</sup> (<sup>s. 22(1)(a)(ii)</sup> [s.22\(1\)\(a\)\(ii\)@ozyhomes.com.au](mailto:s.22(1)(a)(ii)@ozyhomes.com.au)) <sup>s. 22(1)(a)(ii)</sup> [s.22\(1\)\(a\)\(ii\)@ozyhomes.com.au](mailto:s.22(1)(a)(ii)@ozyhomes.com.au); <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [s.22\(1\)\(a\)\(ii\)@cbp.com.au](mailto:s.22(1)(a)(ii)@cbp.com.au)>; <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [s.22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>; <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [s.22\(1\)\(a\)\(ii\)@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>; <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [s.22\(1\)\(a\)\(ii\)@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>; 2019-237 <a71bf109.ecoplanning.com.au@apac.teams.ms>  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Thank you for passing on, I have attached a PDF of the MNES without CVs and a copy of the Referral signed as requested.

Thanks also for clearing up the meaning of 'staged' development in the Referral Form, the proposal is for one action but it will be undertaken in a staged manner over 10 years. I hope that clears up any confusion?

Please let me know if anything else you need from us. I understand Ozy Homes have made payment, can you please confirm that the clock has started?

With thanks, <sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)

<sup>s. 22(1)(a)(ii)</sup> | s. 22(1)(a)(ii) | s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M: s. 22(1)(a)(ii)




---

**From:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> @awe.gov.au>

**Sent:** Tuesday, 23 June 2020 8:45 AM

**To:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> @ecoplanning.com.au>

**Subject:** FW: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Not sure if you received this yesterday so sending again. Let me know if you have any questions.

Kind regards,

<sup>s. 22(1)(a)(ii)</sup>

Assessment Officer

Southern NSW & ACT Assessments | Environment Approvals Division

**Department of Agriculture, Water and Environment**

John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601

E: <sup>s. 22(1)(a)(ii)</sup> @awe.gov.au

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

---

**From:** <sup>s. 22(1)(a)(ii)</sup>

**Sent:** Monday, 22 June 2020 3:51 PM

**To:** <sup>s. 22(1)(a)(ii)</sup> @ozyhomes.com.au' <<sup>s. 22(1)(a)(ii)</sup> @ozyhomes.com.au>

**Cc:** <sup>s. 22(1)(a)(ii)</sup> @ecoplanning.com.au' <<sup>s. 22(1)(a)(ii)</sup> @ecoplanning.com.au>, <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> @environment.gov.au>

**Subject:** Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Good afternoon <sup>s. 22(1)(a)(ii)</sup>

The Department has reviewed your application: 2020/8704 Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW, and unfortunately it does not yet meet the requirements to be considered a valid referral under the EPBC Act. To be considered valid, the Department requires amended or additional information on the proposed action. This information is outlined below.

Please note that you will need to provide this information by re-submitting the application through Online Services. The Department is unable to accept changes/revisions to your submission outside of this system. I have attached a copy of your current application for reference.

### Section 1 – Summary of your proposed action

**1.15 Is this action part of a staged development (or a component of a larger project)?**

The Department notes that you have selected 'yes' to the above question. The Department believes this should be a 'no' rather than 'yes', as the action subject to this referral is being referred as a single action. The use of 'staged development' in this question relates to situations where a larger development is referred to the Department in separate stages. It is our understanding that this is not the case with your project, and that the whole action is covered in this referral. Please review and amend.

**Attachments**

The Department notes that Appendix A of attachment 'Ecoplanning 2020 - MNES Assessment' includes staff CVs. As the referral and supporting documentation will be published on the Department's website, we suggest that you provide a copy of the MNES Assessment with the staff CVs redacted for us to publish in order to protect this personal information.

**Signatures and Payment**

We have not yet received signed declaration pages (Section 9) or payment for this referral. We will not be able to complete the validation of the referral until we have received both payment and signatures.

**Next Steps**

I have re-opened your application in Online Services to allow you to make the above changes. Upon resubmission, the Department will review the information provided to ensure it meets the requirements for a valid referral. Once complete, the referral will be published online and made available for public comment and assessment by the Department. You will be notified when the referral has been published, and be advised on the next steps in the process.

If you have any questions, please do not hesitate to contact me.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer

Southern NSW & ACT Assessments | Environment Approvals Division

**Department of Agriculture, Water and Environment**

John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601

E: s. 22(1)(a)(ii) [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

s. 22(1)(a)(ii)

Document 14

s. 22(1)(a)(ii)

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**From:** noreply@environment.gov.au <noreply@environment.gov.au>  
**Sent:** Tuesday, 23 June 2020 9:44 AM  
**To:** <sup>s. 22(1)(a)(ii)</sup>@ozyhomes.com.au  
**Cc:** <sup>s. 22(1)(a)(ii)</sup>@ozyhomes.com.au; **s. 22(1)(a)(ii)**@ecoplanning.com.au  
**Subject:** EPBC Act Referral Resubmission Confirmation



## EPBC Act referral resubmission confirmation

Hello <sup>s. 22(1)(a)(ii)</sup>

Thank you for resubmitting your EPBC Act referral for the project **Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW**. Your EPBC no is **2020/8704**.

Please note that your EPBC Act referral will not be processed until all parties listed in the referral have signed the declaration form provided in the EPBC Act referral PDF attached to this e-mail.

Please send a signed copy of your EPBC Act referral signature page to [EPBC.referrals@awe.gov.au](mailto:EPBC.referrals@awe.gov.au).

The person proposing the action will receive a separate email with an EPBC Act referral fee tax invoice, unless you have applied for a waiver or exemption.

To view your EPBC Act referral, please click the 'My applications' button below. Alternatively you can right-click, **copy link address**, and paste the link into your browser.

[My applications](#)

Regards,

**Online Services**



Australian Government

Department of Agriculture, Water and the Environment

If you require any further assistance with Online Services, please visit our

[Help Centre](#)

s. 22(1)(a)(ii)

Document 15

---

**From:** s. 22(1)(a)(ii) <<sup>s. 22(1)(a)(ii)</sup>@ozyhomes.com.au>  
**Sent:** Tuesday, 23 June 2020 10:24 AM  
**To:** EPBC.referrals@awe.gov.au  
**Cc:** s. 22(1)(a)(ii)  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]  
**Attachments:** signed referral page.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello  
Please find attached signed pages as requested  
Thank you

Regards

s. 22(1)(a)(ii) - s. 22(1)(a)(ii)  
Mob. s. 22(1)(a)(ii)

 2A, 148-150 Canterbury Road  
Bankstown NSW 2200

 1300 093 704

 sales@ozyhomes.com.au  
www.ozyhomes.com.au





s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Sent:** Tuesday, 23 June 2020 11:35 AM  
**To:** epbc.referrals@awe.gov.au  
**Cc:** s. 22(1)(a)(ii)  
**Subject:** EPBC 2020/8704 - referring party signature  
**Attachments:** 2020-8704 - referral - signed 20200623-23.pdf

To whom it may concern:

Please find attached referring party signature page for EPBC 2020/8704.

Regards,

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M: s. 22(1)(a)(ii)



s. 22(1)(a)(ii)

Document 17

---

**From:** s. 22(1)(a)(ii)  
**Sent:** Tuesday, 23 June 2020 11:37 AM  
**To:** s. 22(1)(a)(ii)  
**Subject:** RE: Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Thank you – I will review the application and let you know if I have any questions.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
E: <sup>s. 22(1)(a)(ii)</sup> [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

---

**From:** s. 22(1)(a)(ii) <<sup>s. 22(1)(a)(ii)</sup> [s.22\(1\)\(a\)\(ii\)@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>  
**Sent:** Tuesday, 23 June 2020 11:30 AM  
**To:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [s.22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>  
**Subject:** RE: Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Thank you. The referral is re-submitted.

Note there are now three versions of Ecoplanning 2020 – MNES Assessment uploaded. The version 'Ecoplanning 2020 - MNES Assessment\_230602020' is appropriate for publication, as this one has CVs removed and personal details removed within the document.

I have also re-sent <sup>s. 22(1)(a)(ii)</sup> signature page.

Kind regards,

<sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M: s. 22(1)(a)(ii)



---

**From:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [s.22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>  
**Sent:** Tuesday, 23 June 2020 11:18 AM  
**To:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [s.22\(1\)\(a\)\(ii\)@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>

**Subject:** RE: Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)  
[SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Online services is now re-open for this referral.

If you have any questions, please do not hesitate to ask.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
E: s. 22(1)(a)(ii) [@awe.gov.au](mailto:@awe.gov.au)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) [@ecoplanning.com.au](mailto:@ecoplanning.com.au)>

**Sent:** Tuesday, 23 June 2020 10:07 AM

**To:** s. 22(1)(a)(ii) [@awe.gov.au](mailto:@awe.gov.au)

**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) [@ecoplanning.com.au](mailto:@ecoplanning.com.au)>

**Subject:** Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)

Hi s. 22(1)(a)(ii)

I have re-submitted the EPBC referral however now need to re-open the form to make changes:

- Signed declaration pages – I did not see a place to upload the signed pages in Section 9. I had thought that a prompt would come up after I clicked submit. Is this done after the document is PDFed? If so, does the signature for ‘person proposing the action’, ‘proponent’, and ‘referring party’ need to be within the same PDF document?
- Section 1.15 – This still needs to be changed to ‘no’

Please call me at s. 22(1)(a)(ii) or else let me know how to make the next steps and I will update the form and re-submit.

Kind regards,

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M: s. 22(1)(a)(ii)



s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Sent:** Tuesday, 23 June 2020 2:03 PM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii)  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Sorry, I misunderstood. I had searched/ removed reference to s. 22(1)(a)(ii) of NPWS. I have now removed <sup>s. 22(1)(a)(ii)</sup> as well. I can re-submit once the online form is re-opened.

Kind regards,  
<sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)  
M: s. 22(1)(a)(ii)



---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Sent:** Tuesday, 23 June 2020 1:48 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

It seems that <sup>s. 22(1)(a)(ii)</sup> name is still appearing on page 41 of the MNES Assessment - please see file attached with <sup>s. 22(1)(a)(ii)</sup> name highlighted.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
E: s. 22(1)(a)(ii)@awe.gov.au

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Sent:** Tuesday, 23 June 2020 1:29 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>

**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)  
[SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

I have uploaded Ecoplanning 2020 - MNES Assessment\_230602020\_v2.

Referral is re-submitted.

Kind regards,

<sup>s. 22(1)(a)(ii)</sup>

<sup>s. 22(1)(a)(ii)</sup>

<sup>s. 22(1)(a)(ii)</sup>

<sup>s. 22(1)(a)(ii)</sup>

M:<sup>s. 22(1)(a)(ii)</sup>



---

**From:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [@awe.gov.au](mailto:@awe.gov.au)>

**Sent:** Tuesday, 23 June 2020 1:04 PM

**To:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [@ecoplanning.com.au](mailto:@ecoplanning.com.au)>

**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)  
[SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Thank you for your quick reply – if they are staff members from Ecoplanning and/or they were part of putting together the referral their names do not have to be redacted. Identifying them by name may be important for showing who did the surveys. However, if you feel like it would be appropriate to redact their names or that they don't want their names publicly available and in the referral documentation, you can redact them. The choice is yours. Though <sup>s. 22(1)(a)(ii)</sup> name should definitely be redacted.

Kind regards,

<sup>s. 22(1)(a)(ii)</sup>

Assessment Officer

Southern NSW & ACT Assessments | Environment Approvals Division

**Department of Agriculture, Water and Environment**

John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601

E:<sup>s. 22(1)(a)(ii)</sup> [@awe.gov.au](mailto:@awe.gov.au)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

---

**From:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [@ecoplanning.com.au](mailto:@ecoplanning.com.au)>

**Sent:** Tuesday, 23 June 2020 12:59 PM

**To:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [@awe.gov.au](mailto:@awe.gov.au)>

**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)  
[SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

I can do this as soon as the form is open for re-submission. Note that <sup>s. 22(1)(a)(ii)</sup> and <sup>s. 22(1)(a)(ii)</sup> are also mentioned in the main text of the referral in relation to Greater Glider surveys. I will remove these names as well.

Regarding s. 22(1)(a)(ii) (NPWS) pers. comm. – I will change to NPWS pers. comm.

Regards,

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M: s. 22(1)(a)(ii)




---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>

**Sent:** Tuesday, 23 June 2020 12:53 PM

**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>

**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>

**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)  
[SEC=OFFICIAL]

Good afternoon s. 22(1)(a)(ii) and s. 22(1)(a)(ii),

Apologies for asking for another resubmission, but we have just picked up that on page 41 of the MNES assessment attachment Department staff member s. 22(1)(a)(ii) has been mentioned by name. We request that this attachment be uploaded again with s. 22(1)(a)(ii) name redacted for when it is made public. I will request that your application is reopened so that you can submit the redacted version of this document.

If you have any questions, please do not hesitate to ask.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer

Southern NSW & ACT Assessments | Environment Approvals Division

**Department of Agriculture, Water and Environment**

John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601

E: s. 22(1)(a)(ii)@awe.gov.au

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>

**Sent:** Tuesday, 23 June 2020 9:03 AM

**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>

**Cc:** s. 22(1)(a)(ii) (s. 22(1)(a)(ii)@ozyhomes.com.au) <s. 22(1)(a)(ii)@ozyhomes.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>;

s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>; s. 22(1)(a)(ii)

<s. 22(1)(a)(ii)@ecoplanning.com.au>; 2019-237 <a71bf109.ecoplanning.com.au@apac.teams.ms>

**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)  
[SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thank you for passing on, I have attached a PDF of the MNES without CVs and a copy of the Referral signed as requested.

Thanks also for clearing up the meaning of 'staged' development in the Referral Form, the proposal is for one action but it will be undertaken in a staged manner over 10 years. I hope that clears up any confusion?

Please let me know if anything else you need from us. I understand Ozy Homes have made payment, can you please confirm that the clock has started?

With thanks, <sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)

<sup>s. 22(1)(a)(ii)</sup> | s. 22(1)(a)(ii) | s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M: s. 22(1)(a)(ii)




---

**From:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [@awe.gov.au](mailto:@awe.gov.au)>

**Sent:** Tuesday, 23 June 2020 8:45 AM

**To:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [@ecoplanning.com.au](mailto:@ecoplanning.com.au)>

**Subject:** FW: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)  
[SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Not sure if you received this yesterday so sending again. Let me know if you have any questions.

Kind regards,

<sup>s. 22(1)(a)(ii)</sup>

Assessment Officer

Southern NSW & ACT Assessments | Environment Approvals Division

**Department of Agriculture, Water and Environment**

John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601

E: <sup>s. 22(1)(a)(ii)</sup> [@awe.gov.au](mailto:@awe.gov.au)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

---

**From:** <sup>s. 22(1)(a)(ii)</sup>

**Sent:** Monday, 22 June 2020 3:51 PM

**To:** <sup>s. 22(1)(a)(ii)</sup> [@ozyhomes.com.au](mailto:@ozyhomes.com.au) <<sup>s. 22(1)(a)(ii)</sup> [@ozyhomes.com.au](mailto:@ozyhomes.com.au)>

**Cc:** <sup>s. 22(1)(a)(ii)</sup> [@ecoplanning.com.au](mailto:@ecoplanning.com.au) <<sup>s. 22(1)(a)(ii)</sup> [@ecoplanning.com.au](mailto:@ecoplanning.com.au)>; <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [@environment.gov.au](mailto:@environment.gov.au)>

**Subject:** Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)  
[SEC=OFFICIAL]

Good afternoon <sup>s. 22(1)(a)(ii)</sup>

The Department has reviewed your application: 2020/8704 Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW, and unfortunately it does not yet meet the requirements to be considered a valid referral under the EPBC Act. To be considered valid, the Department requires amended or additional information on the proposed action. This information is outlined below.

Please note that you will need to provide this information by re-submitting the application through Online Services. The Department is unable to accept changes/revisions to your submission outside of this system. I have attached a copy of your current application for reference.

## **Section 1 – Summary of your proposed action**

### **1.15 Is this action part of a staged development (or a component of a larger project)?**

The Department notes that you have selected 'yes' to the above question. The Department believes this should be a 'no' rather than 'yes', as the action subject to this referral is being referred as a single action. The use of 'staged development' in this question relates to situations where a larger development is referred to the Department in separate stages. It is our understanding that this is not the case with your project, and that the whole action is covered in this referral. Please review and amend.

### **Attachments**

The Department notes that Appendix A of attachment 'Ecoplanning 2020 - MNES Assessment' includes staff CVs. As the referral and supporting documentation will be published on the Department's website, we suggest that you provide a copy of the MNES Assessment with the staff CVs redacted for us to publish in order to protect this personal information.

### **Signatures and Payment**

We have not yet received signed declaration pages (Section 9) or payment for this referral. We will not be able to complete the validation of the referral until we have received both payment and signatures.

### **Next Steps**

I have re-opened your application in Online Services to allow you to make the above changes. Upon resubmission, the Department will review the information provided to ensure it meets the requirements for a valid referral. Once complete, the referral will be published online and made available for public comment and assessment by the Department. You will be notified when the referral has been published, and be advised on the next steps in the process.

If you have any questions, please do not hesitate to contact me.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer

Southern NSW & ACT Assessments | Environment Approvals Division

**Department of Agriculture, Water and Environment**

John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601

E: s. 22(1)(a)(ii)@awe.gov.au

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*



s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii)  
**Sent:** Tuesday, 23 June 2020 3:54 PM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii) s. 22(1)(a)(ii) s. 22(1)(a)(ii)  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

I can confirm that we have received all signed declarations and payment for the referral.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
E: s. 22(1)(a)(ii) [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Sent:** Tuesday, 23 June 2020 3:51 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>; s. 22(1)(a)(ii) <<sup>s. 22(1)(a)(ii)</sup>@ozyhomes.com.au>  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Ecoplanning 2020 - MNES Assessment\_230602020\_v3 has been attached and the form re-submitted.

Could you please confirm that no further signatures are required?

Kind regards,

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)  
M: s. 22(1)(a)(ii)



---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Sent:** Tuesday, 23 June 2020 3:45 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Could you please submit this through the online application? It is re-open for you.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
E: s. 22(1)(a)(ii) [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Sent:** Tuesday, 23 June 2020 2:26 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)  
[SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

MNES report with s. 22(1)(a)(ii) redacted is attached.

Kind regards,

<sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M: s. 22(1)(a)(ii)



---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Sent:** Tuesday, 23 June 2020 1:48 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)  
[SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

It seems that <sup>s. 22(1)(a)(ii)</sup> name is still appearing on page 41 of the MNES Assessment - please see file attached with <sup>s. 22(1)(a)(ii)</sup> name highlighted.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
Southern NSW & ACT Assessments | Environment Approvals Division

**Department of Agriculture, Water and Environment**

John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601

E: [s. 22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

**From:** [s. 22\(1\)\(a\)\(ii\) <s. 22\(1\)\(a\)\(ii\)@ecoplanning.com.au>](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)**Sent:** Tuesday, 23 June 2020 1:29 PM**To:** [s. 22\(1\)\(a\)\(ii\) <s. 22\(1\)\(a\)\(ii\)@awe.gov.au>](mailto:s.22(1)(a)(ii)@awe.gov.au)**Cc:** [s. 22\(1\)\(a\)\(ii\) <s. 22\(1\)\(a\)\(ii\)@ecoplanning.com.au>](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]Hi [s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)

I have uploaded Ecoplanning 2020 - MNES Assessment\_230602020\_v2.

Referral is re-submitted.

Kind regards,

[s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)[s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)[s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)[s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)M:[s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)**From:** [s. 22\(1\)\(a\)\(ii\) <s. 22\(1\)\(a\)\(ii\)@awe.gov.au>](mailto:s.22(1)(a)(ii)@awe.gov.au)**Sent:** Tuesday, 23 June 2020 1:04 PM**To:** [s. 22\(1\)\(a\)\(ii\) <s. 22\(1\)\(a\)\(ii\)@ecoplanning.com.au>](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]Hi [s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)

Thank you for your quick reply – if they are staff members from Ecoplanning and/or they were part of putting together the referral their names do not have to be redacted. Identifying them by name may be important for showing who did the surveys. However, if you feel like it would be appropriate to redact their names or that they don't want their names publicly available and in the referral documentation, you can redact them. The choice is yours. Though [s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@ecoplanning.com.au) name should definitely be redacted.

Kind regards,

[s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)

Assessment Officer

Southern NSW &amp; ACT Assessments | Environment Approvals Division

**Department of Agriculture, Water and Environment**

John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601

E: [s. 22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

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**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)[@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>  
**Sent:** Tuesday, 23 June 2020 12:59 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)[@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

I can do this as soon as the form is open for re-submission. Note that s. 22(1)(a)(ii) and s. 22(1)(a)(ii) are also mentioned in the main text of the referral in relation to Greater Glider surveys. I will remove these names as well.

Regarding s. 22(1)(a)(ii) (NPWS) pers. comm. – I will change to NPWS pers. comm.

Regards,

<sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M: s. 22(1)(a)(ii)



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**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)[@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>  
**Sent:** Tuesday, 23 June 2020 12:53 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)[@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)[@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)[@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Good afternoon <sup>s. 22(1)(a)(ii)</sup> and <sup>s. 22(1)(a)(ii)</sup>

Apologies for asking for another resubmission, but we have just picked up that on page 41 of the MNES assessment attachment Department staff member s. 22(1)(a)(ii) has been mentioned by name. We request that this attachment be uploaded again with <sup>s. 22(1)(a)(ii)</sup> name redacted for when it is made public. I will request that your application is re-opened so that you can submit the redacted version of this document.

If you have any questions, please do not hesitate to ask.

Kind regards,

<sup>s. 22(1)(a)(ii)</sup>

Assessment Officer  
Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
E: s. 22(1)(a)(ii)[@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

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**Sent:** Tuesday, 23 June 2020 9:03 AM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)[@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>

**Cc:** s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@ozyhomes.com.au](mailto:s.22(1)(a)(ii)@ozyhomes.com.au)> <[s.22\(1\)\(a\)\(ii\)@ozyhomes.com.au](mailto:s.22(1)(a)(ii)@ozyhomes.com.au)>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@cbp.com.au](mailto:s.22(1)(a)(ii)@cbp.com.au)>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>; 2019-237 <[a71bf109.ecoplanning.com.au@apac.teams.ms](mailto:a71bf109.ecoplanning.com.au@apac.teams.ms)>  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Thank you for passing on, I have attached a PDF of the MNES without CVs and a copy of the Referral signed as requested.

Thanks also for clearing up the meaning of 'staged' development in the Referral Form, the proposal is for one action but it will be undertaken in a staged manner over 10 years. I hope that clears up any confusion?

Please let me know if anything else you need from us. I understand Ozy Homes have made payment, can you please confirm that the clock has started?

