



**PROPOSED APPROVAL**

**Mt Gilead residential development, NSW (EPBC 2015/7599)**

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

**Details**

<b>Person to whom the approval is granted (approval holder)</b>	Lendlease Communities (Mt Gilead) Pty Limited
<b>ACN of approval holder</b>	605 278 331
<b>Action</b>	Construction of a residential development including water and sewerage infrastructure, a community centre, a small kiosk / store, internal roads and two open space and recreation reserves on Lot 3 DP 1218887 and Lot 61 DP 752042 at Gilead, approximately 7 km south of Campbelltown city centre, New South Wales, (as described in EPBC Act Referral 2014/7599, and subject to the variation of the action accepted by the Minister under section 156B on Monday, 29 May 2017 and Thursday, 12 April 2018.

**Commented [NO1]:** Has Assessments previously requested a compliance history check on Lendlease? Lendlease have some compliance history, both cases and incidents. We currently have an open investigation with Lendlease for a residential development in Townsville

**Commented [NO2]:** The attachments that were sent through do not indicate the footprint/location of the action area. As discussed, it is recommended that you use another appendix for the 'development layout'.

**Commented [MW3]:** Any reason why this was changed from the referral decision? It's much safer legally speaking to use the same description unless there is a very good reason to change it. Obviously you should keep the bit about the action being varied.

Overall I always advise to keep the description of the action as simple as possible. Having too much detail can cause problems down the track. For example if they changed their plans slightly post approval and decided to build a moderately sized Kiosk then would it be the same action?

**Proposed Approval decision**

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.

**Controlling Provisions**

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

**Period for which the approval has effect**

This approval has effect until 1 November 2038

**Decision-maker**

<b>Name and position</b>	Kim Farrant Assistant Secretary of Assessments and Waste Branch Department of the Environment and Energy
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**Signature** **PROPOSED DECISION - DO NOT SIGN**

**Date of decision** **PROPOSED DECISION - DO NOT DATE**

**Conditions of approval**

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.



**Australian Government**  
**Department of the Environment and Energy**



**ANNEXURE A – CONDITIONS OF APPROVAL**

**Part A – Conditions specific to the action**

**Impacts**

1. The approval holder must ensure no more than 5.27 hectares of SSTF is cleared within the proposed action area and no more than an additional 2.44 hectares of SSTF the within the proposed action area is impacted.
2. The approval holder must ensure no more than 0.14 hectares of CPW is cleared within the proposed action area and no more than an additional 1.11 hectares of CPW in the within the proposed action area is impacted.
3. The approval holder must ensure that impacts on protected fauna within the proposed action area do not exceed the following limits:

Protected matters	Impact limit
Grey-headed Flying-fox ( <i>Pteropus poliocephalus</i> )	removal/clearing of 10.85 ha hectares of foraging habitat
Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) ( <i>Phascolarctos cinereus</i> (combined populations of Qld, NSW and the ACT)	removal/clearing of 10.85 ha and indirect impacts on a further 3.53 hectares

4. To minimise indirect impacts on SSTF in the onsite offset areas and the Council Reserve for the life of the approval, the approval holder must ensure that all SSTF and CPW within the onsite offset areas and the Council Reserve is surrounded by a buffer of at least 15 metres width, at the outer edge of which is a fence and signage regarding the purpose of restricting access. The design and location of fencing and signage must be specified in the CEMP required under conditions 12 – 14, and measures to maintain the fence and signage at least until the end date of this approval must be specified in the vegetation management plan required under conditions 15 – 17.

**Compensation measures**

5. Prior to the commencement of the action, to offset the impacts on protected fauna, and impacts on 3.33 hectares of SSTF and 0.37 ha of CPW, the approval holder must ensure that habitat for protected matters is secured within onsite offset areas.
6. Prior to the commencement of the action, to offset the impacts on 1.9 hectares of SSTF, the approval holder must secure a minimum of 4 hectares of SSTF at the Fernhill Central West biobanking site.
7. Prior to the commencement of the action, to offset the impacts on 2.5 hectares of SSTF, and 0.9 hectares of CPW the approval holder must submit for the Minister's approval, an offset proposal in accordance with the EPBC Act environmental offsets policy.
8. Where-if the offset(s) EPBC Act environmental offsets policy required under conditions 5-7 includes-uses BioBanking as its offset-securing mechanism, the approval holder must ensure that the BioBanking Agreement(s) for the BioBanking site(s) include measures for the long term management of protected matters including but not limited to:
  - a. Specific reference to SSTF, CPW and protected fauna at the proposed action area impacted by the proposed action.
  - b. A textual description of the offset sites, including offset attributes, shapefiles, and a map clearly defining the location and boundaries of the proposed offset sites.

