

Variation of conditions attached to approval

West Culburra Residential Subdivision, NSW (EPBC 2023/09524)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).


Approved action

approval holder	Sealark Pty Ltd ACN: 075 795 587
approved action	To construct a residential development and associated infrastructure. See EPBC Act referral 2023/09524, subject to the variation of the Action accepted by the delegate under section 156B on 8 August 2024.
period for which the approval has effect	This approval has effect until 21 March 2035.

Variation

variation of conditions attached to approval	<p>The variation is:</p> <p>Delete conditions 2, 8 and 18 attached to the approval and substitute with the conditions specified in the table below.</p> <p>Delete definitions of Development footprint, Clear, and Action area and substitute with the definitions specified in the table below.</p> <p>Add new definitions of Stage 0, Stage 1 and Stage 2 specified in the table below.</p> <p>Delete attachments A, B, C, D and E attached to the approval and substitute with the attachments specified below.</p> <p>Add new attachment F specified below.</p>
date of effect	This variation has effect on the date this instrument is signed.

Person authorised to make decision

name and position	Kate Gowland Branch Head Environment Assessments (NSW, ACT)
signature	

date of decision	26 March 2026
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date of decision conditions attached to approval

Part A - Avoidance, mitigation, and compensation conditions

CLEARING LIMITS

- Original dated 23 May 2025* 1) The approval holder must not:
- a) **Clear** outside of the **Development footprint**.
 - b) **Construct** outside of the **Development footprint**.
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- As varied on the date this instrument was signed* 2) The approval holder must not **clear**:
- a) More than 45.75 ha of **Grey-headed Flying-Fox habitat**.
 - b) More than 37.74 ha of **Yellow-bellied Glider habitat**.
 - c) More than 37.74 ha of **Gang-gang Cockatoo habitat**.
 - d) Within the **Stewardship Sites**.
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PROTECTED MATTERS

- Original dated 23 May 2025* 3) To avoid and mitigate **harm to protected matters**, the approval holder must:
- a) within 48 hours prior to **clearing**, ensure that a **suitably qualified field ecologist** inspects all potential foraging habitat for the **Gang-gang Cockatoo, Grey-headed Flying-fox and Yellow-bellied Glider**,
 - b) ensure that, if **protected matters** are identified in the **Development footprint**, the **suitably qualified field ecologist** uses techniques to encourage them to leave any tree, using non-invasive techniques, prior to that tree or any adjacent tree being felled,
 - c) ensure that the **suitably qualified field ecologist** has the authority to cease **clearance** for sufficient time to enable relocation of **protected matters** to an appropriate nearby habitat area if required,
 - d) ensure that **clearing** does not recommence until the **suitably qualified field ecologist** is satisfied that any **protected matter** has safely moved out of the area to be **cleared**, and
 - e) ensure that all fencing that is installed in the **Action area** is **fauna safe fencing**.
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ACTION MANAGEMENT PLANS

- Original dated 23 May 2025* 4) Prior to the **commencement of the Action** the approval holder must submit a Construction Environmental Management Plan and a Vegetation
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		Management Plan to the department for the Minister's approval. The approval holder must not commence the Action unless the Minister has approved the Construction Environmental Management Plan and a Vegetation Management Plan in writing.
<i>Original dated 23 May 2025</i>	5)	To avoid and mitigate harm as a result of the Action on protected matters , the approval holder must commence implementing the approved Construction Environmental Management Plan and approved Vegetation Management Plan no later than the commencement of the Action . The approval holder must continue to implement the approved Construction Environmental Management Plan until the completion of construction and the approved Vegetation Management Plan until the expiry date of this approval or as otherwise agreed upon and approved by the Minister .
<i>Original dated 23 May 2025</i>	6)	The approval holder must achieve the following environmental outcomes in the approved Construction Environmental Management Plan and approved Vegetation Management Plan: <ul style="list-style-type: none"> a) By implementing the Construction Environmental Management Plan: To prevent and avoid any unapproved harm to protected matters and mitigate unavoidable and accidental harm to protected matters during clearing and construction. b) By implementing the Vegetation Management Plan: To prevent and avoid any harm to protected matters that are retained within the Action area during the period of approval.
<i>Original dated 23 May 2025</i>	7)	The Construction Environmental Management Plan and Vegetation Management Plan must be prepared by a suitably qualified ecologist . All commitments, including environmental outcomes, management measures, corrective measures, trigger values and performance indicators in the Construction Environmental Management Plan and Vegetation Management must be SMART and based on referenced, or included evidence of, effectiveness. The Construction Environmental Management Plan and Vegetation Management must be consistent with the Environmental Management Plan Guidelines , and must include: <ul style="list-style-type: none"> a) details of the relevant protected matters and a reference to EPBC Act approval conditions to which the plan refers, b) a table of commitments made in the plan to achieve the environmental outcomes, and a reference to exactly where these commitments are detailed in the plan, c) commitments capable of ensuring that the environmental outcomes are achieved,