With thanks, <sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)  
 s. 22 | s. 22(1)(a)(ii) | s. 22(1)(a)(ii)  
 s. 22(1)(a)(ii) | s. 22(1)(a)(ii)  
 M: s. 22(1)(a)(ii)




---

**From:** s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>  
**Sent:** Tuesday, 23 June 2020 8:45 AM  
**To:** s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>  
**Subject:** FW: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Not sure if you received this yesterday so sending again. Let me know if you have any questions.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
 Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
 John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
 E: [s.22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

---

**From:** s. 22(1)(a)(ii)  
**Sent:** Monday, 22 June 2020 3:51 PM  
**To:** <sup>s. 22(1)(a)(ii)</sup> <[s.22\(1\)\(a\)\(ii\)@ozyhomes.com.au](mailto:s.22(1)(a)(ii)@ozyhomes.com.au)> <[s.22\(1\)\(a\)\(ii\)@ozyhomes.com.au](mailto:s.22(1)(a)(ii)@ozyhomes.com.au)>  
**Cc:** s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)> <[s.22\(1\)\(a\)\(ii\)@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>  
**Subject:** Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Good afternoon [s. 22\(1\)\(a\)\(ii\)](#)

The Department has reviewed your application: 2020/8704 Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW, and unfortunately it does not yet meet the requirements to be considered a valid referral under the EPBC Act. To be considered valid, the Department requires amended or additional information on the proposed action. This information is outlined below.

Please note that you will need to provide this information by re-submitting the application through Online Services. The Department is unable to accept changes/revisions to your submission outside of this system. I have attached a copy of your current application for reference.

### **Section 1 – Summary of your proposed action**

#### **1.15 Is this action part of a staged development (or a component of a larger project)?**

The Department notes that you have selected 'yes' to the above question. The Department believes this should be a 'no' rather than 'yes', as the action subject to this referral is being referred as a single action. The use of 'staged development' in this question relates to situations where a larger development is referred to the Department in separate stages. It is our understanding that this is not the case with your project, and that the whole action is covered in this referral. Please review and amend.

#### **Attachments**

The Department notes that Appendix A of attachment 'Ecoplanning 2020 - MNES Assessment' includes staff CVs. As the referral and supporting documentation will be published on the Department's website, we suggest that you provide a copy of the MNES Assessment with the staff CVs redacted for us to publish in order to protect this personal information.

#### **Signatures and Payment**

We have not yet received signed declaration pages (Section 9) or payment for this referral. We will not be able to complete the validation of the referral until we have received both payment and signatures.

#### **Next Steps**

I have re-opened your application in Online Services to allow you to make the above changes. Upon resubmission, the Department will review the information provided to ensure it meets the requirements for a valid referral. Once complete, the referral will be published online and made available for public comment and assessment by the Department. You will be notified when the referral has been published, and be advised on the next steps in the process.

If you have any questions, please do not hesitate to contact me.

Kind regards,

[s. 22\(1\)\(a\)\(ii\)](#)

Assessment Officer

Southern NSW & ACT Assessments | Environment Approvals Division

**Department of Agriculture, Water and Environment**

John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601

E: [s. 22\(1\)\(a\)\(ii\)](#) [@awe.gov.au](mailto:@awe.gov.au)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

s. 22(1)(a)(ii)

Document 20

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**From:** s. 22(1)(a)(ii)  
**Sent:** Tuesday, 23 June 2020 4:03 PM  
**To:** s. 22(1)(a)(ii)  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Would you please be able to send through an email stating that 'MNES Assessment\_230602020\_v3' is the correct version of the document for publishing, and that the other versions are superseded? This is for our records, as the other attachments will still be listed at the end of the referral but don't need to be published.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
E: s. 22(1)(a)(ii) [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

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**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Sent:** Tuesday, 23 June 2020 3:51 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ozyhomes.com.au>  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Ecoplanning 2020 - MNES Assessment\_230602020\_v3 has been attached and the form re-submitted.

Could you please confirm that no further signatures are required?

Kind regards,

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)  
M: s. 22(1)(a)(ii)



---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Sent:** Tuesday, 23 June 2020 3:45 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>

**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)  
[SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Could you please submit this through the online application? It is re-open for you.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
E: <sup>s. 22(1)(a)(ii)</sup> [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

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**From:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>

**Sent:** Tuesday, 23 June 2020 2:26 PM

**To:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>

**Cc:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>

**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)  
[SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

MNES report with <sup>s. 22(1)(a)(ii)</sup> redacted is attached.

Kind regards,

<sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M: <sup>s. 22(1)(a)(ii)</sup>



---

**From:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>

**Sent:** Tuesday, 23 June 2020 1:48 PM

**To:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>

**Cc:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>

**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)  
[SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

It seems that <sup>s. 22(1)(a)(ii)</sup> name is still appearing on page 41 of the MNES Assessment - please see file attached with <sup>s. 22(1)(a)(ii)</sup> name highlighted.

Kind regards,

s. 22(1)(a)(ii)



Assessment Officer  
 Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
 John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
 E: [s. 22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

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**Sent:** Tuesday, 23 June 2020 1:29 PM  
**To:** [s. 22\(1\)\(a\)\(ii\) <s. 22\(1\)\(a\)\(ii\)@awe.gov.au>](mailto:s.22(1)(a)(ii)@awe.gov.au)  
**Cc:** [s. 22\(1\)\(a\)\(ii\) <s. 22\(1\)\(a\)\(ii\)@ecoplanning.com.au>](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi [s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@awe.gov.au)

I have uploaded Ecoplanning 2020 - MNES Assessment\_230602020\_v2.

Referral is re-submitted.

Kind regards,

[s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@awe.gov.au)

[s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@awe.gov.au)

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 Southern NSW & ACT Assessments | Environment Approvals Division  
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**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)[@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

I can do this as soon as the form is open for re-submission. Note that s. 22(1)(a)(ii) and s. 22(1)(a)(ii) are also mentioned in the main text of the referral in relation to Greater Glider surveys. I will remove these names as well.

Regarding s. 22(1)(a)(ii) (NPWS) pers. comm. – I will change to NPWS pers. comm.

Regards,  
<sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)  
M: s. 22(1)(a)(ii)



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**Sent:** Tuesday, 23 June 2020 12:53 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)[@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)[@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)[@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Good afternoon <sup>s. 22(1)(a)(ii)</sup> and <sup>s. 22(1)(a)(ii)</sup>

Apologies for asking for another resubmission, but we have just picked up that on page 41 of the MNES assessment attachment Department staff member s. 22(1)(a)(ii) has been mentioned by name. We request that this attachment be uploaded again with <sup>s. 22(1)(a)(ii)</sup> name redacted for when it is made public. I will request that your application is re-opened so that you can submit the redacted version of this document.

If you have any questions, please do not hesitate to ask.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
E: s. 22(1)(a)(ii)[@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

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**Sent:** Tuesday, 23 June 2020 9:03 AM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) ( s. 22(1)(a)(ii) @ozyhomes.com.au) < s. 22(1)(a)(ii) @ozyhomes.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @cbp.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>; 2019-237 <a71bf109.ecoplanning.com.au@apac.teams.ms>  
**Subject:** RE: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Thank you for passing on, I have attached a PDF of the MNES without CVs and a copy of the Referral signed as requested.

Thanks also for clearing up the meaning of 'staged' development in the Referral Form, the proposal is for one action but it will be undertaken in a staged manner over 10 years. I hope that clears up any confusion?

Please let me know if anything else you need from us. I understand Ozy Homes have made payment, can you please confirm that the clock has started?

With thanks, <sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)  
 s. 22(1)(a)(ii) | s. 22(1)(a)(ii) | s. 22(1)(a)(ii)  
 s. 22(1)(a)(ii)  
 M: s. 22(1)(a)(ii)




---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>  
**Sent:** Tuesday, 23 June 2020 8:45 AM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Subject:** FW: Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704) [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Not sure if you received this yesterday so sending again. Let me know if you have any questions.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
 Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
 John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
 E: s. 22(1)(a)(ii) @awe.gov.au

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

---

**From:** s. 22(1)(a)(ii)  
**Sent:** Monday, 22 June 2020 3:51 PM  
**To:** <sup>s. 22(1)(a)(ii)</sup> @ozyhomes.com.au' < <sup>s. 22(1)(a)(ii)</sup> @ozyhomes.com.au>  
**Cc:** s. 22(1)(a)(ii) @ecoplanning.com.au' <s. 22(1)(a)(ii) @ecoplanning.com.au>; s. 22(1)(a)(ii)

<s. 22(1)(a)(ii) [@environment.gov.au](mailto:@environment.gov.au)>

**Subject:** Request for Resubmission: Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)  
[SEC=OFFICIAL]

Good afternoon s. 22(1)(a)(ii)

The Department has reviewed your application: 2020/8704 Lot 172 DP 755923 Lot 823 DP 247285, Manyana, NSW, and unfortunately it does not yet meet the requirements to be considered a valid referral under the EPBC Act. To be considered valid, the Department requires amended or additional information on the proposed action. This information is outlined below.

Please note that you will need to provide this information by re-submitting the application through Online Services. The Department is unable to accept changes/revisions to your submission outside of this system. I have attached a copy of your current application for reference.

### **Section 1 – Summary of your proposed action**

#### **1.15 Is this action part of a staged development (or a component of a larger project)?**

The Department notes that you have selected 'yes' to the above question. The Department believes this should be a 'no' rather than 'yes', as the action subject to this referral is being referred as a single action. The use of 'staged development' in this question relates to situations where a larger development is referred to the Department in separate stages. It is our understanding that this is not the case with your project, and that the whole action is covered in this referral. Please review and amend.

#### **Attachments**

The Department notes that Appendix A of attachment 'Ecoplanning 2020 - MNES Assessment' includes staff CVs. As the referral and supporting documentation will be published on the Department's website, we suggest that you provide a copy of the MNES Assessment with the staff CVs redacted for us to publish in order to protect this personal information.

#### **Signatures and Payment**

We have not yet received signed declaration pages (Section 9) or payment for this referral. We will not be able to complete the validation of the referral until we have received both payment and signatures.

#### **Next Steps**

I have re-opened your application in Online Services to allow you to make the above changes. Upon resubmission, the Department will review the information provided to ensure it meets the requirements for a valid referral. Once complete, the referral will be published online and made available for public comment and assessment by the Department. You will be notified when the referral has been published, and be advised on the next steps in the process.

If you have any questions, please do not hesitate to contact me.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
E: s. 22(1)(a)(ii) [@awe.gov.au](mailto:@awe.gov.au)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

s. 22(1)(a)(ii)

Document 21

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**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Sent:** Tuesday, 23 June 2020 4:16 PM  
**To:** s. 22(1)(a)(ii)  
**Subject:** EPBC 2020/8704 - MNES Assessment\_230602020\_v3

Hi s. 22(1)(a)(ii)

MNES Assessment\_230602020\_v3 has been uploaded and attached to the submission EPBC 2020/8704. This is the appropriate version for publication.

Kind regards,

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M: s. 22(1)(a)(ii)



**From:** [EPBC Referrals](#)  
**To:** [s. 22\(1\)\(a\)@ozyhomes.com.au](mailto:s.22(1)(a)@ozyhomes.com.au)  
**Cc:** [s. 22\(1\)\(a\)\(ii\)@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)  
**Bcc:** [s. 22\(1\)\(a\)\(ii\)@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)  
**Subject:** Receipt of referral - (EPBC 2020-8704) - Residential Development, Lot 172 DP 755923 and Lot 823 DP247285, Manyana, NSW [SEC=OFFICIAL]  
**Date:** Wednesday, 24 June 2020 11:08:00 AM

---



**Australian Government**  
**Department of Agriculture,  
Water and the Environment**

**s. 22(1)(a)(ii)**  
**s. 22(1)(a)(ii)**

Manyana Coast PTY LTD  
Unit 2, 148-150 Canterbury Rd  
BANKSTOWN NSW 2200

Date: 24 June 2020  
EPBC Ref: 2020/8704  
EPBC contact: **s. 22(1)(a)(ii)**  
**s. 22(1)(a)(ii)**  
**s. 22(1)(a)(ii)** [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

Dear **s. 22(1)(a)(ii)**

### **Receipt of referral**

#### **Residential Development, Lot 172 DP 755923 and Lot 823 DP247285, Manyana, NSW**

Thank you for referring your proposal for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Information about this proposed action has been published on the Department's website for public consultation. The period of consultation will extend for 10 business days.

At the end of the consultation period, the information included in the referral, along with any comments received, will be used to help decide whether this proposed action:

- is a controlled action (one that is likely to have a significant impact on matters protected under the EPBC Act and therefore needs to be assessed and approved by the Minister for the Environment and Energy before it can proceed), or
- is not a controlled action and may be undertaken but only as described in the referral, or
- does not require approval under the EPBC Act.

Alternatively, it may be decided, on the basis of the information in the referral that the action is clearly unacceptable (the referred action would have unacceptable impacts on matters protected under the EPBC Act and cannot proceed).

Before making a decision, we may contact you to clarify any details or to ask you for further information. We will make every effort to ensure that the assessment of the proposed action is handled in a professional and helpful manner. The Department has published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines its commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at: <http://www.environment.gov.au/about-us/publications/service-charter>.

An electronic version of your referral can be viewed on the Department's website at [www.environment.gov.au/epbc](http://www.environment.gov.au/epbc). This website also includes a range of other information about the process of assessment and decision-making under the EPBC Act.

Your referral has been allocated a unique reference number, EPBC 2020/8704. Please use this number in any communications with the Department as it will help ensure timely and efficient service. You can also use this number to locate any information about your project on the Department's website.

A project manager for the next stage of the process has been appointed and will be happy to answer any questions you might have. You can contact **s. 22(1)(a)(ii)** by telephone on **s. 22(1)(a)(ii)** or by

email at [s. 22\(1\)\(a\)\(ii\)@awc.gov.au](mailto:s.22(1)(a)(ii)@awc.gov.au). The Department will advise you of the decision on your referral.

Yours sincerely

Referrals Gateway  
Governance and Business Support Section

s. 22(1)(a)(ii)

Document 23

**From:** s. 22(1)(a)(ii)  
**Sent:** Monday, 29 June 2020 4:04 PM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii) ; s. 22(1)(a)(ii) ; s. 22(1)(a)(ii) ; s. 22(1)(a)(ii) ; s. 22(1)(a)(ii)  
**Subject:** RE: Receipt of referral - (EPBC 2020-8704) - Residential Development, Lot 172 DP 755923 and Lot 823 DP247285, Manyana, NSW [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Thank you for the update. We will be sure to note this when preparing the referral decision.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
 Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
 John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
 E: s. 22(1)(a)(ii) [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Sent:** Monday, 29 June 2020 3:45 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Cc:** <sup>s. 22(1)(a)(ii)</sup> @ozyhomes.com.au; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Subject:** RE: Receipt of referral - (EPBC 2020-8704) - Residential Development, Lot 172 DP 755923 and Lot 823 DP247285, Manyana, NSW [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

I have spoken with the moderator of the Birddata database, s. 22(1)(a)(ii) (Conservation Officer, BirdLife Shoalhaven). He has confirmed these records are an error in the database, which occurred during some targeted surveys they were asked to undertake for these two species, on behalf of the EDO/<sup>s. 47G(1)(a)</sup>. Whilst the record is on the edge of the property, <sup>s. 22(1)(a)(ii)</sup> assured me is trying to have it removed, and that it was neutered to be clear they *did not* see any of these species. A specific note has been added to the database in the intervening period until it can be removed.

If you would like to contact <sup>s. 22(1)(a)(ii)</sup> I can pass on his details.

Regards, <sup>s. 22(1)(a)(ii)</sup>



**Survey Summary #3150516**

**LOCATION**

Survey Point: [Manyana](#)

Latitude: -35.2539887 (35° 15' 14" S)

Longitude: 150.5062793 (150° 30' 23" E)

Accuracy: Within survey area

Shared Sites: Not within any shared sites

**DETAILS**

Survey Date: 12/06/2020

Survey Time: 11:03

Survey Duration: 1 hour

Survey Type: Incidental search

Water Level (if applicable):

Number of observers: 3

All species recorded: No

Number of species observed: 2

**SIGHTINGS**

Species	Count	Breeding activity	Notes	Photos
Glossy Black-Cockatoo	P	None	Not observed. Count Zero	
Swift Parrot	P	None	Not Observed. Count Zero	

Map showing location near Lake Manyana, Berrig, and Curjurong Point.

Partners: WildlifeLink, lotterystwest, natural resource management program, planticle

© BirdLife Australia 2020

s. 22(1)(a)(ii)  
 s. 22(1)(a)(ii) | s. 22(1)(a)(ii) | s. 22(1)(a)(ii)  
 s. 22(1)(a)(ii)  
 M:s. 22(1)(a)(ii)

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Sent:** Monday, 29 June 2020 3:26 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Cc:** s. 22(1)(a)(ii)@ozyhomes.com.au; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Subject:** RE: Receipt of referral - (EPBC 2020-8704) - Residential Development, Lot 172 DP 755923 and Lot 823 DP247285, Manyana, NSW [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thank you for your email. I will follow up with our IT team why it is showing as 'Publish pending' on the 'Referrals list' page. On the 'Invitation to comment' page on the website, it has the date of notice as being 24 June 2020, and the referral documents are published there. The different status on the referrals list page is probably a technical error. Please be assured that the 20 business days commenced from 24 June 2020.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
 Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
 John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
 E: s. 22(1)(a)(ii)@awe.gov.au

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Sent:** Monday, 29 June 2020 3:19 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Cc:** s. 22(1)(a)(ii)@ozyhomes.com.au; EPBC Referrals <EPBC.Referrals@awe.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Subject:** RE: Receipt of referral - (EPBC 2020-8704) - Residential Development, Lot 172 DP 755923 and Lot 823 DP247285, Manyana, NSW [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii) / s. 22(1)(a)(ii)

Just following up on the Referral for Manyana. The status on the Referral portal appears to be 'Publish pending', I believe it said 'Referral published' at 11am on the 24 June 2020. <http://epbcnotices.environment.gov.au/referralslist/>

Has something changed with this assessment? We have assumed that the 20 business days commenced on Wednesday 24 June 2020.

I should also note that some possible spurious data has been published on the Birddata Portal, with Swift Parrot and Glossy Black Cockatoo (a State listed threatened species) showing up right on the edge of the subject site. I am following this up with BirdLife to determine the voracity of the records, and the coincidental timing/location of the records.

Please let me know.

Best regards, s. 22(1)(a)(ii)

s. 22(1)(a)(ii)  
 s. 22(1)(a)(ii) | s. 22(1)(a)(ii) | s. 22(1)(a)(ii)  
 s. 22(1)(a)(ii)  
 M:s. 22(1)(a)(ii)

**From:** EPBC Referrals <[EPBC.Referrals@awe.gov.au](mailto:EPBC.Referrals@awe.gov.au)>

**Sent:** Wednesday, 24 June 2020 11:09 AM

**To:** <sup>s. 22(1)(a)(ii)</sup> [@ozyhomes.com.u](mailto:@ozyhomes.com.u)

**Cc:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup> [@ecoplanning.com.au](mailto:@ecoplanning.com.au)>

**Subject:** Receipt of referral - (EPBC 2020-8704) - Residential Development, Lot 172 DP 755923 and Lot 823 DP247285, Manyana, NSW [SEC=OFFICIAL]



**Australian Government**  
 Department of Agriculture,  
 Water and the Environment

<sup>s. 22(1)(a)(ii)</sup>

<sup>s. 22(1)(a)(ii)</sup>

Manyana Coast PTY LTD  
 Unit 2, 148-150 Canterbury Rd  
 BANKSTOWN NSW 2200

Date: 24 June 2020

EPBC Ref: 2020/8704

EPBC contact: <sup>s. 22(1)(a)(ii)</sup>

<sup>s. 22(1)(a)(ii)</sup>

<sup>s. 22(1)(a)(ii)</sup> [@awe.gov.au](mailto:@awe.gov.au)

Dear <sup>s. 22(1)(a)(ii)</sup>

## Receipt of referral

**Residential Development, Lot 172 DP 755923 and Lot 823 DP247285, Manyana, NSW**

Thank you for referring your proposal for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Information about this proposed action has been published on the Department's website for public consultation. The period of consultation will extend for 10 business days.

At the end of the consultation period, the information included in the referral, along with any comments received, will be used to help decide whether this proposed action:

- is a controlled action (one that is likely to have a significant impact on matters protected under the EPBC Act and therefore needs to be assessed and approved by the Minister for the Environment and Energy before it can proceed), or
- is not a controlled action and may be undertaken but only as described in the referral, or
- does not require approval under the EPBC Act.

Alternatively, it may be decided, on the basis of the information in the referral that the action is clearly unacceptable (the referred action would have unacceptable impacts on matters protected under the EPBC Act and cannot proceed).

Before making a decision, we may contact you to clarify any details or to ask you for further information. We will make every effort to ensure that the assessment of the proposed action is handled in a professional and helpful manner. The Department has published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines its commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at: <http://www.environment.gov.au/about-us/publications/service-charter>.

An electronic version of your referral can be viewed on the Department's website at [www.environment.gov.au/epbc](http://www.environment.gov.au/epbc). This website also includes a range of other information about the process of assessment and decision-making under the EPBC Act.

Your referral has been allocated a unique reference number, EPBC 2020/8704. Please use this number in any communications with the Department as it will help ensure timely and efficient service. You can also use this number to locate any information about your project on the Department's website.

A project manager for the next stage of the process has been appointed and will be happy to answer any questions you might have. You can contact s. 22(1)(a)(ii) by telephone on s. 22(1)(a)(ii) or by email at s. 22(1)(a)(ii)[@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au). The Department will advise you of the decision on your referral.

Yours sincerely

Referrals Gateway  
Governance and Business Support Section

s. 22(1)(a)(ii)

Document 24

s. 22(1)(a)(ii)

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>

**Sent:** Thursday, 2 July 2020 1:09 PM

**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>

**Cc:** 2019-237 <a71bf109.ecoplanning.com.au@apac.teams.ms>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>

**Subject:** RE: Receipt of referral - (EPBC 2020-8704) - Residential Development, Lot 172 DP 755923 and Lot 823 DP247285, Manyana, NSW [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

See attached. Pretty sure we uploaded the FFMP to the Referral? How's it trucking, are we on track for 21 July or before? Of course we're happy to respond to any queries during the exhibition period if that expedites things?

Cheers, <sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)

<sup>s. 22(1)(a)(ii)</sup> | s. 22(1)(a)(ii) | <sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)

M: s. 22(1)(a)(ii)



---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>

**Sent:** Wednesday, 1 July 2020 2:52 PM

**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>

**Subject:** RE: Receipt of referral - (EPBC 2020-8704) - Residential Development, Lot 172 DP 755923 and Lot 823 DP247285, Manyana, NSW [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Are you able to send a couple of additional Ecoplanning reports related to the Manyana development? Specifically these are:

- Ecoplanning 2018. Environmental Management Plan Lot 172 // DP 755923, Lot 823 // DP 247285, Berringer Road, Cunjurong Point Road and Sunset Strip, Manyana, NSW. Prepared for Precise Planning Pty Limited, on behalf of Ozy Homes.
- Ecoplanning 2018. Flora and Fauna Management Plan, Lot 172 // DP 755923 & Lot 823 DP // 247285, Berringer Road, Cunjurong Point Road and Sunset Strip, Manyana (v. 2.0).