**Commented [MW4]:** Please add a map showing where SSTF, and the habitat for the various species occurs. Without it condition 1-4 will be very difficult to enforce.

**Commented [NO5]:** Is this the 'study area' in Attachment 1?  
Does this basically mean they can have up to 2.44ha of indirect impacts – or in other words an additional limit of 'any measurable disturbance to 2.44ha? This could be tricky to enforce based on the definition. Is there any more guidance we can leverage off with the definitions? Compliance would take the current definition to mean that any change or reduction in habitat quality (beyond the cleared areas) would be non compliant. It may be difficult to put firm figures, or an amount of hectares on indirect impacts. Happy to discuss. Same applies to condition 2 and 3.

**Commented [NO6]:** Please include a separate appendix/diagram that clearly indicates the impact areas (as discussed).

**Commented [MW7]:** The way the definition is worded they could do anything including clearing completely. Is that the intent?  
Consider changing the definition to a maximum level of damage/impact or the definition could include the kind of acceptable impacts.

**Commented [MW8]:** This is now getting confusing as you've added a new kind of impact. Consider using the same definition as 'impacted', or use a separate definition.

**Commented [NO9]:** Should the minimum buffer area say '15 metre width from the outer edge of the action/impact site? Just something to make it a bit clearer where the exact 15 metre area is located.

**Commented [NO10]:** This condition doesn't stipulate many hectares of GHFF and koala is to be secured within the onsite offset area. The amount/limit of hectares to be cleared is noted, but not what the offset amount is. Condition 6 stipulates the amount of hectares to be secured as an offset for SSTF (4ha of offset), however it's not mentioned in condition 5.

**Commented [NO11]:** Do you mean an offset strategy, or a management plan? I'm not sure what a proposal would consist of, therefore it may need some more explanation and some specific requirements within the condition 7. Obviously this would be ideal for the onsite offset component, given that the specific requirements for the offsite component at Fernhill is covered under the BioBanking Agreements.

Apologies for any confusion, but is this portion of offsets for the onsite location? May be good just to make that clear in the condition.



- c. Site survey and baseline data and documentation of key biodiversity threats and opportunities at each site.
  - d. A detailed description of management actions and responsibilities designed to protect and improve the ecological quality of habitat of the Koala and Grey-headed Flying Fox on the offset sites.
  - e. Key milestones, performance indicators and timeframes for each management action.
  - f. A monitoring program to determine the effectiveness of the management actions.
  - g. Corrective actions and contingency measures to be implemented where monitoring of the offset site shows that management actions are not effectively achieving key milestones or prescribed performance indicators are not being met or are unlikely to be met.
9. [If the offset\(s\) EPBC Act environmental offsets policy required under conditions 5-7 includes uses BioBanking as its offset securing mechanism](#) Prior to the commencement of the action, the approval holder must submit a copy of the BioBanking Agreement(s) to the Minister.

Commented [MW12]: This condition overlaps with condition 10 and is probably not necessary

10. Within 10 business days of securing the relevant offsets specified in Condition 5, Condition 6 and Condition 7, the approval holder must provide the Department with evidence of when the offset was secured and what mechanism was used to secure the offset.
11. Prior to the commencement of the action, approval holder must prepare and implement a Koala Management Plan for the proposed action area in consultation with the Koala Recovery Team and contribute at least \$100,000 each year for five years to fund activities outlined in the plan.