- d) reporting and review mechanisms to demonstrate compliance with the commitments made in the plan,
- e) an assessment of risks relating to achieving the environmental outcomes and risk management strategies and/or mitigation measures that will be applied to address identified risks,
- f) impact avoidance, mitigation and/or repair measures, and the timing of those measures,
- g) controlling feral pests, including measures relevant to the **Threat Abatement Plan for Predation by Feral Cats**,
- h) a monitoring program, which must include:
 - i) performance indicators,
 - ii) trigger values for corrective measures,
 - iii) the timing and frequency of monitoring, ensuring monitoring is capable of detecting trigger values and changes in the performance indicators, and
 - iv) proposed corrective measures if trigger values are reached.
- i) references to other relevant plans or conditions of approval (including state or territory approval conditions).

OFFSETS

As varied on the date this instrument was signed

- 8) To offset the impacts of the Action to **protected matters**, the approval holder must provide evidence that at least the following numbers and types of **ecosystem credits** generated from the establishment of the **Stewardship sites** have been **retired** prior to the commencement of the relevant **Stage** of the Action as specified below:

Grey-headed Flying-Fox

Development Stage	Ecosystem credits for the Grey-headed Flying-Fox	Cumulative total of ecosystem credits for the Grey-headed Flying-Fox
Stage 0	51	51
Stage 1	968	1,019
Stage 2	356	1,375

Yellow-bellied Glider

Development Stage	Ecosystem credits for the Yellow-bellied Glider	Cumulative total of ecosystem credits for the Yellow-bellied Glider
Stage 0	40	40
Stage 1	839	879
Stage 2	248	1,127

Gang-gang Cockatoo

Development Stage	Ecosystem credits for the Gang-gang Cockatoo	Cumulative total of ecosystem credits for the Gang-gang Cockatoo
Stage 0	40	40
Stage 1	839	879
Stage 2	248	1,127

Original dated
23 May 2025

- 9) The approval holder must implement the **Biodiversity Stewardship Site Management Plans**, for the **Stewardship Sites** that are providing **ecosystem credits** for the **Gang-gang Cockatoo, Grey-headed Flying-Fox and Yellow-bellied Glider**, prior to the **commencement of the Action**.

Original dated
23 May 2025

- 10) The proponent must implement feral cat control measures consistent with the **Threat Abatement Plan for Predation by Feral Cats** within the **Stewardship Sites** that are providing **ecosystem credits** for the **Gang-gang Cockatoo, Grey-headed Flying-Fox and Yellow-bellied Glider**.

Part B – Administrative conditions

PLAN REVISION

Note: Section 143A of the **EPBC Act** entitles the approval holder to apply for the **Minister’s** approval of a revised version of a **plan**.

Original dated
23 May 2025

- 11) The approval holder may choose to revise the **plans** required to be implemented under condition 5 without submitting them for approval under section 143A of the **EPBC Act**, if:
- a) the taking of the Action in accordance with the revised **plan** would be consistent with the approved Action,
 - b) the taking of the Action in accordance with the revised **plan** would be consistent with the conditions attached to this approval,
 - c) the taking of the Action in accordance with the revised **plan** would not be likely to have a **new or increased impact**, and
 - d) the approval holder notifies the **department** electronically that it has prepared a revised version of the **plan** (the 'revised **plan**'). In notifying the **department**, the approval holder must specify each condition which references the **plan** and provide the **department** with:
 - i) an electronic copy of the revised **plan**,
 - ii) an electronic copy of the revised **plan** marked up with track changes to show the differences between the **plan** and the revised **plan**,
 - iii) a comprehensive explanation of all differences between the **plan** and the revised **plan**,
 - iv) a declaration that the approval holder has read and understands the *Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals*, Commonwealth of Australia 2017,
 - v) a comprehensive analysis and detailed discussion on the likelihood that taking the Action in accordance with the revised plan will not have, or will be not likely to have, a **new or increased impact**,
 - vi) written notice of the date on which the approval holder will implement the revised **plan** (the 'revised **plan** implementation date'), being at least 30 **business days** after the date of providing notice of the revision of the **plan**, or a date agreed to in writing with the **department**, and
 - vii) a copy of the **compliance report** for the latest **Annual Compliance Report period (ACR period)** and a statement of any relevant history of compliance (including non-compliance) in relation to the **plan**.
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The approval holder must commence implementation of the revised **plan** from the revised **plan** implementation date unless otherwise notified in writing by the **Minister**.