Thanks

<sup>s. 22(1)(a)(ii)</sup>

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>

**Sent:** Monday, 29 June 2020 3:45 PM

**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>

**Cc:** s. 22(1)(a)(ii) @ozyhomes.com.u; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @cbp.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>

**Subject:** RE: Receipt of referral - (EPBC 2020-8704) - Residential Development, Lot 172 DP 755923 and Lot 823 DP247285, Manyana, NSW [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

I have spoken with the moderator of the Birddata database, s. 22(1)(a)(ii) (s. 22(1)(a)(ii) , BirdLife Shoalhaven. He has confirmed these records are an error in the database, which occurred during some targeted surveys they were asked to undertake for these two species, on behalf of the EDO/ s. 47G(1)(a) . Whilst the record is on the edge of the property, s. 22(1)(a)(ii) assured me is trying to have it removed, and that it was neutered to be clear they *did not* see any of these species. A specific note has been added to the database in the intervening period until it can be removed.

If you would like to contact s. 22(1)(a)(ii) I can pass on his details.

Regards, s. 22(1)(a)(ii)

**Survey Summary** #3150516

**LOCATION**

Survey Point: [Manyana](#)

Latitude: -35.2539887 (35° 15' 14" S)

Longitude: 150.5062793 (150° 30' 23" E)

Accuracy: Within survey area

Shared Sites: Not within any shared sites

**DETAILS**

Survey Date: 12/06/2020

Survey Time: 11:03

Survey Duration: 1 hour

Survey Type: Incidental search

Water Level (if applicable):

Number of observers: 3

All species recorded: No

Number of species observed: 2

**SIGHTINGS**

Species	Count	Breeding activity	Notes	Photos
Glossy Black-Cockatoo	P	None	Not observed. Count Zero	
Swift Parrot	P	None	Not Observed. Count Zero	

Map showing location near Lake Manyana, Berrig, and Cunjurong Point.

Partners: © BirdLife Australia 2020 [Donate](#)

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii) | s. 22(1)(a)(ii) | s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)  
M: s. 22(1)(a)(ii)

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Sent:** Monday, 29 June 2020 3:26 PM  
**To:** s. 22(1)(a)(ii) n <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Cc:** s. 22(1)(a)(ii)@ozyhomes.com.au; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Subject:** RE: Receipt of referral - (EPBC 2020-8704) - Residential Development, Lot 172 DP 755923 and Lot 823 DP247285, Manyana, NSW [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thank you for your email. I will follow up with our IT team why it is showing as 'Publish pending' on the 'Referrals list' page. On the 'Invitation to comment' page on the website, it has the date of notice as being 24 June 2020, and the referral documents are published there. The different status on the referrals list page is probably a technical error. Please be assured that the 20 business days commenced from 24 June 2020.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
 Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
 John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
 E: s. 22(1)(a)(ii)@awe.gov.au

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Sent:** Monday, 29 June 2020 3:19 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Cc:** s. 22(1)(a)(ii)@ozyhomes.com.au; EPBC Referrals <EPBC.Referrals@awe.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Subject:** RE: Receipt of referral - (EPBC 2020-8704) - Residential Development, Lot 172 DP 755923 and Lot 823 DP247285, Manyana, NSW [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii) / s. 22(1)(a)(ii),

Just following up on the Referral for Manyana. The status on the Referral portal appears to be 'Publish pending', I believe it said 'Referral published' at 11am on the 24 June 2020. <http://epbcnotices.environment.gov.au/referralslist/>

Has something changed with this assessment? We have assumed that the 20 business days commenced on Wednesday 24 June 2020.

I should also note that some possible spurious data has been published on the Birddata Portal, with Swift Parrot and Glossy Black Cockatoo (a State listed threatened species) showing up right on the edge of the subject site. I am following this up with BirdLife to determine the voracity of the records, and the coincidental timing/location of the records.

Please let me know.

Best regards, s. 22(1)(a)(ii)

s. 22(1)(a)(ii)  
 s. 22(1)(a)(ii) | s. 22(1)(a)(ii) | s. 22(1)(a)(ii)  
 s. 22(1)(a)(ii)  
 M:s. 22(1)(a)(ii)





**From:** EPBC Referrals <[EPBC.Referrals@awe.gov.au](mailto:EPBC.Referrals@awe.gov.au)>

**Sent:** Wednesday, 24 June 2020 11:09 AM

**To:** [s. 22\(1\)\(a\)\(ii\)@ozyhomes.com.au](mailto:s.22(1)(a)(ii)@ozyhomes.com.au)

**Cc:** [s. 22\(1\)\(a\)\(ii\) <s. 22\(1\)\(a\)\(ii\)@ecoplanning.com.au>](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)

**Subject:** Receipt of referral - (EPBC 2020-8704) - Residential Development, Lot 172 DP 755923 and Lot 823 DP247285, Manyana, NSW [SEC=OFFICIAL]



**Australian Government**  
Department of Agriculture,  
Water and the Environment

[s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@awe.gov.au)

[s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@awe.gov.au)

Manyana Coast PTY LTD  
Unit 2, 148-150 Canterbury Rd  
BANKSTOWN NSW 2200

Date: 24 June 2020

EPBC Ref: 2020/8704

EPBC contact: [s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@awe.gov.au)

[s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@awe.gov.au)

[s. 22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

Dear [s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@awe.gov.au)

## Receipt of referral

**Residential Development, Lot 172 DP 755923 and Lot 823 DP247285, Manyana, NSW**

Thank you for referring your proposal for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Information about this proposed action has been published on the Department's website for public consultation. The period of consultation will extend for 10 business days.

At the end of the consultation period, the information included in the referral, along with any comments received, will be used to help decide whether this proposed action:

- is a controlled action (one that is likely to have a significant impact on matters protected under the EPBC Act and therefore needs to be assessed and approved by the Minister for the Environment and Energy before it can proceed), or
- is not a controlled action and may be undertaken but only as described in the referral, or
- does not require approval under the EPBC Act.

Alternatively, it may be decided, on the basis of the information in the referral that the action is clearly unacceptable (the referred action would have unacceptable impacts on matters protected under the EPBC Act and cannot proceed).

Before making a decision, we may contact you to clarify any details or to ask you for further information. We will make every effort to ensure that the assessment of the proposed action is handled in a professional and helpful manner. The Department has published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines its commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at: <http://www.environment.gov.au/about-us/publications/service-charter>.

An electronic version of your referral can be viewed on the Department's website at [www.environment.gov.au/epbc](http://www.environment.gov.au/epbc). This website also includes a range of other information about the process of assessment and decision-making under the EPBC Act.

Your referral has been allocated a unique reference number, EPBC 2020/8704. Please use this number in any communications with the Department as it will help ensure timely and efficient service. You can also use this number to locate any information about your project on the Department's website.

A project manager for the next stage of the process has been appointed and will be happy to answer any questions you might have. You can contact s. 22(1)(a)(ii) by telephone on s. 22(1)(a)(ii) or by email at s. 22(1)(a)(ii)[@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au). The Department will advise you of the decision on your referral.

Yours sincerely

Referrals Gateway  
Governance and Business Support Section

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<http://www.mailguard.com.au>

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s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

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**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @cbp.com.au>  
**Sent:** Wednesday, 8 July 2020 4:27 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @environment.gov.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @cbp.com.au>  
**Subject:** Ref. no. 2020/8704 - Manyana Coast Pty Ltd | National Trust listing

Hi <sup>s. 22(1)(a)(ii)</sup>

As discussed, the National Trust emailed our client the **attached** Register Listing notification and report last week. Unfortunately our client's ecologist was not consulted before this listing was published, and as a result there are numerous inaccuracies in the National Trust's listing and report. Our client's ecologist has set out those inaccuracies in detail in the **attached** letter, which we have also provided to the National Trust.

The purpose of providing this is to ensure that the Department is aware of these inaccuracies should the National Trust listing be considered by the Department during the referral process.

Kind regards

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)

Colin Biggers & Paisley Pty Ltd  
ABN 28 166 080 682  
Level 42, 2 Park Street Sydney NSW 2000 Australia  
D s. 22(1)(a)(ii) | F s. 22(1)(a)(ii) | M s. 22(1)(a)(ii)  
s. 22(1)(a)(ii) @cbp.com.au  
www.cbp.com.au  
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*Cybercrime and fraud are on the increase. If you receive something purporting to be from us with changes in the details of any account to which monies are to be sent, it is unlikely to be genuine. Our own bank account details are highly unlikely to ever change during the course of a transaction, and we will never notify bank details or any change only via email. Please check account details with us in person. If you receive any suspicious communication purporting to be from us please contact us in person immediately.*

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii) <ghazi@ozyhomes.com.au>  
**Sent:** Monday, 20 July 2020 10:30 AM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) s. 22(1)(a)(ii) @ecoplanning.com.au>; s. 22(1)(a)(ii) s. 22(1)(a)(ii)@environment.gov.au>  
**Subject:** RE: Manyana - referral timeframe [SEC=OFFICIAL]

Hello s. 22(1)(a)(ii)

As discussed on Friday in the best interest of the project and community concerns,  
To allow time for you to review all the submitted concerns we Accept to extend  
referral decision till Monday 3<sup>rd</sup> August, 2020.

It would be great if this can be done earlier.

Regards

s. 22(1)(a)(ii) -s. 22(1)(a)(ii)  
Mob.s. 22(1)(a)(ii)



---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Sent:** Friday, 17 July 2020 10:18 AM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ozyhomes.com.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>  
**Subject:** Manyana - referral timeframe [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thanks for meeting with the Minister yesterday, she really appreciated being able to visit the site and talk to you,  
and s. 22(1)(a)(ii) s. 22(1)(a)(ii)

I meant to bring this up with you yesterday but time got away – the referral decision is due next week but given the large number of submissions we have received and need to consider, with your agreement we are looking to extend the referral decision timeframe to the week of 3 August. If this is acceptable to you, I can begin preparing the notification (an administrative task from our end that will also be published on our website). If not, happy to discuss.

Either way you can call me on s. 22(1)(a)(ii)

Thanks

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

A/g Director  
Southern NSW & ACT Assessments  
Department of Agriculture, Water and the Environment  
s. 22(1)(a)(ii)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders past, present, and emerging.*

s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii)  
**Sent:** Monday, 20 July 2020 4:08 PM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii); s. 22(1)(a)(ii)s. 22(1)(a)(ii) Mike Smith  
**Subject:** EPBC 2020/8704 Suspension of referral decision timeframe [SEC=OFFICIAL]  
**Attachments:** 2020-8704 Suspension - Letter to proponent.pdf; 2020-8704 Suspension - Decision notice.pdf

Hi s. 22(1)(a)(ii)

Please see attached a letter and notice regarding the suspension of the referral decision on EPBC 2020/8704 until 3 August. The notice will be published on the Department's website.

If you have any questions please do not hesitate to ask.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
E: s. 22(1)(a)(ii) [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au) Ph: s. 22(1)(a)(ii)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*





**Australian Government**  
**Department of Agriculture,  
Water and the Environment**

EPBC Ref: 2020/8704

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Mayana Coast Pty Ltd  
Unit 2, 148-150 Canterbury Road  
BANKSTOWN 2200 NSW

Dear s. 22(1)(a)(ii)

**Suspension of Referral Decision Timeframe - Residential Development,  
Lot 172 DP 755923 and Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)**

I am writing to you in relation to your proposal to construct a residential development and ancillary infrastructure at Lot 172 DP 755932 and Lot 823 DP 247285, Manyana, NSW.

I have agreed to suspend the referral decision timeframe in accordance with section 75(7) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The revised statutory timeframe for a referral decision is 3 August 2020.

Notice of the period of suspension is attached for your information and will be published on the Department's website.

If you have any questions about this decision, please contact the project manager, s. 22(1)(a)(ii) by email to s. 22(1)(a)(ii)@awe.gov.au, or telephone s. 22(1)(a)(ii), and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

s. 47F(1)

Mike Smith  
Acting Assistant Secretary  
Environment Approvals and Wildlife Trade Branch  
20/07/2020

s. 22(1)(a)(ii)

Document 28

s. 22(1)(a)(ii)

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**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Sent:** Tuesday, 21 July 2020 10:56 AM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Subject:** RE: Request for additional information Manyana development. [SEC=UNOFFICIAL]

Thanks <sup>s. 22(1)(a)(ii)</sup>, we're working through it now. We should hopefully have a response by the end of the day.

Cheers

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii) | s. 22(1)(a)(ii) | s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)  
M: s. 22(1)(a)(ii)



---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>  
**Sent:** Tuesday, 21 July 2020 10:45 AM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Subject:** RE: Request for additional information Manyana development. [SEC=UNOFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

No you don't need to respond to submissions/ we will do that part/ include a summary in our referral brief to the delegate. We just need the further info outlined to finalise those parts of the brief.

Cheers

<sup>s. 22(1)(a)(ii)</sup>

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Sent:** Monday, 20 July 2020 4:34 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>  
**Subject:** RE: Request for additional information Manyana development. [SEC=UNOFFICIAL]

Thanks <sup>s. 22(1)(a)(ii)</sup>, that all looks relatively straight forward. There's a few I can knock on the head right now, but we'll prepare a more detailed response so they can all be knocked off comprehensively.

All good with The Minister, it was nice see her taking an interest in the project, I think it was a good opportunity to clarify a few misconceptions about the site and ecology too. Glad we got to have that face to face communication.

I'll get back to you on the below, we'll try and get it done this week.

I saw an email from <sup>s. 22(1)(a)(ii)</sup> to <sup>s. 22(1)(a)(ii)</sup> re Referral decision pushing back to 3 August. Can I just remind myself on the process, are we required to respond to community submissions, or just the things you think are relevant (i.e. as below)? You will advise if a 'stop the clock' is initiated?

Cheers, <sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)

<sup>s. 22(1)(a)(ii)</sup> | s. 22(1)(a)(ii) | s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M:s. 22(1)(a)(ii)




---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au>

**Sent:** Monday, 20 July 2020 3:25 PM

**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>

**Subject:** Request for additional information Manyana development. [SEC=UNOFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Thanks again to you and your team for helping organise the Minister's visit to the Manyana site last Thursday.

The team assessing the referral have some questions about the vegetation mapping conducted on site (in relation to EECs and threatened species) and indigenous heritage. Can you please review and get back to us with a response?

Thanks

<sup>s. 22(1)(a)(ii)</sup>

#### *Threatened ecological communities*

From review of your referral and MNES report and documents previously provided to the Department in 2017/2018, there is uncertainty about whether two EPBC-listed TECs are located on site: [Illawarra and South Coast Lowland Forest and Woodland](#) and [Littoral Rainforest and Coastal Vine Thickets of Eastern Australia](#).

Can you please advise:

- Have there been any other surveys of the vegetation communities onsite other than those undertaken in 2004? if so please provide details of survey methods and effort, including whether the area has been classified into plant community types (PCTs) and whether plot data has been recorded.
- To date, has there been any targeted survey effort undertaken to identify EPBC listed ecological communities that have the potential to occur onsite including reference to the TEC description(s) and the Key Diagnostic Characteristics.

#### *Threatened species*

- Koala. Please provide information on the presence and extent of occurrence of Koala feed trees onsite.
- Regent honeyeater. Please provide information on the extent of potential habitat for the Regent Honeyeater onsite (i.e. occurrence of winter-flowering trees)?
- GHFF and Swift parrot. The MNES report states that *Eucalyptus robusta* may occur on site in low numbers but that this species was not found in previous or recent surveys. However, the Flora and Fauna Management Plan states that the sub-canopy of the Bangalay Paperbark Woodland vegetation community in the referral area is dominated by *E. robusta*. Please clarify whether or not *E. robusta* is present.
- Leafless Tongue-orchid. Please provide an updated assessment of significance for this species. We note that the Leafless Tongue-orchid has been ruled out based on survey conducted in 2005, when the nearby population 'appeared to be in lower abundance' during the 2004/5 season which is when the surveys were undertaken (other orchids and flora species that may occur are not discussed in documentation). We note also that the local population is 1150 m from site.
- Large-eared Pied Bat. Please provide information on the presence of potential roosting habitat for the Large-eared Pied Bat (i.e. sandstone cliff/escarpments) within close proximity of the site.

- Green and Golden Bell Frog. Please provide an updated assessment of significance for this species. We note that 7 records for the species occur within 5 km of site and that species or species habitat known is known to occur in the development area.

*Indigenous heritage*

- Please send through a copy of the Cultural Heritage Management Plan prepared for the site, as well as any information on recent consultation with indigenous groups undertaken since the environmental assessment?

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s. 22(1)(a)  
(ii)

s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>

**Sent:** Tuesday, 28 July 2020 1:30 PM

**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>

**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ozyhomes.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>

**Subject:** Response to request for additional information Manyana development (ref: 2020/8704)

Dear <sup>s. 22(1)(a)(ii)</sup>,

Please find attached response to your earlier request for additional information in relation to the Manyana development (ref: 2020/8704) which was received via email on 20 July 2020. Please do not hesitate to contact <sup>s. 22(1)(a)(ii)</sup> or myself should the Department require any further information.

Kind regards,

<sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M: s. 22(1)(a)(ii)



Attn: s. 22(1)(a)(ii) – s. 22(1)(a)(ii)  
Environment Approvals Division  
Department of Agriculture, Water and Environment  
GPO Box 787  
Canberra NSW 2601



28 July 2020

**Re: Response to the Department of Agriculture, Water and the Environment requesting additional information (referral: 2020/8704).**

Dear s. 22(1)(a)(ii)

I have reviewed the requested information in relation to threatened ecological communities, threatened species, and indigenous heritage, which was received via email on 20<sup>th</sup> July 2020. The information requested is reproduced below together with Ecoplanning responses. More detailed assessments for certain responses are attached to this letter. Where more detailed information has been provided in a previous submission to the Department, the relevant sections of the document(s) are cited herein for ease of reference.

The additional information on matters of national environmental significance (MNES) as listed in the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) potentially impacted by the 182 lot residential subdivision (the action) at Lot 172 // DP 755923 & Lot 823 DP // 247285, Berringer and Cunjurong Point Roads, Manyana (the site) is as follows:

*Threatened ecological communities*

From review of your referral and MNES report and documents previously provided to the Department in 2017/2018, there is uncertainty about whether two EPBC-listed TECs are located on site: Illawarra and South Coast Lowland Forest and Woodland and Littoral Rainforest and Coastal Vine Thickets of Eastern Australia.

Can you please advise:

- Have there been any other surveys of the vegetation communities onsite other than those undertaken in 2004? if so please provide details of survey methods and effort, including whether the area has been classified into plant community types (PCTs) and whether plot data has been recorded.

*Bangalay Paperbark Woodland and Northern Coastal Sands Shrub/Fern Forest*

Two BioBanking Assessment Methodology (BBAM) vegetation plots were completed on 6<sup>th</sup> May 2020, one within the Bangalay Paperbark Woodland and one in the Northern Coastal Sands Shrub/Fern Forest. Both plots are in the retained Bushland Reserve. The intent of these plots is to provide a baseline for monitoring vegetation condition within the Bushland Reserve following development. An additional two BBAM plots were completed off site in similar vegetation on 7<sup>th</sup>

May. The two additional plots are control plots for comparison against the plots in the Bushland Reserve.

Plot data for these vegetation communities has not been used for PCT classification, however, confirms the accuracy of the BES (2006) vegetation community descriptions. Refer to **Attachment 1** for the location of BBAM plots on site.

#### Bangalay Moist Woodland/Open Forest

Random meander vegetation surveys were undertaken within the Bangalay Moist Woodland/Open Forest (BMWOF). Surveys in this vegetation community aimed to confirm the vegetation community description found in Section 3.3.2 of BES (2006). Surveys confirmed that the BMWOF is an open woodland formation, as opposed to a closed rainforest with scattered emergents, and has likely been burned on an intermittent basis prior to the 1990s but has been subject to anthropogenic fire suppression to the present date, which has resulted in an increased component of hardier mesic species in the mid-storey such as *Acmena smithii* and *Pittosporum undulatum*.

BES (2006) recorded *Acacia parramattensis* (Parramatta Green Wattle) and *Acacia mearnsii* (Black Wattle) in the BMWOF. Both are short-lived 'pioneer' species with germination stimulated by fire. Senescing individuals of these trees were observed throughout the BMWOF during Ecoplanning surveys – stags, trees with dead or mostly dead canopies, as well as a few live trees which are now growing amongst dense mats of vines and mesic understorey species. The senescing *Acacia mearnsii* are estimated to be approximately 20 to 30 years old. This is consistent with BES (2006) observation that a fire had gone through the area seven years previously, so in the late 1990s. The area was likely burnt on a more regular basis prior to that time (and prior to residential development in adjacent parts of Manyana) and therefore may have displayed fewer mesic or rainforest components historically. Anthropogenic fire suppression in the period from the late 1990s to the present date, as noted and described in detail in Section 3.3.2 of BES (2006), is consistent with the condition of the BMWOF observed by Ecoplanning.

Vegetation plots were undertaken in this community by BES (2006) and the random meander surveys carried out by Ecoplanning in May-June 2020 were considered sufficient to confirm the accuracy of BES (2006) mapping to the present date. Fire suppression appears to be the dominant influence driving vegetation succession towards more mesic species in this area.

- To date, has there been any targeted survey effort undertaken to identify EPBC listed ecological communities that have the potential to occur onsite including reference to the TEC description(s) and the Key Diagnostic Characteristics.

Random meander surveys were conducted within the Bangalay Moist Woodland/ Open Forest and aimed to confirm the vegetation community description found in BES (2006). An assessment of this vegetation community with reference to the TEC description and Key Diagnostic Characteristics is found in **Attachment 3**.

Random meander surveys throughout the site are sufficient to confirm earlier assessments with regard to Illawarra and South Coast Lowland Forest and Woodland. More detailed discussion of this vegetation community including reference to the TEC description and Key Diagnostic Characteristics can be found on pp. 2–5 of *Response to the Department of the Environment and Energy requesting additional information regarding EPBC Act application to the 182 lot residential*

subdivision at Berringer and Cunjurong Point Roads, Manyana letter dated 27 July 2018 and supplied to the Department with the referral submission.

- [Koala](#). Please provide information on the presence and extent of occurrence of Koala feed trees onsite.

DoPIE (2019) *Koala habitat and feed trees* and DECC (2008) *Recovery Plan for the Koala (Phascolarctos cinereus)*, which are referenced by DoE (2014) *EPBC Act referral guidelines for the vulnerable koala*, both list the same koala food trees for the South Coast region (Koala Management Area 3), of which only *Eucalyptus globoidea* is found on site. Table 3 of OEH (2018) *A review of Koala tree use across NSW* lists additional species used by koalas in the South Coast. Those which occur on site are *E. globoidea* (documented high use), *Angophora floribunda* (documented significant use), *Corymbia gummifera* (documented irregular use), *Allocasuarina littoralis* (documented low use), and *Acmena smithii* (documented low use). None of these species form a dominant component of the canopy on site (or greater than 15% of the canopy), apart from *Acmena smithii* which forms a closed midstorey in parts of the Bangalay Moist Woodland/ Open Forest. *E. globoidea* and *C. gummifera* are the most numerous, mostly occurring in the Northern Coastal Sands Shrub/Fern Forest.