Commented [NO13]: Do we need to add an approval process into this condition for the securing mechanism for the onsite offset? The definition states that 'secure is another legal mechanism, if approved in writing by the Minister. Under condition 10, if the approval holder submits the evidence of the securing mechanisms – the horse has bolted and the Minister doesn't have any way of approving the securing mechanism (for at least the onsite component) Because the definition states that a mechanism must be approved by the Minister – I think this needs to be added into the condition as well

#### Construction environmental management plan

12. The approval holder must submit a construction environmental management plan (CEMP) for the Minister's approval for potential indirect impacts on protected matters in the onsite offset areas and the Council Reserve as a result of construction. If the Minister approves the CEMP, then the approved CEMP must be implemented.
13. The approval holder must not commence the action unless the Minister has approved the CEMP in writing.
14. The CEMP must be consistent with the Department's Environmental Management Plan Guidelines, and must include:
- a. The CEMP environmental objectives, relevant to protected matters and a reference to EPBC Act approval conditions, including condition 4, to which the CEMP refers;
  - b. A table of commitments made in the CEMP to achieve the objectives, and a reference to where the commitments are detailed in the CEMP;
  - c. Details of the parties responsible for undertaking management actions;
  - d. A description of management actions that will be implemented pre, during and post construction, including for stormwater discharge and road runoff, sediment and erosion control, invasion by exotic species and weeds, and fencing and access;
  - e. Hygiene protocols to minimise the risk of spread of *Phytophthora cinnamomi*;
  - f. Reporting and review mechanisms, and documentation standards to demonstrate compliance with the CEMP;
  - g. An assessment of risks to achieving the CEMP environmental objectives and risk management strategies that will be applied;
  - h. Impact avoidance, mitigation and/or repair measures, and their timing; and
  - i. A monitoring program, which must include:
    - i. measurable performance indicators;

Commented [NO14]: Do Post Approvals need to have input or approve the plan? I would also add something in here that the plan needs to be prepared to the satisfaction of the koala recovery team or provide evidence of endorsement from the koala recovery team

Commented [MW15]: Starting in what year?



- ii. trigger values for corrective actions;
- iii. the timing and frequency of monitoring to detect changes in the performance indicators and timely detection of trigger values; and
- iv. proposed corrective actions, if trigger values are reached.

#### Vegetation management plan

15. For the protection of **protected matters** in the **Council Reserve**, the approval holder must submit a vegetation management plan for the **Minister's** approval for the **Council Reserve**. If the **Minister** approves the vegetation management plan, then the approved vegetation management plan must be implemented.
16. The approval holder must not **commence the action** unless the **Minister** has approved the vegetation management plan in writing.
17. The vegetation management plan must be consistent with the **Department's Environmental Management Plan Guidelines**, and must include:
  - a. The vegetation management plan environmental objectives, relevant to **protected matters** and a reference to **EPBC Act** approval conditions, including condition 3, to which the vegetation management plan refers;
  - b. A table of commitments made in the vegetation management plan to achieve the objectives, and a reference to where the commitments are detailed in the vegetation management plan;
  - c. Details of the parties responsible for undertaking management actions;
  - d. Reporting and review mechanisms, and documentation standards to demonstrate compliance with the vegetation management plan;
  - e. An assessment of risks to achieving the vegetation management plan environmental objectives and risk management strategies that will be applied;
  - f. **Impact** avoidance, mitigation and/or repair measures, and their timing; and
  - g. A monitoring program, which must include:
    - i. measurable performance indicators;
    - ii. trigger values for corrective actions;
    - iii. the timing and frequency of monitoring to detect changes in the performance indicators and trigger values; and
    - iv. proposed corrective actions, if trigger values are reached.

Commented [MW16]: If it's going to be a council reserve, who is going to implement the plan? We can regulate third parties

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#### Part B – Standard administrative conditions

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##### Notification of date of commencement of the action

18. The approval holder must notify the **Department** in writing of the date of **commencement of the action** and the date of commencement of each stage of the action within **10 business days** after the date of **commencement of the action** or the relevant stage of the action.
19. If the **commencement of the action** does not occur within 5 years from the date of this approval, then the approval holder must not **commence the action** without the prior written agreement of the **Minister**.

##### Compliance records

20. The approval holder must maintain accurate and complete **compliance records**.
21. If the **Department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.