*Original dated
23 May 2025*

- 12) If the **Minister** notifies the approval holder that the **Minister** is satisfied that the taking of the Action in accordance with a **plan** which has been revised without submitting it for the **Minister's** approval would be likely to have a **new or increased impact**, then:
- a) the approval holder's ability to choose to revise a **plan** without submitting the **plan** for **Minister** approval does not apply, or ceases to apply, in relation to the revised **plan**,
 - b) the approval holder must implement the **plan** in force immediately prior to that revised **plan** or a version of the **plan** specified by the **Minister** in the notice, and
 - c) the **Minister** may also notify that, for a specified period, the approval holder's ability to choose to revise a **plan** without submitting the **plan** for **Minister** approval does not apply for one or more specified **plans**.
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*Original dated
23 May 2025*

- 13) The approval holder may, at any time by giving written notice to the **department**, revoke its choice to implement a **plan** which has been revised without submitting it for the **Minister's** approval. If the approval holder revokes the choice to implement a revised **plan**, the approval holder must implement the plan in force immediately prior to that revised **plan**.

Note: The above conditions are not intended to limit the operation of section 143A of the EPBC Act.

SUBMISSION AND PUBLICATION OF PLANS

*Original dated
23 May 2025*

- 14) Wherever these conditions require the approval holder to submit any **plan** to the **department**, all such **plans** must be submitted to the **department** electronically.
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*Original dated
23 May 2025*

- 15) Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish each **plan** on the **website** within 15 **business days** of the date:
- a) of this approval, if the version of the **plan** to be implemented is specified in these conditions,
 - b) the **plan** is approved by the **Minister** in writing, if the **plan** requires the approval of the **Minister**.
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*Original dated
23 May 2025*

- 16) The approval holder must keep all **plans** published on the **website**, in a format that is easily accessible and downloadable, from the first date which that **plan** must be published and until the expiry date of this
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approval. This requirement applies to all current and superseded versions of **plans**.

Original dated 23 May 2025 17) The approval holder is required to exclude or redact **sensitive biodiversity data** from any version of a **plan** before that **plan** is published on the **website** or otherwise provided to a member of the public. If **sensitive biodiversity data** is excluded or redacted from a **plan**, the approval holder must notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

COMMENCEMENT OF THE ACTION

As varied on the date this instrument was signed 18) The approval holder must notify the **department** electronically of the date of commencement of each of **Stage 0, Stage 1** and **Stage 2** within 5 **business days** following commencement of each of **Stage 0, Stage 1** and **Stage 2** respectively.

Original dated 23 May 2025 19) The approval holder must not **commence the Action** later than 5 years after the date of this approval decision.

Original dated 23 May 2025 20) The approval holder must notify the **department** electronically of the date of when **clearing** or **construction** begins within 5 **business days**.

COMPLIANCE RECORDS

Original dated 23 May 2025 21) The approval holder must maintain accurate and complete **compliance records** and document the procedure for recording and storing **compliance records**.

Original dated 23 May 2025 22) 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 by an **independent auditor** in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's website** or through the general media.

Original dated 23 May 2025 23) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guidelines for biological survey and mapped data*, Commonwealth of Australia 2018, or as otherwise specified by the **Minister** in writing.

Original dated 23 May 2025 24) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guide to providing maps and*

*boundary data for EPBC Act projects, Commonwealth of Australia 2021, or as otherwise specified by the **Minister** in writing.*

*Original dated
23 May 2025* 25) The approval holder must submit all **monitoring data**, surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the **department** within 20 **business days** of submitting the annual **compliance report** in accordance with the **ACR period** except where otherwise specified in a **plan**.

ANNUAL COMPLIANCE REPORTING

*Original dated
23 May 2025* 26) The approval holder must prepare a **compliance report** for each **ACR period**.