- [Regent honeyeater](#). Please provide information on the extent of potential habitat for the Regent Honeyeater onsite (i.e. occurrence of winter-flowering trees)?

Refer to **Attachment 1** showing the location of trees found to be in flower during the most recent survey period (May-June). The *National Recovery Plan for the Regent Honeyeater (Anthochaera phrygia)* Section 3.4.5 lists key tree species, none of which occur on site. *Eucalyptus paniculata* (Grey Ironbark) is the only species considered to be 'winter-flowering' which occurs on site. Other Eucalypts on site have flowering phenology which may occasionally overlap with the winter months. Notably only *Eucalyptus globoidea* was observed in flower at the time of surveys, and this is not generally considered a 'winter-flowering' species (flowering time April-June (Robinson 2003)). *Eucalyptus paniculata* was recorded on site by BES (2006) in Northern Coastal Sands Shrub/Fern Forest and Bangalay Moist Woodland/Open Forest, and Ecoplanning confirmed presence in these areas during surveys for Swift Parrot habitat. BES (2006) notes that *E. paniculata* is a minor component of the canopy of both these communities, and elsewhere notes that it is not abundant on site. Ecoplanning surveys confirmed a widely scattered occurrence, with most individuals found in the transition zone between the two communities.

The flowering period of all Eucalypts found on site is listed in Table 9.1 of the MNES report (Ecoplanning 2020). Note the discussion below regarding the misidentification of *Eucalyptus robusta*.

- [GHFF and Swift parrot](#). The MNES report states that *Eucalyptus robusta* may occur on site in low numbers but that this species was not found in previous or recent surveys. However, the Flora and Fauna Management Plan states that the sub-canopy of the Bangalay Paperbark Woodland vegetation community in the referral area is dominated by *E. robusta*. Please clarify whether or not *E. robusta* is present

*Eucalyptus robusta* is not present on site. The trees which are dominant in the sub-canopy of the Bangalay Paperbark Woodland are *Eucalyptus botryoides* and/or *Eucalyptus saligna* x *botryoides* hybrids with a more dominant expression of the *E. botryoides* phenotype. NSW PlantNET notes the following in relation to *Eucalyptus saligna*:



*'All populations south of Port Jackson show some genetic influence from E. botryoides, typically manifested as a scattering of stomates on the upper surface of the leaves (leaves of E. saligna have the stomates more strictly confined to the lower surface with stomates on the upper surface only along the midrib) and some rough bark. Local introgression of these populations with E. botryoides has also produced a number of more recent hybrid swarms. Plants with the general appearance of E. saligna extend as far south as Batemans Bay, then becoming more like E. botryoides south into East Gippsland in Victoria.'*

The site is within the range of the hybrid swarm of these species. The hybrids are known to vary widely in many characters. The trees which the MNES report states are '*possible mis-identification of E. botryoides*' are in fact *E. saligna x botryoides* hybrids, with the following characters observed in the field:

- Full, thick, spongy bark on the trunk and main limbs
- Smooth bark on only the smaller outer branches
- Broad-lanceolate leaves
- Fruits large (ca. 8-10mm) and shortly pedicellate

The identification of *E. robusta* from the Flora and Fauna Management Plan (FFMP) is likely to have been made based on the hybrid *E. saligna x botryoides* specimens on site having broad-lanceolate leaves, rough, fibrous, flaky bark extending to the outermost branches, and shortly pedicellate fruits. The outermost branches are bare on specimens found on site, but this is only apparent when viewed through binoculars. Fruits of the *E. saligna x botryoides* found on site are large and pedicellate. The fruits are larger (ca. 8-10mm) but still within the recorded dimensions of both *E. botryoides* (7-12mm x 5-9mm) and *E. robusta* (10-18mm x 6-11mm). Fruits are also shortly pedicellate (*E. robusta* is generally shortly pedicellate; *E. botryoides* is generally sessile). *E. saligna x botryoides* are shortly pedicellate (Harden 1991). Therefore, superficial observations of the bark and leaves and the large, pedicellate fruits of trees found on site could have been mistaken for diagnostic characteristics of *Eucalyptus robusta*.

Section 3.3.3 of BES (2006) notes the absence of Swamp Mahogany:

*'However the paperbarks occur as a sub-canopy beneath Bangalay and there is no Swamp Mahogany Eucalyptus robusta. The substrate is clayey rather than the sands usually associated with Swamp Mahogany – Paperbark Forest.'*

Ecoplanning's May-June 2020 surveys for winter flowering Eucalypt species confirm the accuracy of BES (2006) and the erroneous *E. robusta* record in the FFMP. The MNES report used a precautionary approach when stating that *E. robusta* may occur on site based on the FFMP record, as comprehensive searches for *E. robusta* were carried out only in suitable habitat (the Bangalay Paperbark Woodland) however were not undertaken throughout the entire site.

- [Leafless Tongue-orchid](#). Please provide an updated assessment of significance for this species. We note that the Leafless Tongue-orchid has been ruled out based on survey conducted in 2005, when the nearby population 'appeared to be in lower abundance' during the 2004/5 season which is when the surveys were undertaken (other orchids and flora species that may occur are not discussed in documentation). We note also that the local population is 1150 m from site.

An updated assessment of significance has been provided as **Attachment 4**.

- [Large-eared Pied Bat](#). Please provide information on the presence of potential roosting habitat for the Large-eared Pied Bat (i.e. sandstone cliff/escarpments) within close proximity of the site.

Refer to **Attachment 2** which shows the nearest escarpments approximately 14 kilometres west of the site near Pointer Gap. Aerial imagery (Nearmap) and finer contour layers (10m contour intervals) were also used to assess proximity of escarpments. **Attachment 2** accurately displays the location of the nearest sandstone cliffs/ escarpments.

No other areas of potential roosting habitat are found in close proximity to the site.

- [Green and Golden Bell Frog](#). Please provide an updated assessment of significance for this species. We note that 7 records for the species occur within 5 km of site and that species or species habitat known is known to occur in the development area.

An assessment against Significant impact guidelines for the vulnerable green and golden bell frog (*Litoria aurea*) (DEWHA 2009) and Matters of National Environmental Significance Significant impact guidelines 1.1 (DoE 2011) are provided in **Attachment 5**.

#### *Indigenous heritage*

- Please send through a copy of the Cultural Heritage Management Plan prepared for the site, as well as any information on recent consultation with indigenous groups undertaken since the environmental assessment?

Refer to **Attachment 6** Cultural Heritage Management Plan and details of recent consultation with indigenous groups.

Please don't hesitate to contact [s. 22\(1\)\(a\)\(ii\)](#) or the undersigned should the Department require any further information.

Yours sincerely,

[s. 22\(1\)\(a\)\(ii\)](#)

[s. 22\(1\)\(a\)\(ii\)](#)

[s. 22\(1\)\(a\)\(ii\)](#)

[s. 22\(1\)\(a\)\(ii\)](#)

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**E:** [s. 22\(1\)\(a\)\(ii\)](#) [@ecoplanning.com.au](mailto:@ecoplanning.com.au)

## References

BES (2006). Flora and Fauna Assessment – Proposed Subdivision, Lot 172 DP 755923 & Lot 823 DP 247285 Berringer Road and Cunjurong Point Road, Manyana, BES (Bushfire and Environmental Services), St Georges Basin.

Department of Environment (DoE) (2013). Matters of National Environmental Significance Significant impact guidelines 1.1 Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Department of the Environment (DoE) (2014). EPBC Act referral guidelines for the vulnerable koala.

Department of the Environment (DoE) (2014). Approved Conservation Advice for the Littoral Rainforest and Coastal Vine Thickets of Eastern Australia ecological community. Canberra: Department of the Environment.

Department of Environment and climate change (DECC) (2008). Recovery Plan for the Koala (*Phascolarctos cinereus*). Threatened Species Conservation Act 1995 (TSC Act).

Department of the Environment, Water, Heritage and the Arts (DEWHA) (2009). Significant impact guidelines for the vulnerable green and golden bell frog (*Litoria aurea*). Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) (statement 3.19).

Department of Planning Industry and Environment (DoPIE) (2019). Koala habitat and feed trees. Biodiversity Conservation Act 2016 (BC Act).

Department of Planning Industry and Environment (DoPIE) (2020). Google Earth Engine Burnt Area Map (GEEBAM). Accessed July 2020.

Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) (2011). Survey guidelines for Australia's threatened mammals Guidelines for detecting mammals listed as threatened under the Environment Protection and Biodiversity Conservation Act 1999

Ecoplanning (2019). Flora and Fauna Management Plan, Lot 172 // DP 755923 & Lot 823 DP // 247285, Berringer Road, Cunjurong Point Road and Sunset Strip, Manyana. Prepared for Precise Planning.

Ecoplanning (2018). Response to the Department of the Environment and Energy requesting additional information regarding EPBC Act application to the 182 lot residential subdivision at Berringer and Cunjurong Point Roads, Manyana. Letter dated 27 July 2018.

Ecoplanning (2020). Matters of National Environmental Significance Assessment Lot 172 // DP 755923 & Lot 823 DP // 247285, Manyana, NSW. Prepared for Ozy Homes Pty Ltd.

NSW Office of Environment and Heritage (OEH) (2020a). Atlas of NSW Wildlife. Accessed July 2020

NSW Office of Environment and Heritage (OEH) (2020b). Threatened Species Profiles. Accessed July 2020.

Office of Environment and Heritage (OEH) (2018). A review of Koala tree use across NSW. State Environmental Planning Police no. 44- Koala Habitat Protection 2016 (EPP 44)

PlantNET (The NSW Plant Information Network System). Royal Botanic Gardens and Domain Trust, Sydney. Accessed July 2020

Robinson, Les (2003) Field Guide to the Native Plants of Sydney Third Edition.

Sivertsen, D (2009). Native Vegetation Interim Type Standard. Department of Environment, Climate Change and Water NSW, Sydney.

Threatened Species Scientific Committee (TSSC) (2008a). Commonwealth Listing Advice on Littoral Rainforest and Coastal Vine Thickets of Eastern Australia. Department of the Environment, Water, Heritage and the Arts.

Threatened Species Scientific Committee (TSSC) (2008b). Attachments A, B and C to the Listing Advice for the Littoral Rainforest & Coastal Vine Thickets ecological community. Department of the Environment, Water, Heritage and the Arts.

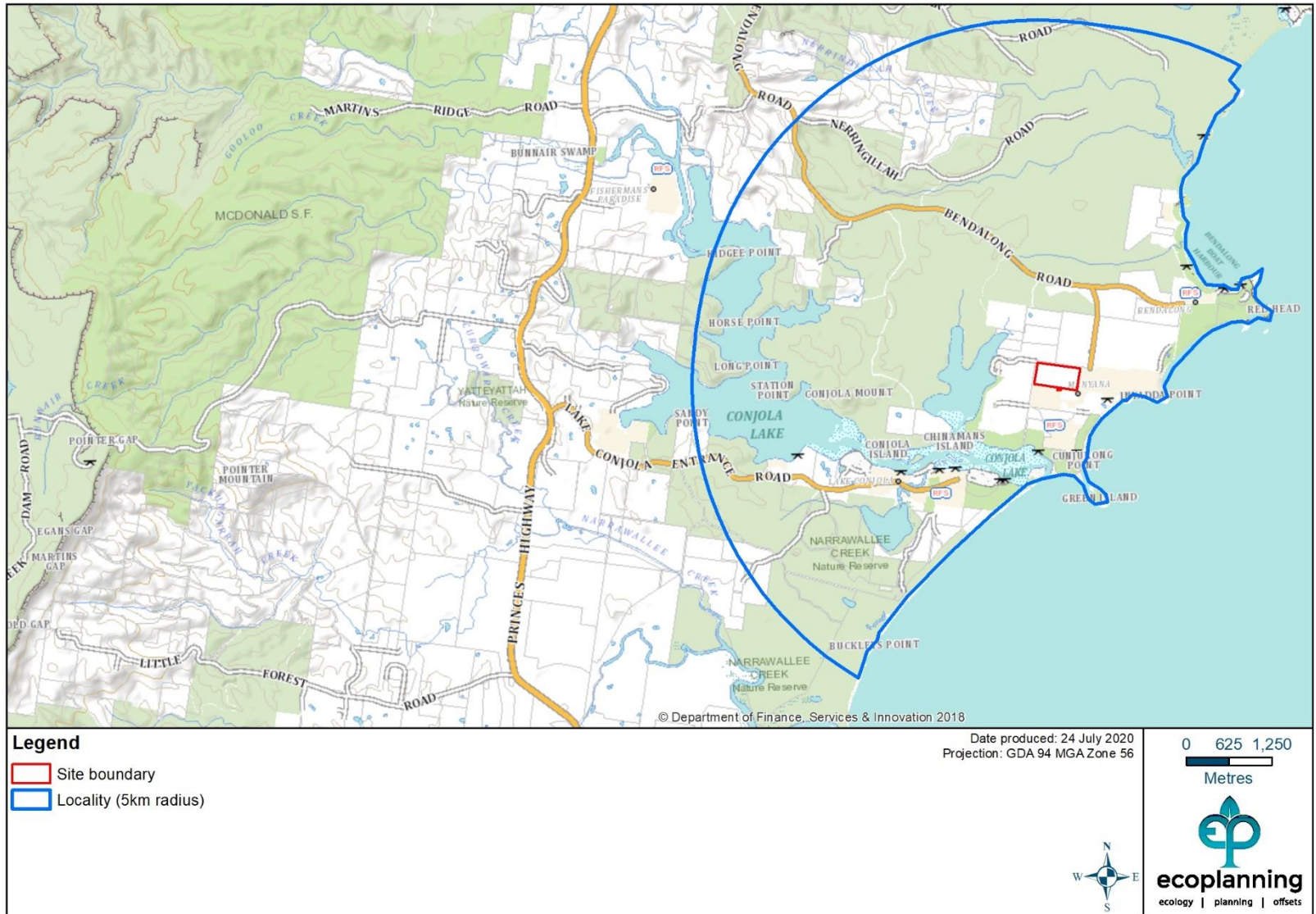


Attachment 1: Vegetation plots and eucalypts in flower





Attachment 2: Escarpments



## Attachment 3: Littoral Rainforest and Coastal Vine Thickets of Eastern Australia

<b>To date, has there been any targeted survey effort undertaken to identify EPBC listed ecological communities that have the potential to occur onsite including reference to the TEC description(s) and the Key Diagnostic Characteristics.</b>	
<b>Conservation advice (DoE 2015)</b>	<b>Response in relation to the study area</b>
When making a determination as to whether the nationally listed Littoral Rainforest and Coastal Vine Thickets of Eastern Australia ecological community is present at a particular site, the 'Description' (including the 'General Features' and 'Key Diagnostic Characteristics') and 'Condition Thresholds' of the listed ecological community as outlined in the Listing Advice (TSSC 2008a) must be used as the primary factor for determination rather than any other classification system	<p>The three ecological communities in the study area described by BES (2006) were confirmed during targeted MNES surveys in May-June 2020. Descriptions include floristics and soil characteristics.</p> <p>The Bangalay Moist Woodland/ Open Forest (BMWOF) found in the northeast corner of the site has been discussed below with relation to the 'Description' and 'Condition Thresholds' as required in the Listing advice (TSSC 2008a).</p> <p>Only Bangalay Moist Woodland/ Open Forest is discussed in relation to these criteria as the remainder of the site is either a dry sclerophyll forest community (the Coastal Sands Shrub/Fern Forest (BES 2006)) or has been previously assessed and found to be commensurate with <i>Swamp sclerophyll forest on the coastal floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions</i> (the Bangalay Paperbark Woodland (BES 2006)) and is not commensurate with an EPBC Act listed ecological community.</p>
<b>Listing advice (TSSC 2008a)</b>	<b>Response in relation to the study area</b>
<i>General Features (page 1-2)</i>	
The ecological community represents a complex of rainforest and coastal vine thickets, including some that are deciduous, on the east coast of Australia. Typically, the ecological community occurs within two kilometres of the coast or adjacent to a large saltwater body, such as an estuary and, thus, is influenced by the sea.	<p>The site is within two kilometres of the coast, but is not adjacent to a saltwater body (approximately 600m at closest point) and is in a relatively sheltered position in an area of low coastal hills.</p> <p>Refer to <i>Key diagnostic characteristics</i> below for further detail.</p>

<p>It is naturally distributed as a series of disjunct and localised stands occurring on a range of landforms derived from coastal processes that can include dunes and flats, cheniers, berms, cobbles, headlands, scree, seacliffs, marginal bluffs, spits, deltaic deposits, coral rubble and islands. As a result, the ecological community is not associated with a particular soil type and can occur on a variety of geological substrata.</p>	<p>The landform of the site is not derived from coastal processes. Sandy soils derived from Tertiary sediments predominate over the site, and not sands derived from coastal processes such as marine or estuary derived fluvial or aeolian deposits. Notably, the far northeast corner of the site contains an area of more fertile, weathered reddish-brown soils, likely a small igneous intrusion. Generally, the landform of the site is a result of weathering Tertiary sandy or red loamy soils.</p> <p>Shoalhaven 1:100 000 Coastal Quaternary Geology Map was used as a reference. It is noted that this large scale mapping does not capture the smaller scale variability found on site and ground-truthing was used to verify mapping.</p>
<p>The ecological community occurs from Princess Charlotte Bay, Cape York Peninsula to the Gippsland Lakes in Victoria as well as on offshore islands on the east coast. The latitudinal range where the ecological community occurs encompasses warm temperate, sub-tropical and tropical climate zones. In terms of temperature and humidity, the climate is more equable than sites further inland.</p>	<p>The site occurs within this geographic range in a warm temperate climate zone. The climate is moderated by proximity to the ocean.</p> <p>The site does not occur in an area of mapped by DEWHA (2008) or the NSW SEPP (Coastal Management) as Littoral Rainforest under either the state or Commonwealth definition.</p>
<p>The ecological community is defined by habitat expressed in terms of structure, floristic composition and ecology in response to coastal processes. The unifying feature of its habitat is the salinity, derived from the ecological community's proximity to the sea. Saline influence is delivered via aerosols, saline water-tables or occasional inundation.</p>	<p><i>Structure</i></p> <p>The BMWOF is of a woodland/ open forest structure with patches of closed forest subcanopy in a mosaic with more open areas of dense groundcover bordered by dense mats of vines and creepers. This contrasts with a closed forest subcanopy beneath an emergent layer as found in a rainforest structure. The vegetation community formation is a woodland/ open forest with a canopy layer dominated by <i>Eucalyptus botryoides</i> (Bangalay) together with a mix of stringybark eucalypts, large, senescing acacias, and mesophyllous species such as <i>Alphitonia excelsa</i>. This open canopy layer is found above a mosaic of open areas dominated by dense, tall <i>Gahnia</i>, which are surrounded by mats of vines, which transition to patches dominated</p>



	<p>hardier rainforest species such as <i>Acmena smithii</i> and <i>Pittosporum undulatum</i>.</p> <p><i>Floristic composition</i></p> <p>The floristic composition of the site consists of a depauperate assemblage of mesic species which often occur in rainforests. While it is noted that Littoral Rainforests decline in species diversity in more southerly areas, the species assemblage of the BMWOF is dominated by a small number of hardier species, notably <i>Acmena smithii</i> and <i>Pittosporum undulatum</i>, as well as very old (ca. 20 to 30 years) individuals of short-lived species which are indicative of burnt sites, such as <i>Acacia parramattensis</i> and <i>Acacia mearnsii</i>.</p> <p>The floristic composition is discussed in further detail under <i>Key diagnostic criteria</i>.</p> <p><i>Coastal processes</i></p> <p>The dominant factor driving the mesic assemblage of the BMWOF is anthropogenic fire suppression. Notably, the site does not occur in a position where maritime influences would naturally suppress fire, is surrounded by regularly burnt sclerophyll forests and woodlands, and shows signs of historic fire events.</p> <p>Also, the mosaic structure of dense groundcover – closed subcanopy is not a result of coastal processes such as wind shear and subsequent regeneration of rainforest gap species.</p> <p><i>Salinity</i></p> <p>There is no evidence of saline influence in the BMWOF. While the site is in close proximity to the ocean (approximately 700m at closest point), it lies in a sheltered, leeward position in the landscape in an area of low hills. No part of the site is subject to saline water-tables or occasional inundation, and only limited saline aerosols may reach the site.</p>
Whilst the ecological community's canopy species are well adapted to	The vegetation community formation is an open forest/ woodland with a

<p>coastal exposure (e.g. strong and persistent salt-laden winds and storm events), the canopy protects less tolerant species and propagules in the understorey. The canopy height varies with the degree of exposure and can range from dwarf to medium (&lt;1-25 m; Specht 1970). Due to extreme exposure to salt laden winds, the canopy often demonstrates a continuum of heights. Highly exposed patches will display the effect of windshear in the canopy. In more sheltered sites, for example, around estuaries, wind shear may not be evident in the canopy.</p>	<p>canopy layer dominated by Bangalay together with a mix of stringybark eucalypts, large, senescing Acacias, and mesophyllous species such as <i>Alphitonia excelsa</i>. This open canopy layer is found above a mosaic of open areas dominated by dense, tall <i>Gahnia</i>, which are surrounded by mats of vines, which transition to patches of closed, mesic mid-storey small trees. This variability in upper-stratum vegetation height is not a result of coastal exposure or windshear. The open canopy and fire suppression appears to have allowed mesic species to take hold, and notably in some areas tall stags and tall, senescing <i>Acacia mearnsii</i> trees are covered in vines and growing above a closed canopy of <i>Acmena smithii</i> and <i>Pittosporum undulatum</i> which appear to be in the process of out-competing these shorter-lived pioneer species.</p>
<p>The canopy is typically closed but may also be patchy and may include emergents. Those stands that occur in exposed coastal situations can have many rainforest gaps caused by storm events which, in turn, may lead to canopy decapitation. In these exposed sites, there is often a secondary canopy that has developed below the old canopy.</p>	<p>The open, Bangalay dominated canopy layer is too dense to be described as an emergent layer. Emergents are by definition isolated individuals which do not form a stratum or layer and are generally &lt;5% crown cover (Sivertsen 2009). BES (2006) records a projective foliage cover of the <i>Eucalyptus</i> dominated canopy of 20-30%.</p> <p>Large patches of closed-canopy mid-storey composed of mesic species are found beneath the open canopy layer.</p> <p>Canopy gaps show no signs of storm damage and no canopy decapitation is evident. The closed mid-storey layer is not a secondary canopy established beneath a storm-damaged older canopy, and the site is not exposed to coastal effects which would result in these processes.</p>
<p>The diversity of plant taxa (particularly canopy species) generally declines in a north to south direction, i.e. with increasing latitude. However, species richness of adjacent patches may vary considerably within one latitudinal zone.</p>	<p>The Bangalay Moist Woodland/ Open Forest contains a depauperate assemblage of hardier rainforest species, such as <i>Acmena smithii</i>, <i>Pittosporum undulatum</i>, <i>Synoum glandulosum</i>, <i>Cissus hypoglauca</i>, and <i>Morinda jasminoides</i>, as noted in Section 3.3.2 and Section 4.5 of BES (2006).</p>