**Note:** **Compliance records** may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.

#### Preparation and publication of plans

22. The approval holder must:

- a. submit **plans** electronically to the **Department** for approval by the **Minister**;
- b. publish each **plan** on the **website** within 20 **business days** of the date the **plan** is approved by the **Minister** or of the date a revised action management plan is submitted to the **Minister**, unless otherwise agreed to in writing by the **Minister**;
- c. exclude or redact **sensitive ecological data** from **plans** published on the **website** or provided to a member of the public; and
- d. keep **plans** published on the **website** until the end date of this approval.

#### Annual compliance reporting

23. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or as otherwise agreed to in writing by the **Minister**. The approval holder must:

- a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;
- b. notify the **Department** by email that a **compliance report** has been published on the **website** within five **business days** of the date of publication;
- c. keep all **compliance reports** publicly available on the **website** until this approval expires;
- d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and
- e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within 5 **business days** of publication.

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

#### Reporting non-compliance

24. The approval holder must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:

- a. the condition which is or may be in breach; and
- b. a short description of the **incident** and/or non-compliance.

25. The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:

- a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
- b. the potential **impacts** of the **incident** or non-compliance; and
- c. the method and timing of any remedial action that will be undertaken by the approval holder.

#### Independent audit

26. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.

27. For each **independent audit**, the approval holder must:



- a. provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
  - b. only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and
  - c. submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
28. The approval holder must publish the audit report on the **website** within 10 **business days** of receiving the **Department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

#### Revision of action management plans

29. The approval holder may, at any time, apply to the **Minister** for a variation to an action management plan approved by the **Minister** under condition 12 or condition 15, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the **EPBC Act**. If the **Minister** approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.
30. The approval holder may choose to revise an action management plan approved by the **Minister** under condition 12 or condition 15, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the RAMP would not be likely to have a **new or increased impact**.
31. If the approval holder makes the choice under condition 30 to revise an action management plan without submitting it for approval, the approval holder must:
- a. notify the **Department** in writing that the approved action management plan has been revised and provide the **Department** with:
    - i. an electronic copy of the RAMP;
    - ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP;
    - iii. an explanation of the differences between the approved action management plan and the RAMP;
    - iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a **new or increased impact**; and
    - v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 **business days** after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the **Department**.
  - b. subject to condition 33, implement the RAMP from the RAMP implementation date.
32. The approval holder may revoke its choice to implement a RAMP under condition 30 at any time by giving written notice to the **Department**. If the **approval holder** revokes the choice under condition 30, the **approval holder** must implement the previous action management plan approved by the **Minister**.
33. If the **Minister** gives a notice to the approval holder that the **Minister** is satisfied that the taking of the action in accordance with the RAMP would be likely to have a **new or increased impact**, then:
- a. condition 30 does not apply, or ceases to apply, in relation to the RAMP; and
  - b. the approval holder must implement the action management plan specified by the **Minister** in the notice.



34. At the time of giving the notice under condition 33, the **Minister** may also notify that for a specified period of time, condition 30 does not apply for one or more specified action management plans.

**Note:** conditions 30, 31, 32 and 33 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised action management plan, at any time, to the **Minister** for approval.

#### Completion of the action

35. Within 30 days after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

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#### Part C - Definitions

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36. In these conditions, except where contrary intention is expressed, the following definitions are used:
- a. **BioBanking** – the New South Wales Government’s biodiversity credit and offset scheme of that name created under the Threatened Species Conservation Act 1995 (NSW), as amended and repealed or an equivalent scheme under a successor mechanism under the Biodiversity Conservation Act 2016 (NSW).
  - b. **BioBanking Agreement** – has the meaning given under the Threatened Species Conservation Act 1995 (NSW), as amended and repealed, or an equivalent under a successor mechanism under the Biodiversity Conservation Act 2016 (NSW).
  - c. **Business days** means a day that is not a Saturday, a Sunday or a public holiday in New South Wales.
  - d. **Cleared** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of **SSTF**.
  - e. **Commencement of the action** means the first instance of any specified activity associated with the action including clearance of vegetation and **construction** of any infrastructure. Commencement does not include minor physical disturbance necessary to:
    - i. undertake pre-clearance surveys or monitoring programs;
    - ii. install signage and /or temporary fencing to prevent unapproved use of the **project site**; and
    - iii. protect environmental and property assets from fire, weeds and pests, including erection or **construction** of fencing and signage, and maintenance or use of existing surface access tracks, if agreed in writing by the **Department**.
  - f. **Completion data** means an environmental report and spatial data information clearly detailing how the conditions of this approval have been met. The **Department’s** preferred spatial data format is ESRI shapefile, including containing '.shp', '.shx' and '.dbf' files and other files capturing attributes including at least the EPBC reference and a '.prj' file or specification of the projection/geographic coordinate system used.
  - g. **Completion of the action** means the time at which all approved conditions (except condition 31) have been fully met.
  - h. **Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder’s possession or that are within the approval holder’s power to obtain lawfully;
  - i. **Compliance reports** means written reports:
    - i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**;
    - ii. consistent with the **Department’s Annual Compliance Report Guidelines (2014)**