*Original dated
23 May 2025* 27) The approval holder must ensure each **compliance report** includes:

- a) accurate and complete details of compliance and any non-compliance with:
 - i) each condition attached to this approval decision, and
 - ii) all commitments made in each **plan**,
- b) a schedule of all **plans** in effect in relation to these conditions during the **ACR period**,
- c) accurate and complete details of how each **plan** was implemented during the **ACR period**, and
- d) if any **incident** occurred, accurate and complete details of each **incident**.

*Original dated
23 May 2025* 28) The approval holder must ensure each **compliance report** is consistent with the *Annual Compliance Report Guidelines, Commonwealth of Australia 2023*.

*Original dated
23 May 2025* 29) The approval holder must, within 20 **business days** following the end of each **ACR period**, in a format that is easily accessible and downloadable, publish on the **website**:

- a) each **compliance report**, and
- b) a **shapefile** showing all **clearing of protected matters**, and their habitat, undertaken within the **ACR period**.

*Original dated
23 May 2025* 30) The approval holder must:

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- a) Exclude or redact **sensitive biodiversity data** from each **compliance report** and **shapefile** published on the **website** or otherwise provided to a member of the public.
 - b) If **sensitive biodiversity data** is excluded or redacted from a version of a **compliance report** published or otherwise provided to a member of the public, submit the full **compliance report** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
 - c) If **sensitive biodiversity data** is excluded or redacted from a version of a **shapefile** published or otherwise provided to a member of the public, submit the full **shapefile** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.

*Original dated
23 May 2025*

- 31) The approval holder must notify the **department** electronically, within 5 **business days** of each date of publication that the **compliance report** has been published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **compliance report** and related **shapefile** are published on the **website**.

*Original dated
23 May 2025*

- 32) The approval holder must keep each **compliance report** and related **shapefile** published on the **website** from the first date which that **compliance report** must be published and until the expiry date of this approval.

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

REPORTING NON-COMPLIANCE

*Original dated
23 May 2025*

- 33) The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident**. The approval holder must specify in each notification:
- a) any condition or commitment made in a **plan** which has not been, or may have not been, complied with,
 - b) a short description of the **incident**, and
 - c) the location (if applicable, including co-ordinates), date and time of the **incident**.
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<i>Original dated 23 May 2025</i>	34) The approval holder must provide to the department in writing, within 12 business days of becoming aware of an incident , the details of that incident . The approval holder must specify: <ul style="list-style-type: none"> a) all corrective measures and investigations which the approval holder has already taken in respect of the incident, b) the potential impacts of the incident, c) the method and timing of any corrective measures that the approval holder proposes to undertake to address the incident, and d) any variation of these conditions or revision of a plan that will be required to prevent recurrence of the incident and/or to address its consequences.
INDEPENDENT AUDIT	
<i>Original dated 23 May 2025</i>	35) The approval holder must ensure that an independent audit of compliance with the conditions is conducted for every audit period .
<i>Original dated 23 May 2025</i>	36) The approval holder must submit details of the proposed independent auditor and their qualifications to the department within 10 business days following the end of each audit period .
<i>Original dated 23 May 2025</i>	37) The approval holder must ensure the scope of each independent audit is sufficient to determine the compliance status for each condition of approval, and each commitment made in each plan .
<i>Original dated 23 May 2025</i>	38) The approval holder must ensure the criteria for each independent audit and the undertaking of each independent audit are consistent with the Independent Audit and Audit Report Guidelines .
<i>Original dated 23 May 2025</i>	39) The approval holder must submit an audit report to the department for written agreement from the department within 3 months following the end of each audit period , or as otherwise directed by the Minister in writing.
<i>Original dated 23 May 2025</i>	40) The approval holder must ensure each audit report is completed to the satisfaction of the Minister and is consistent with the Independent Audit and Audit Report Guidelines to the extent that the Independent Audit and Audit Report Guidelines are consistent with these conditions.
<i>Original dated 23 May 2025</i>	41) The approval holder must publish each audit report on the website , in a format that is easily accessible and downloadable, within 10 business days of the date the department agrees to that audit report in writing.
<i>Original dated 23 May 2025</i>	42) The approval holder must notify the department within 5 business days of the date the audit report is published on the website . In this notification,

the approval holder must provide the **department** with the web address for where the **audit report** is published on the **website**.