	<p>A full species list is found in Table 4 Section 3.3.4 of BES (2006).</p> <p>Refer to <i>Key diagnostic characteristics</i> below for further detail regarding species richness.</p>
<i>Key diagnostic characteristics (page 2-3)</i>	
<p>The ecological community occurs in the following IBRA bioregions: Cape York Peninsula (from Princess Charlotte Bay southwards), Wet Tropics, Central Mackay Coast, South Eastern Queensland, NSW North Coast, Sydney Basin and South East Corner.</p>	<p>The site fits this diagnostic feature.</p> <p>The proposal is within the Jervis IBRA subregion of the Sydney Basin Bioregion.</p>
<p>Patches of the ecological community occur within two kilometres of the east coast, including offshore islands, or adjacent to a large body of salt water, such as an estuary, where they are subject to maritime influence.</p>	<p>The site <b>does not</b> fit this diagnostic feature.</p> <p>The site is within 2km of the coast, but is not subject to maritime influence. It is not adjacent to a large body of water or in a position such as a headland or dune system where maritime influences would predominate.</p>
<p>The structure of the ecological community typically is a closed canopy of trees that can be interspersed with canopy gaps that are common in exposed situations or with storm events. Usually, several vegetation strata are present. However, where there is extreme exposure to salt laden winds, these strata may merge into a height continuum rather than occurring as distinct vegetation layers. The canopy forms a mosaic due to canopy regeneration, typically in the form of basal coppice following canopy decapitation due to prevailing salt laden winds and storm events. Wind sheared canopy can be present on the frontal section leading to closed secondary canopies. Emergents may be present, for example, species from the genera <i>Araucaria</i> (northern bioregions only), <i>Banksia</i> or <i>Eucalyptus</i>. The ground stratum of the vegetation typically is very sparse.</p>	<p>The site <b>does not</b> fit this diagnostic feature.</p> <p>The BMWOF has an open forest/ woodland structure (20-30% PFC (BES 2006)) with a closed canopy mid-storey occurring in some areas. Some canopy gaps exist where pioneer tree species are senescing (20-30 year old <i>Acacia</i> species). Some large gaps are occupied by more stable ground cover assemblages of the moist woodland landscape, such as open patches of dense <i>Gahnia</i> and other graminoids which appear to be excluding regeneration of canopy species in some areas. The site lies in a relatively sheltered position and the canopy or mid-storey gaps are not related to winds, storm events or canopy decapitation. While <i>Eucalyptus botryoides</i> forms the highest stratum, it occurs frequently enough to be classed as a woodland formation and not an emergent layer. The ground stratum is very dense in some patches, mostly <i>Gahnia</i>.</p>
<p>The ecological community contains a range of plant life forms including trees, shrubs, vines, herbs, ferns and epiphytes. To the north, most</p>	<p>The site <b>does not</b> fit this diagnostic feature.</p>

<p>plant species diversity is in the tree and shrub (i.e. canopy) layers rather than in lower strata. The converse generally occurs from the Sydney Basin Bioregion southwards. Feather palms, fan palms, large leaved vascular epiphytes and species that exhibit buttressing are generally rare. Ground ferns and vascular epiphytes are lower in diversity in littoral rainforests compared to most other rainforest types.</p>	<p>The BMWOF contains large areas dominated by a few species, with much of the diversity accounted for by the mosaic of open groundcover, vine mats, and closed mid-storey areas resulting in some of the hardier rainforest small tree species dominating some areas, while other areas contain a dense groundcover not associated with rainforest, such as <i>Gahnia radula</i>, <i>Gahnia sieberana</i>, <i>Lepidosperma laterale</i>, <i>Lomandra longifolia</i> and <i>Carex longibrachiata</i>. A variety of vines and understory species occur in the transition between these two extremes.</p>
<p>Plants with xeromorphic and succulent features are generally more common in littoral rainforest than in hinterland rainforest types. Canopy stem sizes also tend to be smaller compared to that in hinterland rainforest. Trunks rarely host mosses though lichens are usually common.</p>	<p>The site <b>does not</b> fit this diagnostic feature.</p> <p>Xeromorphic and succulent species are not common in the BMWOF. The canopy contains many large Bangalays, as well as large, older individuals of <i>Acacia mearnsii</i> and <i>Acacia parramattensis</i>.</p>
<p>Whilst species can be regionally predictable, there may be considerable variation in the composition of individual stands of the ecological community within any given bioregion. Attachment A provides a list of flora species for each relevant bioregion.</p>	<p>The site fits this diagnostic feature.</p> <p>Of the 32 species listed under Sydney Basin in Appendix A, the following 17 are found on site:</p> <p><i>Acmena smithii</i>, <i>Banksia integrifolia</i> subsp. <i>Integrifolia</i>, <i>Eucalyptus botryoides</i>, <i>Glochidion ferdinandi</i>, <i>Livistona australis</i>, <i>Pittosporum undulatum</i>, <i>Synoum glandulosum</i> subsp. <i>glandulosum</i>, <i>Pittosporum revolutum</i>, <i>Breynia oblongifolia</i>, <i>Notelaea longifolia</i>, <i>Cissus hypoglauca</i>, <i>Eustrephus latifolius</i>, <i>Geitonoplesium cymosum</i>, <i>Hibbertia scandens</i>, <i>Marsdenia rostrata</i>, <i>Parsonsia straminea</i>, and <i>Stephania japonica</i>.</p> <p>Notably only a smaller subset of the area mapped as BMWOF contains a closed canopy, which is dominated by <i>Acmena smithii</i> and <i>Pittosporum undulatum</i> among a less diverse assemblage including <i>Stenocarpus salignus</i>, <i>Notelaea longifolia</i>, <i>Synoum glandulosum</i>, several <i>Gahnia</i> species, <i>Carex pendula</i>, <i>Psychotria loniceroides</i>, <i>Morinda jasminoides</i>, <i>Parsonsia straminea</i>, and <i>Cissus hypoglauca</i>. The remainder of the 17 diagnostic species listed</p>

	above occur in a mosaic of open patches, vine mats, and closed mid-storey beneath an open Bangalay dominated canopy.
<i>Condition Thresholds (page 3-4)</i>	
Small patches can be resilient and viable, but the minimum size of a patch needs to be 0.1 ha; AND	The site fits this diagnostic feature. The BMWOF is over 5ha and areas of closed mid-storey are approximately 0.15ha.
The cover of transformer weed species (as identified in Attachment A) is 70% or less. Transformer weeds are highly invasive taxa with the potential to seriously alter the structure and function of the ecological community. This threshold recognises the relative resilience and recoverability of the ecological community to invasion by weed species; AND	The site fits this diagnostic feature. Transformer weed cover is less than 70%.
The patch must have: at least 25% of the native plant species diversity characteristic of this ecological community in that bioregion (Attachment A); OR at least 30% canopy cover of one rainforest canopy (either tree or shrub) species (Attachment A, excluding Banksia and Eucalyptus species that may be part of the ecological community).	The site fits this diagnostic feature. Of the 32 species listed in the Sydney Basin region in Appendix A, 17 are found on site. The canopy is dominated by <i>Eucalyptus</i> species.
<i>Condition Threshold Notes</i>	
Where gaps in the canopy exist, they should be in the process of regenerating with the usual suite of rainforest gap species for the site. Where weed invasion is significant, natural regeneration of native gap species may be limited.	Canopy gaps are not regenerating with rainforest gap species. Large, open patches are dominated by <i>Gahnia</i> which is excluding regeneration of other species in these areas.
As species diversity diminishes from northern to southern latitudes, it is important to take into account the natural diversity of a patch in a	<i>Acmena smithii</i> and <i>Pittosporum undulatum</i> dominate most closed-canopy

particular bioregion when examining specific sites. For example, it is possible to find littoral rainforest stands that are dominated by single tree species or a small number of species (Miles & Kendall 2006). If such patches are in good condition, they will also be representative of the ecological community and they may also contain rainforest dependent fauna species.

areas of the mid-storey.



## Attachment 4: Leafless Tongue-orchid – Assessment of Significance

Please provide an updated assessment of significance for this species. We note that the Leafless Tongue-orchid has been ruled out based on survey conducted in 2005, when the nearby population ‘appeared to be in lower abundance’ during the 2004/5 season which is when the surveys were undertaken (other orchids and flora species that may occur are not discussed in documentation). We note also that the local population is 1150 m from site.

Species	Response in relation to the site
lead to a long-term decrease in the size of an important population of a species	<p>The proposal will not lead to a long-term decrease in the size of an important population. The site did not contain a population as of 2005 when impact assessments were carried out and state-level approvals were granted. Any colonisation of the site would have occurred after this date. Dispersal from known populations approximately 1km north of the site would have occurred across a landscape containing suitable habitat, including both areas of more open and more closed canopy. Notably the two closest known populations occur on the margins of disturbed areas with more open canopy. While it is possible for wind dispersal of seed from the known populations 1km to the north into the site through the forested landscape in-between in the 15 years since the time of targeted survey, the likelihood of this occurring, and of a population becoming established on the site, is low. Therefore, it is possible, though unlikely that the proposal could lead to a decrease in the size of the local population. However, notably no decrease in the size of the population as of the state-level assessment and approvals would occur.</p> <p>With regard to the known local population as relates to criteria used to define an ‘import population’:</p> <ul style="list-style-type: none"> <li>• <i>key source populations either for breeding or dispersal</i></li> </ul> <p>A population of a number of individuals is found approximately 1km north of the site and is likely to represent a source population for the locality. The site, if colonised since the time of targeted surveys, is not likely to have established a large, or locally significant source population for dispersal elsewhere in the locality.</p> <ul style="list-style-type: none"> <li>• <i>populations that are necessary for maintaining genetic diversity, and/or</i></li> </ul> <p>The genetic diversity of the species in the local area is unknown, however two separate sites with a number of individuals recorded occur within 1km of the site and are likely to maintain the genetic diversity in the locality.</p> <ul style="list-style-type: none"> <li>• <i>populations that are near the limit of the species range.</i></li> </ul> <p>The site is not near the limit of the species range.</p>

<p>reduce the area of occupancy of an important population</p>	<p>The site was not occupied by this species as of 2005. While the habitat preferences of this species are broad and poorly understood, the site generally consists of either forest with a closed canopy or moist woodlands with a closed sub-canopy. More open habitats, including similar vegetation communities, are found between the site and the known local population, and the locations where the local population occurs are notably near the edge of disturbance. While it is possible for wind dispersal of seed from the known populations 1km to the north into the site through the forested landscape in-between in the 15 years since the time of targeted survey, the likelihood of this occurring, and of a population becoming established on the site, is low. Therefore, it is possible, though unlikely that the proposal could lead to a decrease in the area of occupancy of the local population.</p> <p>The local population within 1km of the site occurs in two separate areas, both of which are likely to have formed small colonies, one is in an area in an area of GEEBAM mapped 'high' burnt class bordering 'low' burnt class. The other is in an unburnt area. Therefore, while the response of this species to fire is uncertain, nearby areas of known occupation are found in both burnt and unburnt areas.</p>
<p>fragment an existing important population into two or more populations</p>	<p>The development on site will expand the existing residential area of Manyana and will not fragment the wider landscape such that pollination or seed dispersal of this species may be impeded.</p>
<p>adversely affect habitat critical to the survival of a species</p>	<p><i>'Habitat critical to the survival of a species or ecological community' refers to areas that are necessary:</i></p> <ul style="list-style-type: none"> <li>• <i>for activities such as foraging, breeding, roosting, or dispersal</i></li> </ul> <p>The site could represent an area of future dispersal for this species, however similar habitats, including unburnt and low/moderate burn class areas are found in the surrounding area, totalling approximately 812ha within 5km. No population was present as of 2005, so the site is unlikely to be necessary for propagation.</p> <ul style="list-style-type: none"> <li>• <i>for the long-term maintenance of the species or ecological community (including the maintenance of species essential to the survival of the species or ecological community, such as pollinators)</i></li> </ul> <p>The long-term maintenance of this species in the area is likely to be secure, as the known locations in proximity to the site are found in both unburnt areas and areas of 'high' burnt class bordering 'low' burnt class.</p> <ul style="list-style-type: none"> <li>• <i>to maintain genetic diversity and long term evolutionary development, or</i></li> </ul> <p>The existing, known population is capable of maintaining the local genetic diversity of the species. Any recent colonisation of the site is likely to represent a subset of the existing local genetic diversity as it is likely to represent</p>



	<p>colonisation from an existing local population.</p> <ul style="list-style-type: none"> <li>• <i>for the reintroduction of populations or recovery of the species or ecological community.</i></li> </ul> <p>Recovery of the species in the locality is possible via dispersal of seed from known populations both within 812ha of unburnt or low/medium burnt class vegetation within 5km of the site, or within areas where the forest has become more open as a result of recent high intensity fire.</p>
disrupt the breeding cycle of an important population	The proposal will not disrupt the reproductive cycle of the species. As populations of <i>Cryptostylis hunteriana</i> and <i>Cryptostylis subulata</i> both occur in the area, the Ichneumon Wasp pollinator is expected to be present in the area and capable of pollinating <i>Cryptostylis</i> species regardless of clearing on site.
modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline	Comprehensive systematic transects were undertaken in this species flowering period by BES (2006). The proposal will remove approximately 17ha of habitat which was not occupied by this species as of 2005. The removal of habitat on site would therefore represent a decline in the species potential extent since 2005, as any possible colonisation of the site would represent an expansion of its previous range in the area.
result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat	The proposal will increase the likelihood of weed species becoming established in the retained vegetation areas of the site. An Environment Management Plan and Flora and Fauna Management Plan have been prepared for the site to mitigate this potential impact.
introduce disease that may cause the species to decline, or	The proposal will increase the likelihood of <i>Phytophthora cinnamomi</i> becoming established in the retained vegetation areas of the site. An Environment Management Plan and Flora and Fauna Management Plan have been prepared for the site to mitigate this potential impact.
interfere substantially with the recovery of the species.	The proposal will not interfere substantially with the recovery of the species. The species was not present on site at the time of environmental impact assessments and systematic survey for this species. The removal of habitat which was not occupied as of 2005 is not likely to substantially interfere with the recovery of the species in the locality.

## Attachment 5: Green and Golden Bell Frog – Assessment of Significance

Please provide an updated assessment of significance for this species. We note that 7 records for the species occur within 5 km of site and that species or species habitat known is known to occur in the development area.

Species	Response in relation to the study area
lead to a long-term decrease in the size of an important population of a species	<p>All remaining populations of this species are considered important populations. The nearest known population occurs in Lake Conjola, which is within 5km of the site but is separated from the site by a saltwater inlet. Therefore, expansion of this population and dispersal into the site is unlikely.</p> <p>No population currently occurs in the Manyana area. The species was last recorded in Manyana in 1988 (NSW BioNet) which is prior to or during broad scale population declines across NSW.</p>
reduce the area of occupancy of an important population	A population does not currently occur in the Manyana area. The site does not contain aquatic habitat in which this species could breed, and therefore could only represent upland habitat. The dense forested areas of the site do not represent typical upland habitat for this species.
fragment an existing important population into two or more populations	No population currently occurs in the Manyana area. The nearest population occurs in the Lake Conjola area and is separated from the site by an exiting barrier to dispersal, being a saltwater inlet connecting Conjola Lake and the Pacific Ocean.
adversely affect habitat critical to the survival of a species	<p>Regarding habitat assessment under the <i>Significant impact guidelines for the vulnerable Green and Golden Bell Frog (Litoria aurea)</i>:</p> <p><i>Is the site within the expected range of the species?</i></p> <p>Yes</p> <p><i>Are there records of the species within the local area/catchment?</i></p> <p>The only contemporary records of this species are in the area of Lake Conjola and separated from the site by a saltwater inlet which is a barrier to dispersal. Records from Manyana are very old (1988) and likely prior to broad scale population declines in NSW.</p> <p><i>Does the site support potentially suitable habitat for the species?</i></p>

Please provide an updated assessment of significance for this species. We note that 7 records for the species occur within 5 km of site and that species or species habitat known is known to occur in the development area.

Species	Response in relation to the study area
	<p>The site contains no aquatic habitats. This species is found in terrestrial habitats consisting of grassy areas and vegetation no denser than woodlands, and therefore the forests found on site would not represent suitable terrestrial habitat.</p> <p><i>Are there other frog species on site? If so, what species?</i></p> <p><i>Crinia signifera, Limnodynastes peronii, Litoria peronii, Litoria tyleri, Litoria verreauxii, and Pseudophryne bibronii</i> have been recorded on site either by Ecoplanning or BES (2006). These are all widespread species.</p> <p><i>What vegetation occurs on and around the site?</i></p> <p>The site and surrounds are forested with more disturbed areas of open woodland or pasture found to the northeast.</p> <p><i>How close is the nearest water body?</i></p> <p>A number of farm dams are found on a rural property north of the site, as close as approximately 250m.</p> <p><i>How many water bodies occur within 10 kilometres?</i></p> <p>A number of farm dams and other artificial water bodies, as well as ephemeral creeks, occur to the north of the site within 10 kilometres. Suitable freshwater habitats also occur south of the site but are separated by a saltwater inlet which is a barrier to dispersal.</p> <p><i>Is there habitat connectivity (terrestrial or aquatic) between water bodies on site, and between on-site water bodies and those on neighbouring sites?</i></p> <p>No water bodies are found on site.</p> <p><i>Is there any evidence of disturbance on site?</i></p> <p>There is minimal disturbance on site however the site does not contain habitat for this species.</p> <p><i>Has this habitat been modified as a result of previous development actions?</i></p> <p>No. No habitat occurs on site.</p> <p><i>Are water bodies infested with mosquito fish or other predatory species that prey on green and golden bell frogs?</i></p> <p>No water bodies occur on site.</p>

<b>Please provide an updated assessment of significance for this species. We note that 7 records for the species occur within 5 km of site and that species or species habitat known is known to occur in the development area.</b>	
<b>Species</b>	<b>Response in relation to the study area</b>
	<p><i>Are there other threats to green and golden bell frogs occurring on site (see page 7)?</i></p> <p>No threats are currently occurring on site.</p>
disrupt the breeding cycle of an important population	No breeding habitat is found on site. The proposal will not disrupt the breeding cycle of any local population.
modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline	No aquatic or terrestrial upland habitat is found on site.
result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat	No invasive species which could harm this species may be introduced on site.
introduce disease that may cause the species to decline, or	This species has experienced declines due to Chytridiomycosis, however, the proposal will not increase the likelihood of the Chytrid fungus becoming established in local water bodies.
interfere substantially with the recovery of the species.	The site does not support a population of this species and does not contain habitat for the species. The proposal will not interfere with the recovery of the species.

**Attachment 6: Indigenous heritage**



s. 22(1)(a)(ii)

Document 30

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**From:** s. 22(1)(a)(ii)  
**Sent:** Monday, 3 August 2020 12:50 PM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii) ; s. 22(1)(a)(ii); s. 22(1)(a)(ii)  
**Subject:** 2020/8704 Suspension of Referral Decision Timeframe [SEC=OFFICIAL]  
**Attachments:** 2020-8704 Suspension-Letter to proponent.pdf; 2020-8704 Suspension-Decision notice.pdf

Hi <sup>s. 22(1)(a)(ii)</sup>

Please find attached a letter and notice regarding the suspension of the referral decision timeframe for EPBC 2020/8704 until 17 August 2020. The notice has been published on the Department's website.

If you have any questions please do not hesitate to ask.

Kind regards,

<sup>s. 22(1)(a)(ii)</sup>

Assessment Officer  
Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
E: <sup>s. 22(1)(a)(ii)</sup> [@environment.gov.au](mailto:@environment.gov.au)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*



**Australian Government**  
**Department of Agriculture,  
Water and the Environment**

EPBC Ref: 2020/8704

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Mayana Coast Pty Ltd  
Unit 2, 148-150 Canterbury Road  
BANKSTOWN, 2200, NSW

Dear s. 22(1)(a)(ii)

**Suspension of Referral Decision Timeframe - Residential Development,  
Lot 172 DP 755923 and Lot 823 DP 247285, Manyana, NSW (EPBC 2020/8704)**

I am writing to you in relation to your proposal to construct a residential development and ancillary infrastructure at Lot 172 DP 755932 and Lot 823 DP 247285, Manyana, NSW.

I have agreed to suspend the referral decision timeframe in accordance with section 75(7) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The revised statutory timeframe for a referral decision is 17 August 2020.

Notice of the period of suspension is attached for your information and will be published on the Department's website.

If you have any questions about this decision, please contact the project manager, s. 22(1)(a)(ii) by email to [s. 22\(1\)\(a\)\(ii\)l@awe.gov.au](mailto:s.22(1)(a)(ii)l@awe.gov.au), or telephone s. 22(1)(a)(ii) and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

s. 47F(1)

Louise Vickery  
Assistant Secretary  
Environment Assessments (NSW, ACT) Branch

s. 47F(1)

3 / 8 / 2020



s. 22(1)(a)(ii)

Document 31

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**From:** s. 22(1)(a)(ii)  
**Sent:** Monday, 17 August 2020 1:09 PM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii) ; s. 22(1)(a)(ii)  
**Subject:** EPBC 2020/8704 Fee Schedule and Stage 1 Invoice [SEC=OFFICIAL]  
**Attachments:** 2020-8704 - Fee schedule.pdf; 2020-8704 Referral-Invoice-0018038859\_0120\_2021.pdf

Dear s. 22(1)(a)(ii)

Further to the letter from the Minister's office yesterday, please find attached an assessment fee schedule and invoice for Stage 1 fees.

If you have any questions about the above, please do not hesitate to ask.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
E: s. 22(1)(a)(ii) [@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

s. 22(1)(a)(ii)

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**From:** s. 22(1)(a)(ii)  
**Sent:** Friday, 21 August 2020 4:50 PM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii); s. 22(1)(a)(ii); s. 22(1)(a)(ii); Louise Vickery; s. 22(1)(a)(ii)  
**Subject:** Additional information required for preliminary documentation Residential Development, Lot 172 DP 755923 and Lot 823 DP 247285, Manyana, NSW (2020/8704) [SEC=OFFICIAL]  
**Attachments:** Letter - Request Further Information - Preliminary Documentation.pdf; Att A PD requirements.pdf; flow-chart.pdf

Dear <sup>s. 22(1)(a)(ii)</sup>

As discussed last Monday, please find attached a letter and attachment from the Department detailing our further information requests in relation to the Manyana proposal.

If you have any questions about the above, please do not hesitate to ask.