- iii. include a shapefile of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and
- iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.
- j. **Construction** means the creation and development of services (sewerage, electricity, water, stormwater), the use of heavy equipment for the purposes of breaking ground for buildings or infrastructure, and the building of infrastructure associated with the action. This does not include preparatory works such as the erection of signage or temporary fencing.
- k. **Council reserve** means the area designated as **Council reserve** on the map at **Attachment 1**.
- l. **CPW** means the Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest ecological community listed as critically endangered under the **EPBC Act**.
- m. **Department** means the Australian Government agency responsible for administering the **EPBC Act**.
- n. **EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
- o. **EPBC Act environmental offset policy** means the document: Department of Sustainability, Environment, Water, Population and Communities (2012). *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offset Policy*. Commonwealth of Australia, Canberra
- p. **Evidence** means documentation from the relevant authority showing that the offset has been **secured**.
- q. **Fernhill Central West biobanking site** means the area designated as 'Offset (4ha)' in the map at **Attachment 2**.
- r. **Habitat for protected matters** means a minimum of:
  - i. 8 hectares of **SSTF**
  - ii. 0.8 hectares of **CPW**
  - iii. 14.38 hectares of Koala habitat
  - iv. 10.85 hectares of Grey-headed Flying-fox foraging habitat
- s. **Impact** means any measureable direct or indirect disturbance/change that occurs as a result of any activity associated with the proposed action.
- t. **Incident** means any event which has the potential to, or does, **impact** on **protected matters**.
- u. **Independent audit**: means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2015).
- v. **like-for-like credits** has the meaning given under the *Threatened Species Conservation Act 1995* (NSW) (now repealed), or an equivalent biodiversity offsetting mechanism under the *Biodiversity Conservation Act 2016* (NSW) and includes the **retirement** of credits from the following plant community types:  
**SSTF**
  - i. *Narrow-leaved Ironbark – Broad-leaved Ironbark – Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion*
  - ii. *Broad-leaved Ironbark – Melaleuca decora shrubby open forest on clay soils of the Cumberland Plain, Sydney Basin Bioregion*
  - iii. *Turpentine – Grey Ironbark open forest on shale in the lower Blue Mountains, Sydney Basin Bioregion.*



**CPW**

- i. *Shale Hills Woodland*
  - ii. *Cumberland Shale Hills Woodland*
  - iii. *Grey Box-Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin*
- b. **Minister** means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.
  - c. **New or increased impact** means a new or increased environmental **impact** or risk relating to any **protected matter**, when compared to the likely **impact** of implementing the action management plan that has been approved by the **Minister** under condition 8 or condition 11, including any subsequent revisions approved by the **Minister**, as outlined in the *Guidance on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals (2017)*.
  - d. **Offset attributes** – mean an '.xls' file capturing relevant attributes of the offset site, including the **EPBC Act** reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the **EPBC Act protected matters** that the offset compensates for, any additional **EPBC Act protected matters** that are benefiting from the offset, and the size of the offset in hectares.
  - e. **Onsite offset areas** means the area designated Proposed BioBank sites at **Attachment 1**.
  - f. **Plan(s)** means any of the documents required to be prepared, approved by the **Minister**, and/or implemented by the approval holder and published on the **website** in accordance with these conditions (includes action management plans and/or strategies).
  - g. **Proposed action area** means the area designated as 'study area' on the map at **Attachment 1**.
  - h. **Protected fauna** means:
    - i. Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) (*Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)* listed as vulnerable under the **EPBC Act**.
    - ii. Grey-headed Flying-fox (*Pteropus poliocephalus*) listed as vulnerable under the **EPBC Act**.
  - i. **Protected matter(s)** means **protected fauna** and other matters protected by Part 3 of the **EPBC Act**, including **SSTF and CPW**.
  - j. **Retirement** means a change in the status of a credit such that the credit can no longer be bought or sold.
  - k. **Shapefiles** – means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the offset site, including the shape, EPBC Act reference ID number and protected matters present at the relevant site. Attributes should also be captured in '.xls' format.
  - l. **Secure/secured** means long-term protection under a legal mechanism that is either:
    - i. **retirement** of sufficient **like-for-like credits** in accordance with the New South Wales Government's BioBanking Scheme created under the *Threatened Species Conservation Act 1995 (NSW)*, as amended and repealed or an equivalent biodiversity offsetting mechanism under the *Biodiversity Conservation Act 2016 (NSW)*; or
    - ii. another legal mechanism, if approved in writing by the **Minister**.
  - m. **Sensitive ecological data** means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.