*Original dated
23 May 2025* 43) The approval holder must keep each **audit report** published on the **website** from the first date which that **audit report** must be published and until the expiry date of this approval.

COMPLETION OF THE ACTION

*Original dated
23 May 2025* 44) Within 20 **business days** after the **completion of the Action**, and, in any event, at least 20 **business days** prior to the expiry date of this approval, the approval holder must notify the **department** electronically of the date of **completion of the Action** and provide **completion data**. The approval holder must submit any spatial data that comprises **completion data** as a **shapefile**.

*Original dated
23 May 2025* 45) The approval holder must notify the **department** electronically at least 60, but not more than 70, **business days** prior to the expiry date of this approval, that the approval is due to expire.

Note: Section 145C of the **EPBC Act** entitles the approval holder to request an extension to the period of effect of this approval.

Part C – Definitions

date of decision **definitions attached to approval**

*As varied on the
date this
instrument was
signed* **Action area** means the location of the Action, represented in Attachment A by the areas enclosed by black lines designated ‘Action area’ in the legend.

*Original dated
23 May 2025* **Annual Compliance Report period** or **ACR period** means each subsequent 12-month period following the date of this approval decision until the expiry date of this approval, unless otherwise specified in writing by the **Minister**.

*Original dated
23 May 2025* **Audit period** means each subsequent three-year period following the **commencement of the Action** until the expiry date of this approval unless otherwise specified in writing by the **Minister**.

*Original dated
23 May 2025* **Audit report** means a written report of an **independent audit**.

*Original dated
23 May 2025* **Biodiversity data** means ‘biodiversity data’ as described in the *Policy on Accessing and Sharing Biodiversity Data*, Commonwealth of Australia 2024.

<i>Original dated 23 May 2025</i>	<p>Biodiversity Stewardship Site Management Plans means the following four Biobank Agreements that the proponent has provided to the department:</p> <ul style="list-style-type: none"> – Lake Wollumboola Biobank Site Biobank Agreement (ID number: 364) – One Tree Bay East Biobank Agreement (ID number: 360) – One Tree Bay West Biobank Agreement (ID number: 361) – Tullarwalla Biobank Site Biobank Agreement (ID number: 359).
<i>Original dated 23 May 2025</i>	<p>Business day means a day that is not a Saturday, a Sunday, or a public holiday in New South Wales.</p>
<i>As varied on the date this instrument was signed</i>	<p>Clear, clearance, cleared or clearing means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of native vegetation.</p>
<i>Original dated 23 May 2025</i>	<p>Commence the Action or commences the Action means the first instance of any on-site clearing, construction or other physical activity associated with the Action, but does not include minor physical disturbance necessary to:</p> <ul style="list-style-type: none"> – Undertake pre-clearance surveys or monitoring programs. – Install signage and/or temporary fencing to prevent unapproved use of the Action area, so long as the signage and/or temporary fencing is located where it does not harm any protected matter. – Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks. – Install temporary site facilities for persons undertaking pre-commencement activities so long as these facilities are located where they do not harm any protected matter.
<i>Original dated 23 May 2025</i>	<p>Commencement of the Action means the date on which the approval holder commences the Action.</p>
<i>Original dated 23 May 2025</i>	<p>Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.</p>
<i>Original dated 23 May 2025</i>	<p>Completion of the Action means the date on which all activities associated with the approved Action, other than those which provide compensation for the impacts of the Action, have permanently ceased and/or been completed.</p>

<i>Original dated 23 May 2025</i>	Compliance records means all documentation or other material in whatever form required to demonstrate compliance with these conditions of approval (including compliance with commitments made in plans) in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.
<i>Original dated 23 May 2025</i>	Compliance report means a written report of compliance with, and fulfilment of, these conditions (including compliance with commitments made in plans).
<i>Original dated 23 May 2025</i>	<p>Construction means:</p> <ul style="list-style-type: none"> – the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site, – the alteration, maintenance, repair or demolition of any building or structure, – any work which involves breaking of the ground (including pile driving) or bulk earthworks, – the laying of pipes and other prefabricated materials in the ground, and – any associated excavation work. <p>Construction does not include the installation of temporary fences or signage.</p>
<i>Original dated 23 May 2025</i>	Department means the Australian Government agency responsible for administering the EPBC Act .
<i>As varied on the date this instrument was signed</i>	Development footprint means the location of the Action, represented in <u>Attachment A</u> by the areas enclosed by red lines and hatched with red lines designated 'Development Footprint' in the legend.
<i>Original dated 23 May 2025</i>	Ecosystem credits means the unit of measure for offsets in accordance with the Biodiversity Offsets Scheme under the <i>Biodiversity Conservation Act 2016</i> (NSW).
<i>Original dated 23 May 2025</i>	Environmental Management Plan Guidelines means the <i>Environmental Management Plan Guidelines</i> , Commonwealth of Australia 2024.
<i>Original dated 23 May 2025</i>	EPBC Act means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
<i>Original dated 23 May 2025</i>	Fauna safe fencing means fencing that does not utilise barbed wire and that allows the safe passage of protected matters .