Regards

<sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)

Assistant Director (ag) | Southern NSW and ACT Assessments Section | Environment Approvals Division  
John Gorton Building, King Edward Terrace, Parkes ACT | GPO Box 787 Canberra ACT 2601  
s. 22(1)(a)(ii) [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au) s. 22(1)(a)(ii)

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**From:** s. 22(1)(a)(ii) <<sup>s. 22(1)(a)(ii)</sup> @ozyhomes.com.au>  
**Sent:** Wednesday, 19 August 2020 10:44 AM  
**To:** s. 22(1)(a)(ii) <<sup>s. 22(1)(a)(ii)</sup> @environment.gov.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @ecoplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** RE: EPBC 2020/8704 Fee Schedule and Stage 1 Invoice [SEC=OFFICIAL]

Hello <sup>s. 22(1)(a)(ii)</sup>

Please find below payment of invoice by BPAY.

Thank you

This page shows the details for the payment made on 19/08/2020.

### Past bill payment

Payment status	✓ Paid
Lodgement number	1762390107
Receipt number	695379

**From**

Account name	Cheque Account
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**To**

Billier name	DAWE A
Reference	05503200180388592

**Payment details**

Payment schedule	Immediate
Message / reference	05503200180388592
<b>Total amount</b>	<b>\$2,883.00</b>

Regards

s. 22(1)(a)(ii) - s. 22(1)(a)(ii)

Mob. s. 22(1)(a)(ii)



**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>

**Sent:** Monday, 17 August 2020 1:09 PM

**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ozyhomes.com.au>

**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>

**Subject:** EPBC 2020/8704 Fee Schedule and Stage 1 Invoice [SEC=OFFICIAL]

Dear s. 22(1)(a)(ii)

Further to the letter from the Minister's office yesterday, please find attached an assessment fee schedule and invoice for Stage 1 fees.

If you have any questions about the above, please do not hesitate to ask.

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer

Southern NSW & ACT Assessments | Environment Approvals Division

**Department of Agriculture, Water and Environment**

John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601

E: <sup>s. 22(1)(a)(ii)</sup>[@environment.gov.au](mailto:environment.gov.au)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*



EPBC Ref: 2020/8704

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Manyana Coast Pty Ltd  
Unit 2, 148-150 Canterbury Road  
BANKSTOWN 2200 NSW

Dear s. 22(1)(a)(ii)

**Additional information required for preliminary documentation  
Residential Development, Lot 172 DP 755923 and Lot 823 DP 247285, Manyana,  
NSW (2020/8704)**

I am writing to you in relation to your proposal to construct a residential development and ancillary infrastructure at Lot 172 DP 755923 and Lot 823 DP 247285, Manyana, NSW.

On 16 August 2020, the Minister decided that the proposed action is a controlled action and that it will be assessed by preliminary documentation. Further information will be required to be able to assess the relevant impacts of the proposed action.

Details outlining the further information required are at [Attachment A](#).

Details on the assessment process and the responsibilities of the proponent are set out in the enclosed fact sheet. Further information is available from the department's website at <http://www.environment.gov.au/epbc>.

If you have any questions about the assessment process or the further information required, please contact s. 22(1)(a)(ii) by email to s. 22(1)(a)(ii) @awe.gov.au, or telephone s. 22(1)(a)(ii) and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Southern NSW Assessments Section  
Environment Assessments (NSW, ACT) Branch  
21 August 2020

## Preliminary documentation – specified information requirements

### Residential Development, Lot 172 DP 755923 and Lot 823 DP 247285, Manyana, NSW (2020/8704)

On 16 August 2020, your proposed action was determined to be a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), subject to the following controlling provisions:

- Listed threatened species and communities (s18 & s18A)

At the same time, it was determined that your proposed action will be assessed on preliminary documentation. This is a flexible assessment approach that is commonly used to assess proposed actions that have well defined scope, utilise conventional methods and technologies, and are expected to impact relatively few protected matters.

This document sets out the specified information required by the Minister under section 95A of the EPBC Act for the assessment of the impacts of your proposed action (the ‘preliminary documentation’).

It is important that you read this document carefully and make sure that you understand it. If you have not followed the guidance in this document, your draft preliminary documentation will be rejected. Please contact your Assessment Officer (s. 22(1)(a)(ii) – phone s. 22(1)(a)(ii) or email s. 22(1)(a)(ii) @awe.gov.au) as early as possible if you have any questions or concerns.

## Format and style

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It is important to the integrity of the assessment process that your preliminary documentation, consisting of a main document and any number of indexed appendices, is presented in a way that is intelligible to the general public, who may not be familiar with the history of your proposed action or with the technical aspects of its assessment. You should:

- present your documentation in a standard format, noting that it will be published in hardcopy (e.g. A4 / A3 hardcopies) and electronic formats (e.g. PDF or MSWord files)
- include all key claims, findings, proposals and undertakings in the main document
- use maps and / or diagrams where appropriate to support textual information
- present all maps and diagrams at an appropriate size and scale
- explain (or avoid) technical jargon and acronyms
- reference all supporting documentation (including websites) clearly and consistently
- publish key supporting documents (e.g. survey data, technical reports) as appendices
- ensure that other supporting documents (e.g. academic studies, regulatory standards) are publicly accessible, with electronic links provided where possible

**Content**

Your preliminary documentation must include all the information provided in your referral documentation (updated or corrected as necessary), as well as the additional information requested in this document. It may be useful to include the original referral itself as an appendix.

Your preliminary documentation should enable the Minister (or delegate) and any other interested stakeholders to understand the impacts of the proposed action. Variables, assumptions and uncertainties must be clearly identified.

Your preliminary documentation must refer to all relevant standards, policies and other guidance material published by the Department. Any instances where published guidance is not followed must be justified. Where no Commonwealth standards exist, state government and / or industry standards may be useful.

Names, roles and qualifications (where relevant) of all persons involved in preparing the preliminary documentation must be provided.

If it is necessary to rely on any confidential material, you should consult the Department on the handling of that material before submitting your preliminary documentation for publication.

**Controlling provision – listed threatened species and communities**

Under this controlling provision, any listed threatened species or community is potentially relevant to the assessment. However, based on the information provided in your referral, and other available information, the Department is particularly interested in the species and communities tabulated below.

Relevant guidance material (including in particular survey guidelines, conservation advices, recovery plans, threat abatement plans and policy statements) is available through the Department’s [Species Profile and Threats \(SPRAT\)](#) database. It is your responsibility to ensure that you have identified the relevant documents.

<b>Species / communities for which further information is required</b>	
Further evidence (e.g. field surveys) and / or a more detailed argument is required to satisfy the Department of claims and conclusions made in your referral documentation in relation to the following species / communities and / or explain how impacts on them will be addressed.	
Species/ community	Details of information required (if applicable)
Grey-headed Flying-fox (GHFF) ( <i>Pteropus poliocephalus</i> ) - Vulnerable	<p><i>The Department considers that the proposed action will result in the removal of approximately 17.18 ha of habitat critical to the GHFF, as the proposed action area includes important winter and spring foraging habitat (Eucalyptus paniculata, E. pilularisi and Banksia integrifolia). Please provide:</i></p> <ul style="list-style-type: none"> <li>• Additional field verified mapping and analysis of winter and spring foraging habitat for the GHFF within the proposed action area and within 5km of the site.</li> </ul>

	<ul style="list-style-type: none"> <li>• An updated assessment of impact on the GHFF resulting from the proposed action based on summary data and maps from the Department’s rapid assessment of the extent of post-fire winter and spring foraging habitat for the GHFF.</li> <li>• A review of rates of recovery of winter and spring flowering eucalypt species in the Shoalhaven LGA post fire and make predictions of recovery of these foraging resources at the following spatial scales: the Shoalhaven LGA, 20km from the Yatteyattah nationally important flying-fox camp, and within 5km of the proposed action area over the next <u>6</u>, <u>12</u> and <u>24</u> months.</li> <li>• Additional evidence of measures taken to <u>avoid</u> impact to the GHFF and its habitat in the design of the proposed action including minimisation of vegetation clearance and consideration of alternative layout configurations.</li> <li>• Detailed proposals to reduce the scale and intensity of the impacts of the proposed action on the GHFF including:             <ul style="list-style-type: none"> <li>• <i>on site</i> measures to <u>mitigate</u> impacts to the species and its habitat during construction and operation of the development (e.g. as components of a Construction Environment Management Plan/ Vegetation Management Plans or similar) and staging of commencement of construction and associated vegetation clearance to coincide with recovery of winter and spring flowering eucalypt species in the Shoalhaven LGA.</li> <li>• <i>offsite</i> measures to facilitate recovery of GHFF and its habitat in the immediate vicinity of the proposed action area.</li> </ul> </li> <li>• Provide a proposal to offset residual significant impacts to the GHFF through a land-based offset in accordance with the Department’s EPBC Act Environmental Offsets Policy or through an endorsed offsetting policy (see detailed description of endorsed offset policies below).</li> </ul>
<p>Greater Glider (<i>Petauroides Volans</i>) - Vulnerable</p>	<p><i>The Department considers that there are uncertainties regarding your assessment of the quality of Greater Glider habitat in the proposed action area and adequacy of surveys for the species. Please provide:</i></p> <ul style="list-style-type: none"> <li>• Additional justification (including references to the scientific literature) for your assessment that habitat within the proposed action area represents ‘poor-quality denning habitat’ incorporating information from the report of the Department’s independent expert which states that Greater Gliders are known to utilise hollows &gt;7cm.</li> <li>• Based on the above, provide an updated assessment of the Greater Glider habitat in the proposed action area as habitat critical to the survival of the species, particularly in the context of the 2019/2020 bushfires.</li> <li>• A breakdown (by Plant Community Type (PCT)) of the extent of unburnt habitat within 5 km of the proposed action area that provides habitat for the Greater Glider.</li> <li>• Additional justification (including references to the scientific literature, and the reports of the Department’s independent expert</li> </ul>



	<p>and s. 22(1)(a)(ii) ) as to the adequacy of field surveys for the Greater Glider carried out on site to date.</p> <ul style="list-style-type: none"> <li>• Based on the above, an updated assessment of significance of impacts referencing the <i>Significant Impact Guidelines 1.1 - Matters of National Environmental Significance</i> and criteria for a vulnerable species relating to habitat critical to the survival of a species and an important population.</li> <li>• As required, proposals to avoid and mitigate impacts to the Greater Glider and where necessary compensate for residual significant impacts to the species.</li> </ul>
<p>Swift Parrot (<i>Lathamus discolor</i>) - Critically Endangered</p>	<p><i>The Department considers the potential important foraging resources for Swift Parrot in the proposed action area have been understated given that a known feed tree for the species, Eucalyptus pilularis, was recorded on site. Please provide:</i></p> <ul style="list-style-type: none"> <li>• Additional justification for your assessment that the quality and extent of potential foraging habitat for the Swift Parrot in the proposed action area are low.</li> <li>• A breakdown (by PCT) of the extent of unburnt habitat within 5 km of the proposed action area that provides habitat for the Swift Parrot.</li> <li>• Based on the above, an updated assessment of significance of impacts referencing the <i>Significant Impact Guidelines 1.1 - Matters of National Environmental Significance</i> and criteria for a critically endangered species.</li> <li>• As required, proposals to avoid and mitigate impacts to the Swift Parrot and where necessary compensate for residual significant impacts to the species.</li> </ul>

While all relevant species must be addressed, the Department understands that it is appropriate to address different matters at different levels of detail and that some matters can best be addressed in thematic groups. The following factors must be considered in relation to each of the above listed species:

- its occurrence at the site of the proposed action
- its potential to be impacted by the proposed action
- measures proposed to avoid or mitigate potential impacts
- compensation (offsets) proposed for any residual significant impacts (i.e. impacts that cannot be avoided or mitigated)

*Occurrence*

Occurrence of the above species at the site of the proposed action should be informed by relevant experts following relevant survey standards. Survey methodology must be described, and results appended to the preliminary documentation.

Consideration must be given to occupancy trends relating to season and time of day. Longer term trends including climate change may also be relevant. In relation to habitat for listed threatened species, the type of habitat (e.g. foraging, breeding, dispersal etc.) must also be considered.

*Impacts*

Direct and indirect impacts of the proposed action must be considered, in relation to the specific needs and characteristics of the above listed threatened species. The Department has identified the following types of impacts as being particularly relevant to your proposed action:

<b>Expected impacts of the proposed action</b>
Clearing and habitat loss (direct impact) associated with the development of residential lots and construction of associated infrastructure
Edge effects (indirect impacts) on retained listed threatened species habitat arising from adjacent suburban activities, including but not necessarily limited to noise and light disturbance, roadkill, trampling, littering, weed invasion, predation by pets, altered fire regime and altered hydrology (in terms of quality and quantity)

Consideration must also be given to cumulative impacts of the proposed action when considered in conjunction with concurrent and expected future developments. Note that cumulative impacts may include interactive and / or compounding impacts as well as additive impacts.

*Avoidance and mitigation measures*

Proposed avoidance and mitigation measures must be discussed in terms of their expected effectiveness and cost. Note that in deciding whether to approve the proposed action, the Minister is required to consider whether (as far as possible) any condition is a cost-effective means for achieving its intended objective.

Management commitments by the person proposing to take the action must be clearly distinguished from recommendations or statements of best practice made by the author or other technical expert. It is preferable to provide a consolidated table of management commitments, including details on funding, roles and responsibilities and measurable performance criteria.

*Offsets*

Significant residual (i.e. after any avoidance and mitigation measures have been considered) impacts on any listed threatened species or community must be offset in accordance with the Department’s [EPBC Environmental Offsets Policy 2012 and offset assessment guide](#), or other endorsed offset framework (see separate heading below). If using the offset assessment guide, be sure to provide and clearly justify the scores entered in the tool.

Offsets will generally need to be underway prior to commencement of the proposed action, but not necessarily prior to approval.

## **Economic and social matters**

Your preliminary documentation must provide information about the expected economic and social impacts of the proposed action. This should include, but not necessarily be limited to, the following:

- consideration of both costs (e.g. disruption to existing community infrastructure or environmental features) and benefits (e.g. increased housing or employment)
- consideration of different scales of impact where relevant (e.g. local versus national)
- specific dollar or other numerical values where relevant

## **Environmental history of the person proposing to take the action**

Your preliminary documentation must provide details of any proceedings under a Commonwealth, state or territory law for the protection of the environment, or the conservation and sustainable use of natural resources, against the person proposing to take the action (or if the person is a corporation, its executive officers).

If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework must be provided.

## **Relevant policies and other considerations**

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Various [policy statements](#) and other [publications](#) that may be relevant to your assessment can be found on the Department's website. Some key policies are summarised below.

Be sure to identify where Commonwealth definitions, methodologies and standards differ from those required or recommended by state government agencies. Ensuring that Commonwealth survey and identification requirements are incorporated into surveys at the earliest opportunity will reduce the likelihood of additional surveys being required. Ask your assessment officer if you are unsure.

## **Endorsed offsetting frameworks**

In the interests of streamlining regulatory requirements for proponents, the Commonwealth has endorsed some state government policies, as reflected in the Department's [EPBC Act Condition-setting Policy 2020](#). These include the rules established under section 127B of the New South Wales *Threatened Species Conservation Act 1995* (the BioBanking scheme).

In March 2020, the Commonwealth endorsed the NSW Biodiversity Offsets Scheme (BOS) for all controlled actions under the EPBC Act (i.e. including those outside of the amending agreement). As such, for EPBC Act approvals that are made on or after 24 March 2020, proponents can meet their offset obligations in accordance with the BOS including: a) Purchasing and retiring like-for-like ecosystem or species credits from the Biodiversity Credits Register; b) Funding a Biodiversity Conservation Action, and c) Paying an amount equivalent to the cost of acquiring like-for-like ecosystem credits into the Biodiversity Conservation Fund (BCF).

If you are proposing offsets developed using the BOS, you should append all relevant documentation to your preliminary documentation – this would generally include a biodiversity development assessment report (BDAR) and possibly a biodiversity stewardship site assessment report (BSSAR).

## **Buffer zones**

A buffer zone is an area adjacent to a patch of an ecological community or species habitat that is important for protecting the integrity of the ecological community. The purpose of a buffer zone is to minimise the risk of indirect impact by physically separating the patch from direct impacts and by identifying it to land managers. For instance, a buffer zone will help protect the root zone of edge trees and other components of the ecological community from spray drift (fertiliser, pesticide or herbicide sprayed in adjacent land), weed invasion, polluted water runoff and other damage. The best buffer zones are typically comprised of native vegetation.

The Department may not consider that a retained patch of an ecological community or species habitat has been effectively avoided if the design of a development does not include a buffer zone. In these cases, the Department will generally consider the outer edge of the patch of an ecological community or species habitat (typically up to 30 m) to have been impacted or partially impacted, requiring an appropriate offset.

## **Outcomes based conditions**

Outcomes-based conditions can provide approval holders with greater flexibility and autonomy while still holding them accountable for achieving sound environmental outcomes. The Department promotes the use of outcomes-based conditions where possible, in accordance with its [Outcomes-based Conditions Policy 2016](#).

However, outcomes-based conditions are generally only appropriate where the person proposing to take the action has a good environmental record and the baseline condition of a site is well understood and documented.

Please advise your Assessment Officer if you would like to pursue this approach. Your preliminary documentation would need to:

- thoroughly document the baseline condition of the relevant impacted matter(s)
- identify conservation objectives (outcomes) for the relevant impacted matters, preferably with reference to any applicable conservation advices, recovery plans and threat abatement plans
- outline how performance against specified objectives will be measured and reported

s. 22(1)(a)(ii)

Document 33

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**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Sent:** Wednesday, 2 September 2020 5:30 PM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii) ; s. 22(1)(a)(ii)  
**Subject:** Re: Request for references [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Yes 3pm Thursday is fine.

Regards,  
s. 22(1)(a)(ii)

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**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Sent:** Wednesday, September 2, 2020 10:09:19 AM  
**To:** s. 22(1)(a)(ii) s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Cc:** s. 22(1)(a)(ii) s. 22(1)(a)(ii) @ecoplanning.com.au>; s. 22(1)(a)(ii) s. 22(1)(a)(ii) @awe.gov.au>  
**Subject:** RE: Request for references [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

s. 22(1)(a) will be on leave on Friday, but would 3pm on Thursday work for you and s. 22(1)(a)(ii) ?

Kind regards,

s. 22(1)(a)(ii)

Assessment Officer  
Southern NSW & ACT Assessments | Environment Approvals Division  
**Department of Agriculture, Water and Environment**  
John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601  
E: s. 22(1)(a)(ii)@awe.gov.au Ph: s. 22(1)(a)(ii)

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

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**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Sent:** Tuesday, 1 September 2020 4:31 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Subject:** RE: Request for references [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thank you. s. 22(1)(a)(ii) and I would like to discuss our approach to addressing the PD requirements. Would s. 22(1)(a)(ii) and s. 22(1)(a) be available this Friday for a brief meeting?

Kind regards,  
s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M: s. 22(1)(a)(ii)



**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Sent:** Tuesday, 1 September 2020 9:20 AM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Subject:** RE: Request for references [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Please see below the response to your request for references.

### Information on GHFF

Please find the following documents attached:

- Summary data and maps from the Department's rapid assessment of the extent of post-fire winter and spring foraging habitat for the GHFF
- The draft National Recovery Plan for GHFF
- Planting to conserve threatened nomadic pollinators in NSW

Here is the link to the [Parliamentary inquiry on 'Living with fruit bats' report page](#), including 68 submissions. We would direct your attention to the s. 22(1)(a)(ii) submission in particular (can be found by clicking 'submission' on the right hand column).

Here is some information on NSW investment into [GHFF habitat restoration](#), some [bushfire context](#) for the species, and the [Department's Flying-Fox webpage](#) with interactive viewer and monitoring reports since 2015.

For the most current GIS dataset for GHFF foraging habitat, we advise that you contact NSW OEH to request access, as the data is not publicly available. Contact details are:

s. 22(1)(a)(ii), s. 22(1)(a)(ii) [@environment.nsw.gov.au](mailto:s.22(1)(a)(ii)@environment.nsw.gov.au)

s. 22(1)(a) also suggested you might want to request access to the following source from NPWS:

- Gaia Research 2000 Out on Limb, Assessment of the Grey-headed Flying-fox Camp at Yatteyattah Nature Reserve, Milton. Prepared for NPWS

It is referenced in the [Yatteyattah Reserve Plan of Management](#).

In relation to the last bullet point – “the burnt area mapping used by the Department, if different from the NSW DPIE Google Earth Engine Burnt Area Map” – the burnt area mapping used by the Department is derived from the NSW DPIE data.

### Information on Greater Glider

The below reference is an online journal article which can be found at this link <https://www.publish.csiro.au/AM/AM19051>:

- Vinson, S.G., Johnson, A.P., and Mikac, K.M. (2020). Thermal cameras as a survey method for Australian arboreal mammals: a focus on the greater glider. Australian Mammalogy (in press)

The EDO has declined the Department's request to release the following document:

- Lindenmayer, D 2020. Proposed development - Manyana Beach Estate Expert Report 10 June 2020 (10 pages). This report was prepared as part of a submission to the Minister for the Environment by the EDO.

However, we suggest contacting **s. 22(1)(a)(ii)** directly to see whether he is prepared to provide you with his report. Otherwise, the arguments presented in his report are outlined in **s. 22(1)(a)(ii)** report.

Below are contact details for NPWS to request access to their various documents:

**s. 22(1)(a)(ii)** , **s. 22(1)(a)(ii)** [@environment.nsw.gov.au](mailto:s.22(1)(a)(ii)@environment.nsw.gov.au),  
**s. 22(1)(a)(ii)**, **s. 22(1)(a)(ii)**

For DPIE, we suggest contacting **s. 22(1)(a)(ii)** at the EES office in Nowra:

**s. 22(1)(a)(ii)** , Threatened Species Officer, Ecosystems and Threatened Species, South East Branch  
 Biodiversity and Conservation  
 T **s. 22(1)(a)(ii)** , **s. 22(1)(a)(ii)** [@environment.nsw.gov.au](mailto:s.22(1)(a)(ii)@environment.nsw.gov.au)

I hope this information helps. If you have any other questions or require any more assistance from us, please do not hesitate to ask.

Kind regards,

**s. 22(1)(a)(ii)**

Assessment Officer

Southern NSW & ACT Assessments | Environment Approvals Division

**Department of Agriculture, Water and Environment**

John Gorton Building, Parkes, ACT 2600 | GPO Box 787 Canberra 2601

E: **s. 22(1)(a)(ii)** [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au) Ph: **s. 22(1)(a)(ii)**

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

---

**From:** **s. 22(1)(a)(ii)** **s. 22(1)(a)(ii)** [@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>

**Sent:** Thursday, 27 August 2020 10:52 AM

**To:** **s. 22(1)(a)(ii)** **s. 22(1)(a)(ii)** [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>

**Cc:** **s. 22(1)(a)(ii)** **s. 22(1)(a)(ii)** [@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>; **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** [@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>

**Subject:** RE: Request for references [SEC=OFFICIAL]

Thanks **s. 22(1)(a)(ii)**

I have added comment to the reference list below in **blue**. If the Department doesn't have direct access to NPWS unpublished surveys, who would be the appropriate contact within NPWS? Also, I think many of the references may be publicly available but I haven't had any luck finding them, see comments below.