**Commented [MW17]:** It could be interpreted that the legal mechanisms itself must be signed by the Minister, maybe 'another legal mechanism that has been endorsed in writing by the Minister' is better?



- n. **Successor mechanism** - any biodiversity offsetting mechanism legislated and implemented by the New South Wales Government to replace, or as a successor to, BioBanking. Such a mechanism is only acceptable for the purposes of this approval if it:
  - i. is included in a bilateral agreement under the EPBC Act (either referenced directly in the agreement, or as part of a wider process that is adopted in a bilateral agreement) OR
  - ii. has been agreed by the Department in writing to the approval holder or the title holder as being an appropriate successor mechanism.
- o. **Suitably qualified person** means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.
- p. **SSTF** means the Shale Sandstone Transition Forest of the Sydney Basin Bioregion ecological community listed as critically endangered under the **EPBC Act**.
- q. **website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

#### ATTACHMENTS

1. **Attachment 1** – Map showing proposed action area, onsite offset areas and Council reserve
2. **Attachment 2** – Map of Fernhill Central West biobanking site

2.3.

Commented [NO18]: Add in appendix for the impact/development footprint

Commented [MW19]: This is really important in order to make conditions 1-4 enforceable

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s22

**From:** s22  
**Sent:** Wednesday, 24 October 2018 3:53 PM  
**To:** s22  
**Cc:** s22 (Protected)  
**Subject:** MEM861P/RESULT/EHC/Lendlease Communities (Mt Gilead) Pty Limited [DLM=For-Official-Use-Only]  
**Attachments:** MEM861P\_-\_EHC\_ASICCurrentComp\_LENDLEASE\_COMMUNITIES\_(MT\_GILEAD)\_PTY\_LIMITED\_-\_ACN\_605278331.pdf

Hi s22

Environmental History Check – Lendlease Communities (Mt Gilead) Pty Limited (ACN 605278331).

Please see attached – Company extract relating to:

Lendlease Communities (Mt Gilead) Pty Limited – registered 14 April 2015 listing three (3) current directors:

- Arthur ILIAS s47F
- Marcus RAU s47F
- Matthew WALLACE s47F

Ultimate Holding Company: Lendlease Corporation Limited (000226228).

**RESULT:**

No recorded adverse environmental history relating to Lendlease Communities (Mt Gilead) Pty Limited or any associated directors found in the department's Compliance and Enforcement Management System (CEMS) or Target Knowledge Base (TKB).

Two (2) recorded incidents were located in department's Compliance and Enforcement Management System (CEMS) relating to **Lendlease Corporation Limited**:

- CAS761 (18/03/2013) – Matter was deemed insignificant, no further action approved
- INC10813 (12/06/2015) – Proposed action deemed unlikely to have a significant impact on MNES, matter closed

**\*\* Please note there are currently searching difficulties within CEMS, however, we believe these difficulties have been mitigated by also searching in SPIRE (Compliance). Although it is possible that information may be missed, it is with moderate to high confidence that the above result is accurate.**

Forwarded for your information should you require additional information please do not hesitate to contact me.

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Senior Intelligence Officer  
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