<i>Original dated 23 May 2025</i>	Gang-gang Cockatoo means the EPBC Act listed threatened species <i>Callocephalon fimbriatum</i> .
<i>Original dated 23 May 2025</i>	Gang-gang Cockatoo habitat means the area depicted in <u>Attachment C</u> as a yellowish colour enclosed by a red line under “Gang-gang Cockatoo Habitat”.
<i>Original dated 23 May 2025</i>	Grey-headed Flying-fox means the EPBC Act listed threatened species <i>Pteropus poliocephalus</i> .
<i>Original dated 23 May 2025</i>	Grey-headed Flying-fox habitat means the area depicted in <u>Attachment D</u> as a yellowish colour enclosed by a red line under “Grey-headed Flying-fox Habitat”.
<i>Original dated 23 May 2025</i>	Habitat quality means a measure of the overall viability of a site and its capacity to support protected matters , with respect to site condition, site context and species stocking rate and/or composition.
<i>Original dated 23 May 2025</i>	Harm means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.
<i>Original dated 23 May 2025</i>	<p>Incident means any:</p> <ul style="list-style-type: none"> – event which has the potential to, or does, harm any protected matter, – potential non-compliance with these conditions, including the administrative requirements, – actual non-compliance with these conditions, including the administrative requirements, – potential non-compliance with one or more commitment made in a plan, and/or – actual non-compliance with one or more commitment made in a plan.
<i>Original dated 23 May 2025</i>	Independent audit means an audit, conducted by an independent auditor , of compliance with and fulfilment of these conditions and the commitments made in plans , objectively evaluated against the audit criteria developed by the independent auditor , in accordance with the Independent Audit and Audit Report Guidelines to the extent that the Independent Audit and Audit Report Guidelines are consistent with these conditions.
<i>Original dated 23 May 2025</i>	Independent Audit and Audit Report Guidelines means the <i>Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines</i> , Commonwealth of Australia 2019.

<i>Original dated 23 May 2025</i>	<p>Independent auditor means a person, or firm, who:</p> <ul style="list-style-type: none"> – does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder’s staff, representatives, or associated persons, – has demonstrated experience in undertaking government-regulated environmental compliance audits, and – holds relevant professional qualifications and accreditations. <p>*Other than for the purpose of undertaking the role for which the person, or firm, is required.</p>
<i>Original dated 23 May 2025</i>	<p>Minister means the Australian Government Minister administering the EPBC Act, including any delegate thereof.</p>
<i>Original dated 23 May 2025</i>	<p>Monitoring data means the data required to be recorded under the conditions of this approval, including sensitive biodiversity data.</p>
<i>Original dated 23 May 2025</i>	<p>New or increased impact means any direct or indirect increase in the impacts of an Action, an increase to the likelihood of an impact occurring, a reduction to the monitoring or mitigation measures for a protected matter, and/or a change to the nature or management of an environmental offset as outlined in the <i>Guidance on ‘new or increased impact’ relating to changes to approved management plans under EPBC Act environmental approvals</i>, Commonwealth of Australia 2017.</p>
<i>Original dated 23 May 2025</i>	<p>Plan means any action management plan or strategy that the approval holder is required by these conditions to implement.</p>
<i>Original dated 23 May 2025</i>	<p>Protected matter means a matter protected under a controlling provision in Part 3 of the EPBC Act for which this approval has effect.</p>
<i>Original dated 23 May 2025</i>	<p>Retire means to retire biodiversity credits in accordance with the Biodiversity Offset Scheme under the <i>Biodiversity Conservation Act 2016</i> (NSW).</p> <p>Sensitive biodiversity data means biodiversity data which, if released, published or otherwise exposed, may result in harm to the relevant protected matter as a result of the intentional or unintentional misuse of that biodiversity data.</p>
<i>Original dated 23 May 2025</i>	<p>Shapefile means location and attribute information about the Action provided in an Esri shapefile format containing:</p> <ul style="list-style-type: none"> – ‘.shp’, ‘.shx’, ‘.dbf’ files,