Kind regards,

**s. 22(1)(a)(ii)**

**s. 22(1)(a)(ii)**

**s. 22(1)(a)(ii)**

**s. 22(1)(a)(ii)**

M: **s. 22(1)(a)(ii)**




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**From:** **s. 22(1)(a)(ii)** **s. 22(1)(a)(ii)** [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>

**Sent:** Thursday, 27 August 2020 9:57 AM

**To:** **s. 22(1)(a)(ii)** **s. 22(1)(a)(ii)** [@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>

**Cc:** **s. 22(1)(a)(ii)** **s. 22(1)(a)(ii)** [@ecoplanning.com.au](mailto:s.22(1)(a)(ii)@ecoplanning.com.au)>; **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** [@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>

**Subject:** RE: Request for references [SEC=OFFICIAL]



Hi <sup>s. 22(1)(a)(ii)</sup>

Will take a look and get back to you. Can you indicate where you have sourced the names of each of the references from? If they are from the NSW NPWS report / <sup>s. 22(1)(a)(ii)</sup> report we can ask them to provide but probably don't have direct access to them within the Department. Will look into the data and see what is available to send.

Regards

<sup>s. 22(1)(a)(ii)</sup>

**From:** <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup>@ecoplanning.com.au>

**Sent:** Wednesday, 26 August 2020 12:21 PM

**To:** <sup>s. 22(1)(a)(ii)</sup> <sup>s. 22(1)(a)(ii)</sup> @awe.gov.au>

**Cc:** <sup>s. 22(1)(a)(ii)</sup> <sup>s. 22(1)(a)(ii)</sup> @ecoplanning.com.au>

**Subject:** Request for references

Hi <sup>s. 22(1)(a)(ii)</sup>

Would you be able to provide any of the following references and data:

- Summary data and maps from the Department's rapid assessment of the extent of post-fire winter and spring foraging habitat for the GHFF  
Attachment A – preliminary documentation requirements requests the following regarding GHFF:  
*'An updated assessment of impact on the GHFF resulting from the proposed action based on summary data and maps from the Department's rapid assessment of the extent of post-fire winter and spring foraging habitat for the GHFF'*
- Most current GIS dataset for GHFF foraging habitat – the Department mentioned that the 2008 mapping has been revised  
<sup>s. 22(1)(a)</sup> mentioned updated foraging habitat mapping during last week's meeting.
- Most current dataset for GHFF roost camps  
<sup>s. 22(1)(a)</sup> mentioned that more recent surveys of GHFF roost camps have been done. The most recent survey I can see on the GHFF viewer for the Yatte Yattah camp is 2/2019.
- Any past NPWS Greater Glider survey reports relevant to the locality:
  - As referenced in Craven and Daly (2020) *'In the nineteen years since 2001 various studies were initiated by NSW NPWS to document the biodiversity and ecological assets of these reserves.'*
  - Any surveys for arboreal fauna in Conjola National Park commissioned by the NSW govt  
Please let me know who the appropriate contact would be for NPWS reports.
- Daly, G., Gosper, C. and German, P. 1998. Fauna assessment Cudmirrah and Conjola region, Shoalhaven City. Report prepared for NPWS, Ulladulla region  
NPWS report
- Daly, G., Moore, K. and Small, J. (2014) Corramy Regional Park Fauna Survey 2014. Unpublished report NPWS Nowra Area  
NPWS report
- Gaia Research Pty. Ltd. (2008) Targeted Fauna Survey and monitoring Mammals in Jervis Bay National Park and Wollamia Nature Reserve Department of Environment and Climate Change, Nowra  
NPWS report, or else NSW DPIE? Who may we contact at DPIE for unpublished reports?
- NSW National Parks and Wildlife Service (2011) Fauna Survey of Meroo National Park. Unpubl report of NSW South Coast Region  
NPWS report
- Vinson, S.G., Johnson, A.P., and Mikac, K.M. (2020). Thermal cameras as a survey method for Australian arboreal mammals: a focus on the greater glider. Australian Mammalogy (in press)  
Referenced by <sup>s. 22(1)(a)(ii)</sup>.
- Lindenmayer, D 2020. Proposed development - Manyana Beach Estate Expert Report 10 June 2020 (10 pages). This report was prepared as part of a submission to the Minister for the Environment by the EDO.  
Provided to the Department. Referenced by <sup>s. 22(1)(a)(ii)</sup>.



- The Department (s. 22(1)(a)(ii)) referred to an enquiry regarding GHFF in 2016 which led to a report, which he said is available online – Possibly Law & Birt 2016? He mentioned that this revised report provides more current modelling.  
All I can find is Eby & Law (2008) *Ranking the feeding habitats of Grey-headed flying foxes for conservation management*. s. 22(1)(a) mentioned that an enquiry in 2016 led to an updated report which supersedes this one. s. 22(1)(a)(ii) then said that this 2016 report is publicly available on the Department’s website, but I can’t find it.
- Any of s. 22(1)(a)(ii) recent GHFF publications, reports, or data used by the Department in forming their opinion. Recent research documenting GHFF declines was referred to during the meeting, including work by s. 22(1)(a)(ii)
- The burnt area mapping used by the Department, if different from the NSW DPIE Google Earth Engine Burnt Area Map  
s. 22(1)(a) stated that 98% of the winter foraging habitat in the Shoalhaven LGA has been burnt. I would like to see the dataset from which this figure was derived.

Once we’ve had a chance to review the requested data, we would like to have a chat with you and s. 22(1)(a) about progressing with the preliminary documents.

Kind regards,

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M: s. 22(1)(a)(ii)




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s. 22(1)(a)(ii)

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**From:** s. 22(1)(a)(ii) s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Sent:** Thursday, 3 September 2020 3:40 PM  
**To:** s. 22(1)(a)(ii) ; s. 22(1)(a)(ii) s. 22(1)(a)(ii)  
**Subject:** FW: For discussion - GHFF winter foraging habitat  
**Attachments:** GHFF J-J foraging.jpg; GHFF A-S foraging.jpg; South Coast wpr.JPG

Latest NSW dataset:

<https://datasets.seed.nsw.gov.au/dataset/grey-headed-flying-fox-foraging-habitat2f40a>

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M: s. 22(1)(a)(ii)



---

**From:** s. 22(1)(a)(ii)  
**Sent:** Thursday, 3 September 2020 2:35 PM  
**To:** s. 22(1)(a)(ii) s. 22(1)(a)(ii) @awe.gov.au>; s. 22(1)(a)(ii) s. 22(1)(a)(ii) @environment.gov.au>  
**Cc:** s. 22(1)(a)(ii) s. 22(1)(a)(ii) @ecoplanning.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)> @awe.gov.au>  
**Subject:** For discussion - GHFF winter foraging habitat

Hi <sup>s. 22(1)(a)(ii)</sup> and <sup>s. 22(1)(a)(ii)</sup>

Thank you for taking the time to meet with us this afternoon. Below/ attached are two tables, one for GHFF food tree species in SE NSW, and one for food trees in NE NSW. Also, I have provided a screenshot of June-July and August-September foraging habitat as ranked in this dataset.

Table 10.2. Bi-monthly flowering schedules of diet plants found in the SE NSW Region. The flowering schedules of some species vary within the region. X = uniform; A = north from the Illawarra; B = from the Illawarra to Bega; C = south from Bega.

Species	Dec/Jan	Feb/Mar	Apr/May	Jun/Jul	Aug/Sep	Oct/Nov
<i>Angophora costata</i>						X
<i>A. floribunda</i>	X	B,C				
<i>Banksia integrifolia</i>			X	X	X	
<i>B. serrata</i>	X	X				
<i>Corymbia eximia</i>						X
<i>C. gummifera</i>		X	C			
<i>C. maculata</i>		A	X	B		
<i>Eucalyptus amplifolia</i>	X					
<i>E. botryoides</i>	X	B				
<i>E. deanei</i>	X	X				
<i>E. fibrosa</i>	X	X				
<i>E. maidenii</i>		X				
<i>E. melliodora</i>						X
<i>E. moluccana</i>		X				
<i>E. muelleriana</i>	X	B,C				
<i>E. paniculata</i>	B	B	A	A	X	B
<i>E. parramattensis</i>	X					
<i>E. pilularis</i>	X	X				
<i>E. piperita</i>	X	X				
<i>E. punctata</i>	X	X				
<i>E. robusta</i>			X	X	X	
<i>E. saligna</i>	X	X				
<i>E. saligna x botryoides</i>	X					
<i>E. tereticornis</i>					X	X
<i>E. tereticornis</i> (high elevation)						X
<i>E. tricarpa</i>			X	X		
<i>Syncarpia glomulifera</i>						X
Number of species	14	15	6	5	4	6

Table 8.2. Bi-monthly flowering schedules of diet plants found in the UNE NSW Region. The flowering schedules of three species vary within the region and these are indicated. See key below.

Species	Dec/Jan	Feb/Mar	Apr/May	Jun/Jul	Aug/Sep	Oct/Nov
<i>Angophora costata</i>	X					X
<i>A. floribunda</i>	X					
<i>Banksia integrifolia</i>			X	X	X	
<i>B. serrata</i>	X	X				
<i>Corymbia gummifera</i>	X	X				
<i>C. henryi</i>	X					X
<i>C. intermedia</i>	X	X				
<i>C. maculata</i>	X	X				
<i>C. trachyphloia</i>	X	X				
<i>C. variegata</i>	X	X				
<i>Eucalyptus acmenoides</i>						X
<i>E. albens</i>				X	X	
<i>E. amplifolia</i>	X					X
<i>E. andrewsii</i>	X	X				
<i>E. blakelyi</i>						
<i>E. camaldulensis</i>	X					
<i>E. campanulata</i>						X
<i>E. crebra</i>						
<i>E. fibrosa</i>	X	X				
<i>E. grandis</i>		X	X			
<i>E. melanophloia</i>	X					
<i>E. melliodora</i>	X					X
<i>E. moluccana</i>		X				
<i>E. paniculata</i>						
<i>E. pilularis</i>	B	B	A	A	A	
<i>E. planchoniana</i>	X					X
<i>E. propinqua</i>	X	X				
<i>E. punctata</i>	X	X				
<i>E. pyrocarpa</i>		X				
<i>E. resinifera</i>	X					
<i>E. robusta</i>			X	X		
<i>E. rummeryi</i>	X					X
<i>E. saligna</i>		X	X			
<i>E. seeana</i>					X	X
<i>E. siderophloia</i>	B				A	A,B
<i>E. sideroxyton</i>				X	X	X
<i>E. tereticornis</i>	D			A	A,C	C,D
<i>Castanospermum australe</i>	X					X
<i>Grevillea robusta</i>						X
<i>Lophostemon confertus</i>	X					
<i>Melaleuca quinquenervia</i>		X	X	X		
<i>Syncarpia glomulifera</i>					X	X
N species	25	16	6	7	8	15

A=coastal lowlands, B=foothills and ranges, C = inland low altitude, D = high altitude

The data source for the above is DECCW (DPIE):

Northeast NSW

<https://data.nsw.gov.au/data/dataset/grey-headed-flying-fox-foraging-habitat-ranking-vector>

Southeast NSW

<https://data.nsw.gov.au/data/dataset/e96f1372-019f-4071-acc5-0816b2c45476>

Kind regards,

s. 22(1)(a)(i)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

M: s. 22(1)(a)(ii)



s. 22(1)(a)(ii)

Document 35

---

**From:** s. 22(1)(a)(ii) s. 22(1)(a)(ii) @cbp.com.au>  
**Sent:** Friday, 11 September 2020 3:57 PM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii)  
**Subject:** FW: EPBC 2020/8704, Manyana | Request for Reasons [CBP-ACTIVE.FID1703177]  
**Attachments:** Letter to Sussan Ley MP - Request for Reasons 11.09.2020(15265316.2).pdf; SKM\_C55820081518040.pdf; SKM\_C55820081518032.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear <sup>s. 22(1)(a)(ii)</sup>

Apologies, I meant to CC you to the below email also.

Kind regards

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)

**COLIN  
BIGGERS  
& PAISLEY  
LAWYERS**

---

Colin Biggers & Paisley Pty Ltd  
ABN 28 166 080 682  
Level 42, 2 Park Street Sydney NSW 2000 Australia  
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s. 22(1)(a)(ii) @cbp.com.au  
www.cbp.com.au  
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**From:** s. 22(1)(a)(ii)  
**Sent:** Friday, 11 September 2020 1:30 pm  
**To:** 'Louise Vickery' <Louise.Vickery@awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) s. 22(1)(a)(ii)@cbp.com.au>  
**Subject:** EPBC 2020/8704, Manyana | Request for Reasons [CBP-ACTIVE.FID1703177]

Dear Louise

We **attach** our correspondence of today's date.

Kind regards

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)

**COLIN  
BIGGERS  
& PAISLEY  
LAWYERS**

---

Colin Biggers & Paisley Pty Ltd  
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*Cybercrime and fraud are on the increase. If you receive something purporting to be from us with changes in the details of any account to which monies are to be sent, it is unlikely to be genuine. Our own bank account details are highly unlikely to ever change during the course of a transaction, and we will never notify bank details or any change only via email. Please check account details with us in person. If you receive any suspicious communication purporting to be from us please contact us in person immediately.*

Our Ref: TAN.MXM.2003084

11 September 2020

Sussan Ley  
Minister for the Environment  
GPO Box 858  
Canberra

Attn: Louise Vickery

By Email [Louise.Vickery@environment.gov.au](mailto:Louise.Vickery@environment.gov.au)

Dear Minister

**EPBC 2020/8704, Manyana | Request for Reasons**

1. We act for Ozy Homes Pty Limited (**Ozy Homes**), the proponent of the proposed action that is the subject of EPBC reference number 2020/8704.
2. We request a statement of reasons pursuant to section 77(4) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) and section 13 of the *Administrative Decisions (Judicial Review) Act 1977* (Cth) for your decision of 16 August 2020 under section 75 of the EPBC Act, that the proposed action is a controlled action.
3. A copy of the decision dated 16 August 2020 is enclosed for ease of reference.

Yours sincerely

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Email: [s. 22\(1\)\(a\)\(ii\)@cbp.com.au](mailto:s.22(1)(a)(ii)@cbp.com.au)

Direct Line: s. 22(1)(a)(ii)

**Contact:** s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Email: [s. 22\(1\)\(a\)\(ii\)@cbp.com.au](mailto:s.22(1)(a)(ii)@cbp.com.au)

Direct Line: s. 22(1)(a)(ii)





**THE HON SUSSAN LEY MP  
MINISTER FOR THE ENVIRONMENT  
MEMBER FOR FARRER**

MS20-000895

16 AUG 2020

**s. 22(1)(a)(ii)**

s. 22(1)(a)(ii)

Manyana Coast Pty Ltd  
Unit 2, 148-150 Canterbury Road  
BANKSTOWN 2200 NSW

Dear s. 22(1)(a)(ii)

Thank you for submitting a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision about the referral of the proposed action to construct a residential development and ancillary infrastructure at Lot 172 DP 755923 and Lot 823 DP 247285, Manyana, NSW (EPBC ref 2020/8704).

**I have decided under section 75 of the EPBC Act that the proposed action is a controlled action and, as such, it requires assessment and a decision about whether approval for it should be given under the EPBC Act.**

#### Matters for Assessment

The information that I have considered indicates that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

- Listed threatened species and ecological communities (section 18 and 18A)

All matters of national environmental significance protected under the above controlling provision are potentially relevant. However, based on the information available in the referral, the Department considers the proposed action is **likely** to have a significant impact on:

- Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable

Furthermore, given the information provided, the proposed action **may** also have a significant impact on:

- Greater Glider (*Petauroides volans*) – Vulnerable
- Swift Parrot (*Lathamus discolor*) – Critically Endangered

Please note that this decision only relates to the potential for significant impacts on matters protected by the Australian Government under Chapter 2 of the EPBC Act.

#### Assessment Approach

I have also decided that the project will need to be assessed by preliminary documentation. Details on the assessment process for the project and the responsibilities of the proponent are set out in the enclosed fact sheet. Further information is available from the Department's

If you have any questions about the referral process or this decision, please contact the project manager, s. 22(1)(a)(ii) by email to s. 22(1)(a)(ii)@awe.gov.au, or telephone s. 22(1)(a)(ii) and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Susanna Ley". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

SUSSAN LEY

Enc.

s. 22(1)(a)(ii)

Document 36

s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@ecoplanning.com.au>  
**Sent:** Tuesday, 15 September 2020 8:50 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Subject:** RE: Jamie Machin shared the folder "GHFF data" with you.

Hi <sup>s. 22(1)(a)(ii)</sup>

Just noticed this email, for whatever reason I can't download these Microsoft files... are you able to send via Dropbox or a link I can download rather than having to log into One Drive?

Thanks

s. 22(1)(a)(ii)  
<sup>s. 22(1)(a)(ii)</sup> | s. 22(1)(a)(ii) | s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)  
M: s. 22(1)(a)(ii)



---

**From:** s. 22(1)(a)(ii) s. 22(1)(a)(ii)@awe.gov.au>  
**Sent:** Wednesday, 9 September 2020 12:54 PM  
**To:** <sup>s. 22(1)(a)(ii)</sup> s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) s. 22(1)(a)(ii) @ecoplanning.com.au>  
**Subject:** s. 22(1)(a)(ii) shared the folder "GHFF data" with you.

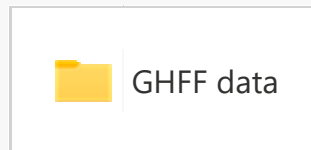



s. 22(1)(a)(ii)

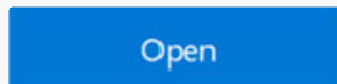
**shared a folder with you**

Hi <sup>s. 22(1)(a)(ii)</sup> As per **s. 22(1)(a)(ii)** email please find attached a link to the 2019 GHFF data. Please let me know if you have any trouble downloading the data. Regards

<sup>s. 22(1)(a)(ii)</sup>



 This link only works for the direct recipients of this message.



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s. 22(1)(a)(ii)

Document 37

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**From:** s. 22(1)(a)(ii)  
**Sent:** Thursday, 17 September 2020 11:35 PM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii)s. 22(1)(a)(ii)  
**Subject:** RE: EPBC 2020/8704, Manyana | Request for Reasons [CBP-ACTIVE.FID1703177] [SEC=OFFICIAL]

Good evening <sup>s. 22(1)(a)(ii)</sup>

I can advise you that the Department will be acting in accordance with your request below for a Statement of Reasons for the Minister's controlled action decision and will keep you informed of progress (usually 28 days).

Regards,

<sup>s. 22(1)(a)(ii)</sup>

s. 22(1)(a)(ii)

Assistant Director (ag) | Southern NSW and ACT Assessments Section | Environment Approvals Division  
John Gorton Building, King Edward Terrace, Parkes ACT | GPO Box 787 Canberra ACT 2601

s. 22(1)(a)(ii)@awe.gov.au s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii) s. 22(1)(a)(ii) @cbp.com.au>  
**Sent:** Friday, 11 September 2020 3:57 PM  
**To:** s. 22(1)(a)(ii) s. 22(1)(a)(ii)@environment.gov.au>  
**Cc:** s. 22(1)(a)(ii) s. 22(1)(a)(ii)@cbp.com.au>  
**Subject:** FW: EPBC 2020/8704, Manyana | Request for Reasons [CBP-ACTIVE.FID1703177]

Dear <sup>s. 22(1)(a)(ii)</sup>

Apologies, I meant to CC you to the below email also.

Kind regards

s. 22(1)(a)(ii)

<sup>s. 22(1)(a)(ii)</sup>

**COLIN  
BIGGERS  
& PAISLEY  
LAWYERS**

Colin Biggers & Paisley Pty Ltd  
ABN 28 166 080 682  
Level 42, 2 Park Street Sydney NSW 2000 Australia  
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**From:** s. 22(1)(a)(ii)  
**Sent:** Friday, 11 September 2020 1:30 pm  
**To:** 'Louise Vickery' <Louise.Vickery@awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) s. 22(1)(a)(ii)@cbp.com.au>  
**Subject:** EPBC 2020/8704, Manyana | Request for Reasons [CBP-ACTIVE.FID1703177]

Dear Louise

We **attach** our correspondence of today's date.

Kind regards

**s. 22(1)(a)(ii)**  
s. 22(1)(a)(ii)

**COLIN  
BIGGERS  
& PAISLEY**  
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s. 22(1)(a)(ii)

Document 39

---

**From:** s. 22(1)(a)(ii)  
**Sent:** Friday, 16 October 2020 11:00 AM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii), s. 22(1)(a)(ii), s. 22(1)(a)(ii)  
**Subject:** FW: EPBC 2020/8704, Manyana | Request for Reasons [CBP-ACTIVE.FID1703177] [SEC=OFFICIAL]  
**Attachments:** Letter to applicant-SIGNED.pdf; Statement of Reasons for CA Decision-SIGNED.pdf

Dear s. 22(1)(a)(ii)

As requested, please find attached a letter from the Minister and the Statement of Reasons for the Manyana Controlled Action decision.

Regards

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Assistant Director (ag) | Southern NSW and ACT Assessments Section | Environment Approvals Division  
John Gorton Building, King Edward Terrace, Parkes ACT | GPO Box 787 Canberra ACT 2601

s. 22(1)(a)(ii)@awe.gov.au +s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @cbp.com.au>  
**Sent:** Friday, 11 September 2020 3:57 PM  
**To:** s. 22(1)(a)(ii) s. 22(1)(a)(ii)@environment.gov.au  
**Cc:** s. 22(1)(a)(ii)s. 22(1)(a)(ii)@cbp.com.au  
**Subject:** FW: EPBC 2020/8704, Manyana | Request for Reasons [CBP-ACTIVE.FID1703177]

Dear s. 22(1)(a)(ii)

Apologies, I meant to CC you to the below email also.

Kind regards

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

**COLIN  
BIGGERS  
& PAISLEY  
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s. 22(1)(a)(ii) @cbp.com.au  
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**From:** s. 22(1)(a)(ii)  
**Sent:** Friday, 11 September 2020 1:30 pm  
**To:** 'Louise Vickery' <Louise.Vickery@awe.gov.au>  
**Cc:** s. 22(1)(a)(ii)s. 22(1)(a)(ii)@cbp.com.au  
**Subject:** EPBC 2020/8704, Manyana | Request for Reasons [CBP-ACTIVE.FID1703177]

Dear Louise

We **attach** our correspondence of today's date.

Kind regards

**s. 22(1)(a)(ii)**  
s. 22(1)(a)(ii)

**COLIN  
BIGGERS  
& PAISLEY**  
LAWYERS

Colin Biggers & Paisley Pty Ltd  
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**THE HON SUSSAN LEY MP  
MINISTER FOR THE ENVIRONMENT  
MEMBER FOR FARRER**

MS20-001353

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Colin Biggers & Paisley Lawyers

s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

**Statement of Reasons for a Decision on Controlled Action  
Residential development, Lot 172 DP 755923 and Lot 823 DP 247285, Manyana, NSW**

Thank you for your letter dated 11 September 2020 requesting reasons for my decision of 16 August 2020 that the proposal by Manyana Coast Pty Ltd to construct a residential development and ancillary infrastructure at Lot 172 DP 755923 and Lot 823 DP 247285, Manyana, New South Wales (NSW) is a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

I have enclosed a statement of my reasons in accordance with the section 77(4) of the EPBC Act and section 13 of the *Administrative Decisions (Judicial Review) Act 1977*.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sussan Ley', written in a cursive style.

SUSSAN LEY

**15 OCT 2020**

## s. 22(1)(a)(ii)

**From:** s. 22(1)(a)(ii)  
**Sent:** Friday, 23 October 2020 2:42 PM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii); s. 22(1)(a)(ii)  
**Subject:** RE: Follow up items from meeting 25 September 2020 [CBP-ACTIVE.FID1703177]  
 [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Thanks for your email and apologies for not responding sooner. We have approached the EDO about the release of the documents that you have requested and they have indicated that they will have to consult with their client to get their views before responding. I will get back to you as soon as I hear back from them. We also wanted to ask (in the spirit of information sharing on this project) whether you might consider agreeing to share the two documents previously requested by the EDO (the Department's request for further information letter and the eventual direction to publish the preliminary documentation), if the EDO was prepared to share the documents you have requested?

Regards

<sup>s. 22(1)(a)(ii)</sup>

## s. 22(1)(a)(ii)

Assistant Director (ag) | Southern NSW and ACT Assessments Section | Environment Approvals Division  
 John Gorton Building, King Edward Terrace, Parkes ACT | GPO Box 787 Canberra ACT 2601

<sup>s. 22(1)(a)(ii)</sup>[@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au) <sup>s. 22(1)(a)(ii)</sup>

---

**From:** <sup>s. 22(1)(a)(ii)</sup> <sup>s. 22(1)(a)(ii)</sup> @cbp.com.au>  
**Sent:** Tuesday, 20 October 2020 5:53 PM  
**To:** <sup>s. 22(1)(a)(ii)</sup>@awe.gov.au  
**Cc:** <sup>s. 22(1)(a)(ii)</sup> <sup>s. 22(1)(a)(ii)</sup>@environment.gov.au>; <sup>s. 22(1)(a)(ii)</sup> <sup>s. 22(1)(a)(ii)</sup>@environment.gov.au>; <sup>s. 22(1)(a)(ii)</sup> <sup>s. 22(1)(a)(ii)</sup>@cbp.com.au>  
**Subject:** RE: Follow up items from meeting 25 September 2020 [SEC=OFFICIAL] [CBP-ACTIVE.FID1703177]

Hi <sup>s. 22(1)(a)(ii)</sup>

I refer to our phone call today and to the Statement of Reasons sent last Friday 16 October.

As stated at paragraph 31 of the Statement of Reasons, the Minister gave consideration to the referral decision brief prepared by the Department dated 14 August 2020. Paragraph 32 lists the attachments to the brief. It would assist with any preliminary documents process if we can obtain copies of the documents listed at paragraph 32(c), being:

*"32. The referral decision brief contained the following attachments:*

...

- c. Environmental Defenders Office Documents*
  - i. EDO letter (June 2020)*
  - ii. Professor David Lindenmayer's Greater Glider report*
  - iii. Irvine map of Greater Glider sightings and bushfires extent*
  - iv. Irvine map of Manyana, burnt areas*
  - v. BioNet Greater Glider sightings*
  - vi. EPBC Act listed species in the Manyana area*
  - vii. EDO letter (July 2020)*
  - viii. Professor David Lindenmayer's Greater Glider report*

- ix. List Professor Lindenmayer's publications
- x. Letter from Professor Chris Dickman
- xi. Brendan Ryan OMVI Ecological report
- xii. Birdlife Shoalhaven submission
- xiii. Irvine map of Greater Glider sightings and bushfires extent
- xiv. Irvine map of Manyana, burnt areas
- xv. BioNet Greater Glider sightings"

While it is possible that we might already have some of these documents, we are unable confirm this as the dates of those documents are not listed. We therefore request all of the above documents.

Please let us know by Friday whether you are able to provide these documents or whether an FOI request needs to be lodged.

Kind regards

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)



Colin Biggers & Paisley Pty Ltd  
ABN 28 166 080 682  
Level 42, 2 Park Street Sydney NSW 2000 Australia  
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**From:** s. 22(1)(a)(ii)

**Sent:** Friday, 16 October 2020 4:40 pm

**To:** s. 22(1)(a)(ii)@awe.gov.au

**Cc:** s. 22(1)(a)(ii) s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii)@environment.gov.au; s. 22(1)(a)(ii)@cbp.com.au>

**Subject:** RE: Follow up items from meeting 25 September 2020 [SEC=OFFICIAL] [CBP-ACTIVE.FID1703177]

Hi <sup>s. 22(1)(a)(ii)</sup>

Thank you for providing the Statement of Reasons.

The option of a round table has been suggested. Our client is willing to attend a roundtable discussion facilitated by an appropriate Commonwealth officer, as well as relevant experts. Please let us know who is proposed.

It is our client's desire that the experts attending the roundtable discussion be kept to those experts who have been involved to date, including:

- Ecoplanning - s. 22(1)(a)(ii) and s. 22(1)(a)(ii)
- s. 22(1)(a)(ii) ; and
- s. 22(1)(a)(ii)

While our client would like to avoid a situation of there being "too many cooks in the kitchen", particularly given we anticipate this will be a discussion via a video call. However, if you consider that there is a need for any other experts to attend, please let us know their names and what area of expertise they would be addressing.

We also request copies of the following reports, which were mentioned in the Statement of Reasons, but which we do not have a copy of:

- s. 22(1)(a)(ii) Greater Glider report.
- Independent expert report on Greater Glider by s. 22(1)(a)(ii)

If those documents cannot be released without an FOI request, please let us know so that we may prepare that request as soon as possible.

Our client will be ready for a round table discussion in approximately 2-3 weeks, as we are expecting that a draft of the preliminary documentation will be ready in the next 2 weeks for the purpose of discussion.

Please let us know some available dates for the roundtable discussion.

Kind regards

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)

**COLIN  
BIGGERS  
& PAISLEY**  
LAWYERS

Colin Biggers & Paisley Pty Ltd  
ABN 28 166 080 682  
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**From:** s. 22(1)(a)(ii)

**Sent:** Monday, 12 October 2020 8:33 pm

**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>

**Cc:** s. 22(1)(a)(ii) s. 22(1)(a)(ii)@environment.gov.au; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>

**Subject:** FW: Follow up items from meeting 25 September 2020 [SEC=OFFICIAL]



Hi s. 22(1)(a)(ii)

Just enquiring as to when we might expect the reasons?

Regards

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)

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**From:** s. 22(1)(a)(ii) s. 22(1)(a)(ii)@awe.gov.au>

**Sent:** Thursday, 8 October 2020 9:40 am

**To:** s. 22(1)(a)(ii) s. 22(1)(a)(ii)@cbp.com.au>

**Cc:** s. 22(1)(a)(ii) s. 22(1)(a)(ii)@environment.gov.au; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>

**Subject:** RE: Follow up items from meeting 25 September 2020 [SEC=OFFICIAL]

Thanks s. 22(1)(a)(ii)

You are correct, our proposal the roundtable discussion was that this would take place when you have prepared a draft of your preliminary documentation and have carried out the additional analysis on impacts to MNES as requested in the request for further information letter. We will get back to you with a proposed agenda including names of attendees and the facilitator.

Regards

s. 22(1)(a)(ii)

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Sent:** Wednesday, 7 October 2020 6:54 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) s. 22(1)(a)(ii) s@cbp.com.au>  
**Subject:** RE: Follow up items from meeting 25 September 2020 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Our client's position is that the ordinary process should apply for the EDO accessing Commonwealth documents. As such, our client does not agree to the proactive release of documents that exist, or that are expected to exist in the future.



Before commenting on the roundtable discussion, our client will also need to consider the Commonwealth's reasons. Once those are provided, we should be in a position to respond within a week. I understand that if there was to be a roundtable, it would be convened once the broad thrust of our response to the PD is prepared. Please confirm as that would define when this might be able to occur.

It would also be helpful to know how many experts would be invited to the roundtable and their names (apart from s. 22(1)(a)(ii) , as well as who would be prepared to facilitate discussion to ensure discussion is appropriately focused on matters within the Commonwealth's remit and the reasons (to be provided).

Regards

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)

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**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Sent:** Wednesday, 7 October 2020 5:06 pm  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>  
**Subject:** Follow up items from meeting 25 September 2020 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

I just wanted to follow up on the outcome of the meeting between yourself and the Department on the 25 September. I understand that one of the follow up items from that meeting was that you would consult with Ozy Homes and receive instructions on whether they consented for the Department to provide a copy of the Request for Information document and the eventual Direction to Publish brief to the EDO for their information. The second item was whether Ozy Homes agrees to the proposed roundtable meeting with the proponent's consultants and other scientific experts including s. 22(1)(a)(ii) Can you please advise whether you were able to discuss these matters with Ozy Homes?

Thanks  
s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Assistant Director (ag) | Southern NSW and ACT Assessments Section | Environment Approvals Division  
John Gorton Building, King Edward Terrace, Parkes ACT | GPO Box 787 Canberra ACT 2601

s. 22(1)(a)(ii)@awe.gov.au s. 22(1)(a)(ii)

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s. 22(1)(a)(ii)

Document 41

s. 22(1)(a)(ii)

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**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Sent:** Thursday, 29 October 2020 10:44 AM  
**To:** FOI Contact Officer <FOI@environment.gov.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Subject:** FOI request - Manyana [CBP-ACTIVE.FID1703177]


Dear FOI Contact Officer,

We **attach** a request for access to documents under the *Freedom of Information Act 1982*.

Kind regards

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)

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s. 22(1)(a)(ii)

Document 42

**From:** Louise Vickery <Louise.Vickery@awe.gov.au>  
**Sent:** Tuesday, 24 November 2020 6:03 PM  
**To:** s. 22(1)(a)(ii) Louise Vickery  
**Cc:** s. 22(1)(a)(ii) @awe.gov.au; s. 22(1)(a)(ii); s. 22(1)(a)(ii); s. 22(1)(a)(ii); s. 22(1)(a)(ii) FOI Contact Officer; s. 22(1)(a)(ii)  
**Subject:** RE: FOI LEX-21110 - notification of charges and third party consultation [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

I will give you a call tomorrow to discuss.

s. 22(1)(a)(ii) can you set up a good time with s. 22(1)(a)(ii) pls.

Regards Louise

---

**From:** s. 22(1)(a)(ii) s. 22(1)(a)(ii)@cbp.com.au>  
**Sent:** Tuesday, 24 November 2020 5:02 PM  
**To:** Louise Vickery <Louise.Vickery@awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) awe.gov.au; s. 22(1)(a)(ii) h <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Subject:** FW: FOI LEX-21110 - notification of charges and third party consultation [SEC=OFFICIAL]

Dear Louise

I understand from speaking with s. 22(1)(a)(ii) just now that you have just returned from leave, but to update you we will provide draft preliminary documentation tomorrow for the purposes of a roundtable to be convened in the second week of December. We would obviously like to have the roundtable convened sooner, but if that is the earliest opportunity, then we will of course ensure we are available for it.

I also expressed to s. 22(1)(a)(ii) some concern about the attached proposed fees for obtaining the documents before the Minister in making the controlled action decision. We initially sought the documents some weeks ago from the Minister's office but were bounced to the Department. The Department's FOI officer has now come back with the attached.

The intention behind obtaining these documents is to enable a better appreciation of the other perspectives including those potentially attending the roundtable. We also seek to understand the information before the Minister in making the determination so that the preliminary documentation is responsive to all the issues. We had hoped to have this information before the roundtable so as to meaningfully participate (as you will be able to do with the benefit of our client's preliminary documentation).

It is only a few hundred dollars, and this may appear petty, but the costs do appear high - 1.5 hours to search for the documents for example given what is sought are simply some of the documents that were cited in the Minister's decision. The fees also militate against the objectives behind a roundtable - constructive dialogue between relevant experts regarding the preliminary documentation.

We also (perhaps wrongly) assumed the authors of the relevant submissions would want the proponent to understand their views and it is perplexing why they might resist their correspondence with the Minister being provided to the proponent's advisors.

It would be appreciated if there could be some reconsideration of these fees and if the process for the release of the documents could be expedited in the spirit of good faith that has characterised the Department and our client's engagement to date, and which is consistent with the objects of the *FOI Act*.

Kind regards

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)

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**From:** FOI Contact Officer <[foi.environment@awe.gov.au](mailto:foi.environment@awe.gov.au)>  
**Sent:** Tuesday, 24 November 2020 3:49 pm  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Cc:** FOI Contact Officer <[FOI@environment.gov.au](mailto:FOI@environment.gov.au)>, s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Subject:** FOI LEX-21110 - notification of charges and third party consultation [SEC=OFFICIAL]

Dear s. 22(1)(a)(ii)

Please find attached correspondence in relation to s. 22(1)(a)(ii) FOI request our department reference LEX-21110.

Kind regards

**FOI Contact Officer | Information Law Team | Commercial, Information and Agriculture Legal Practice | Legal Division**

**E:** [foi@environment.gov.au](mailto:foi@environment.gov.au)

---

**Department of Agriculture, Water and the Environment**  
**GPO BOX 858 CANBERRA ACT 2601**  
[www.awe.gov.au](http://www.awe.gov.au)

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s. 22(1)(a)(ii)

Document 43

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Sent:** Wednesday, 25 November 2020 3:41 PM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii) s. 22(1)(a)(ii) s. 22(1)(a)(ii) s. 22(1)(a)(ii); Louise Vickery  
**Subject:** RE: Follow up items from meeting 25 September 2020 [SEC=OFFICIAL]  
**Attachments:** DRAFT - Ecoplanning 2020 - Manyana - Preliminary Documents Draft issued to Department for Roundtable.pdf; Roundtable discussion outline proponent - with comments.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear s. 22(1)(a)(ii)

We **attach** the draft preliminary documentation and some minor requested changes to the agenda.

I am instructed our ecologists are available on **14, 15 and 18 December**, but that Tuesday **15 December** is preferable. We are able to attend in person in Canberra.

The draft preliminary documentation is provided for the purposes of the roundtable discussion only.

You will notice in the agenda we have suggested a settled list of questions be circulated beforehand to enable focused preparation by all parties. It would assist the conduct of the roundtable if the Department could circulate questions from the scope and preliminary documentation based on the input of the experts who are attending the week prior to the roundtable, and we will do likewise.

Happy to discuss.

Kind regards

s. 22(1)(a)(ii)  
 s. 22(1)(a)(ii)

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**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Sent:** Wednesday, 25 November 2020 11:43 am  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>; Louise Vickery <Louise.Vickery@environment.gov.au>  
**Subject:** RE: Follow up items from meeting 25 September 2020 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Good to speak yesterday. Please find attached a draft agenda for the proposed roundtable meeting for discussion. I have put indicative dates as the 2nd week of December but we can try and organise earlier depending on people's availability.

Regards

s. 22(1)(a)(ii)

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Sent:** Monday, 23 November 2020 6:47 PM  
**To:** s. 22(1)(a)(ii)@awe.gov.au  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii)s <s. 22(1)(a)(ii)@cbp.com.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Subject:** RE: Follow up items from meeting 25 September 2020 [SEC=OFFICIAL]

Dear <sup>s. 22(1)(a)(ii)</sup>


The draft preliminary documentation is ready and can send that through tomorrow, but we would like an indication of when the roundtable can be convened before sending the document across.

Can you please provide an update on the agenda and some dates and times for the roundtable?

Kind regards

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)

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**Sent:** Friday, 30 October 2020 3:15 pm  
**To:** s. 22(1)(a)(ii)@awe.gov.au  
**Cc:** s. 22(1)(a)(ii)@environment.gov.au; s. 22(1)(a)(ii)@environment.gov.au; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Subject:** RE: Follow up items from meeting 25 September 2020 [SEC=OFFICIAL] [CBP-ACTIVE.FID1703177]

Hi <sup>s. 22(1)(a)(ii)</sup>

The draft preliminary documentation should be ready by the end of next week.

Thank you for preparing an agenda, we look forward to receiving it for review.

We have also lodged an FOI request for documents referred to in the Minister's decision to assist our client and its consultants to meaningfully prepare for and participate in the roundtable discussion.

Kind regards

s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)

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**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii)

<s. 22(1)(a)(ii)@cbp.com.au>

**Subject:** RE: Follow up items from meeting 25 September 2020 [CBP-ACTIVE.FID1703177] [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

We have a draft agenda for the meeting and should be able to send this through to you next week for your review. We have held off on suggesting potential dates for the meeting until we receive your preliminary documentation and have had time to review. Can you please advise when you think you are likely to be able to send this through?

Regards

<sup>s. 22(1)(a)(ii)</sup>

**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>

**Sent:** Thursday, 29 October 2020 6:13 PM

**To:** s. 22(1)(a)(ii)@awe.gov.au

**Cc:** Mike Smith <Mike.Smith@environment.gov.au>; <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup>@environment.gov.au>; <sup>s. 22(1)(a)(ii)</sup> <s. 22(1)(a)(ii)@cbp.com.au>

**Subject:** RE: Follow up items from meeting 25 September 2020 [SEC=OFFICIAL] [CBP-ACTIVE.FID1703177]

Hi <sup>s. 22(1)(a)(ii)</sup>

Further to the below email, could you please advise some available dates for the roundtable discussion?

Kind regards

<sup>s. 22(1)(a)(ii)</sup>  
<sup>s. 22(1)(a)(ii)</sup>

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**From:** s. 22(1)(a)(ii)

**Sent:** Friday, 16 October 2020 4:40 pm

**To:** s. 22(1)(a)(ii)@awe.gov.au

**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; <sup>s. 22(1)(a)(ii)</sup> <<sup>s. 22(1)(a)(ii)</sup>@environment.gov.au>; <sup>s. 22(1)(a)(ii)</sup> <s. 22(1)(a)(ii)@cbp.com.au>

**Subject:** RE: Follow up items from meeting 25 September 2020 [SEC=OFFICIAL] [CBP-ACTIVE.FID1703177]

Hi <sup>s. 22(1)(a)(ii)</sup>

Thank you for providing the Statement of Reasons.

The option of a round table has been suggested. Our client is willing to attend a roundtable discussion facilitated by an appropriate Commonwealth officer, as well as relevant experts. Please let us know who is proposed.

It is our client's desire that the experts attending the roundtable discussion be kept to those experts who have been involved to date, including:

- Ecoplanning - <sup>s. 22(1)(a)(ii)</sup> and <sup>s. 22(1)(a)(ii)</sup>
- <sup>s. 22(1)(a)(ii)</sup> and
- <sup>s. 22(1)(a)(ii)</sup>

While our client would like to avoid a situation of there being "too many cooks in the kitchen", particularly given we anticipate this will be a discussion via a video call. However, if you consider that there is a need for any other experts to attend, please let us know their names and what area of expertise they would be addressing.

We also request copies of the following reports, which were mentioned in the Statement of Reasons, but which we do not have a copy of:

- **s. 22(1)(a)(ii)** Greater Glider report.
- Independent expert report on Greater Glider by **s. 22(1)(a)(ii)**

If those documents cannot be released without an FOI request, please let us know so that we may prepare that request as soon as possible.

Our client will be ready for a round table discussion in approximately 2-3 weeks, as we are expecting that a draft of the preliminary documentation will be ready in the next 2 weeks for the purpose of discussion.

Please let us know some available dates for the roundtable discussion.

Kind regards

**s. 22(1)(a)(ii)**  
s. 22(1)(a)(ii)

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**Sent:** Monday, 12 October 2020 8:33 pm  
**To:** **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)**@awe.gov.au>  
**Cc:** **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)**@environment.gov.au>; **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)**@environment.gov.au>; **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)**@cbp.com.au>  
**Subject:** FW: Follow up items from meeting 25 September 2020 [SEC=OFFICIAL]

Hi **s. 22(1)(a)(ii)**

Just enquiring as to when we might expect the reasons?

Regards

**s. 22(1)(a)(ii)**  
s. 22(1)(a)(ii)

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**Sent:** Thursday, 8 October 2020 9:40 am  
**To:** **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)**@cbp.com.au>  
**Cc:** **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)**@environment.gov.au>; **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)**@environment.gov.au>; **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)**@cbp.com.au>  
**Subject:** RE: Follow up items from meeting 25 September 2020 [SEC=OFFICIAL]

Thanks **s. 22(1)(a)(ii)**



You are correct, our proposal the roundtable discussion was that this would take place when you have prepared a draft of your preliminary documentation and have carried out the additional analysis on impacts to MNES as requested in the request for further information letter. We will get back to you with a proposed agenda including names of attendees and the facilitator.

Regards

s. 22(1)(a)(ii)

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**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Sent:** Wednesday, 7 October 2020 6:54 PM  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Subject:** RE: Follow up items from meeting 25 September 2020 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Our client's position is that the ordinary process should apply for the EDO accessing Commonwealth documents. As such, our client does not agree to the proactive release of documents that exist, or that are expected to exist in the future.

Before commenting on the roundtable discussion, our client will also need to consider the Commonwealth's reasons. Once those are provided, we should be in a position to respond within a week. I understand that if there was to be a roundtable, it would be convened once the broad thrust of our response to the PD is prepared. Please confirm as that would define when this might be able to occur.

It would also be helpful to know how many experts would be invited to the roundtable and their names (apart from s. 22(1)(a)(ii) ), as well as who would be prepared to facilitate discussion to ensure discussion is appropriately focused on matters within the Commonwealth's remit and the reasons (to be provided).

Regards

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

**COLIN  
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& PAISLEY  
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**From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>  
**Sent:** Wednesday, 7 October 2020 5:06 pm  
**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@cbp.com.au>  
**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>  
**Subject:** Follow up items from meeting 25 September 2020 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

I just wanted to follow up on the outcome of the meeting between yourself and the Department on the 25 September. I understand that one of the follow up items from that meeting was that you would consult with Ozy Homes and receive instructions on whether they consented for the Department to provide a copy of the Request for Information document and the eventual Direction to Publish brief to the EDO for their information. The second item was whether Ozy Homes agrees to the proposed roundtable meeting with the proponent's consultants and other scientific experts including s. 22(1)(a)(ii) . Can you please advise whether you were able to discuss these matters with Ozy Homes?

Thanks

s. 22(1)(a)(ii)



**s. 22(1)(a)(ii)**

Assistant Director (ag) | Southern NSW and ACT Assessments Section | Environment Approvals Division  
John Gorton Building, King Edward Terrace, Parkes ACT | GPO Box 787 Canberra ACT 2601

**s. 22(1)(a)(ii)** [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au) **s. 22(1)(a)(ii)**

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*Cybercrime and fraud are on the increase. If you receive something purporting to be from us with changes in the details of any account to which monies are to be sent, it is unlikely to be genuine. Our own bank account details are highly unlikely to ever change during the course of a transaction, and we will never notify bank details or any change only via email. Please check account details with us in person. If you receive any suspicious communication purporting to be from us please contact us in person immediately.*