<ul style="list-style-type: none"> – a '.prj' file which specifies the projection or geographic coordinate system used, and – an '.xml' metadata file that describes the shapefile for discovery and identification purposes. 	
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<p><i>Original dated 23 May 2025</i></p>	<p>SMART means specific, measurable, achievable, relevant and time bound.</p>
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<p><i>As varied on the date this instrument was signed</i></p>	<p>Stage 0 means the taking of any part of the Action in an area represented in <u>Attachment F</u> by a zone shaded dark grey designated in the Legend as 'Stage 0'.</p>
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<p><i>As varied on the date this instrument was signed</i></p>	<p>Stage 1 means the taking of any part of the Action in an area represented in <u>Attachment F</u> by a zone shaded light grey designated in the Legend as 'Stage 1'.</p>
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<p><i>As varied on the date this instrument was signed</i></p>	<p>Stage 2 means the taking of any part of the Action in an area represented in <u>Attachment F</u> by a zone shaded medium grey designated in the Legend as 'Stage 2'.</p>
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<p><i>Original dated 23 May 2025</i></p>	<p>Stewardship sites means the four areas secured under Biobank agreements, represented in <u>Attachment B</u> by the three zones enclosed by a solid red line and labelled 'Lake Wollumboola Biobank Site', the zone enclosed by a bright green line designated 'One Tree Bay East Biobank Site', the zone enclosed by a gold line designated 'One Tree Bay West Biobank Site' and the zone enclosed by a blue line designated 'Tullarwalla Biobank Site'.</p>
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<p><i>Original dated 23 May 2025</i></p>	<p>Suitably qualified ecologist (for the purpose of preparing and implementing environmental management plans) means a person who has relevant professional qualifications and:</p> <ul style="list-style-type: none"> – at least 3 years of work experience writing and implementing management plans for the habitat of protected matters, – has implemented and reported on management plans for the habitat of protected matters, and can demonstrate the implementation of those plans achieved the desired habitat quality for habitat of protected matters, and – can give authoritative assessment and advice on offset management to improve the habitat quality of the habitat of
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protected matters using relevant protocols, standards, methods and/or literature.

Original dated 23 May 2025	Suitably qualified field ecologist (for the purpose of undertaking environmental surveys) means a person who has relevant professional qualifications and at least 3 years of work experience designing and implementing surveys for Gang-Gang Cockatoo, Grey-Headed Flying-fox and Yellow-bellied Glider and can give an authoritative assessment and advice on the presence of Gang-Gang Cockatoo, Grey-Headed Flying-fox and Yellow-bellied Glider using relevant protocols, standards, methods and/or literature.
Original dated 23 May 2025	Threat Abatement Plan for Predation by Feral Cats means the <i>Threat abatement plan for predation by feral cats 2024</i> . Any information, requirements and measures that are in the threat abatement plan must be considered when controlling feral animals as part of the management plans: Department of Climate Change, Energy, the Environment and Water (2024). <i>Threat abatement plan for predation by feral cats 2024</i> . Canberra: Commonwealth of Australia. Available from: http://www.dcceew.gov.au/environment/biodiversity/threatened/publications/tap/threat-abatement-plan-feral-cats . In effect under the EPBC Act from 24-Dec-2024.
Original dated 23 May 2025	Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.
Original dated 23 May 2025	Yellow-bellied Glider means the EPBC Act listed threatened species <i>Petaurus australis australis</i> .
Original dated 23 May 2025	Yellow-bellied Glider habitat means the area depicted in <u>Attachment E</u> as a yellowish colour enclosed by a red line under “Yellow-Bellied Glider Habitat”.

date of decision	Attachments
<i>As varied on the date this instrument was signed</i>	Attachment A - Action area/Development footprint
<i>As varied on the date this instrument was signed</i>	Attachment B - Stewardship sites
<i>As varied on the date this instrument was signed</i>	Attachment C - Gang-Gang Cockatoo Habitat Cleared
<i>As varied on the date this instrument was signed</i>	Attachment D - Grey-headed Flying Fox Habitat Cleared

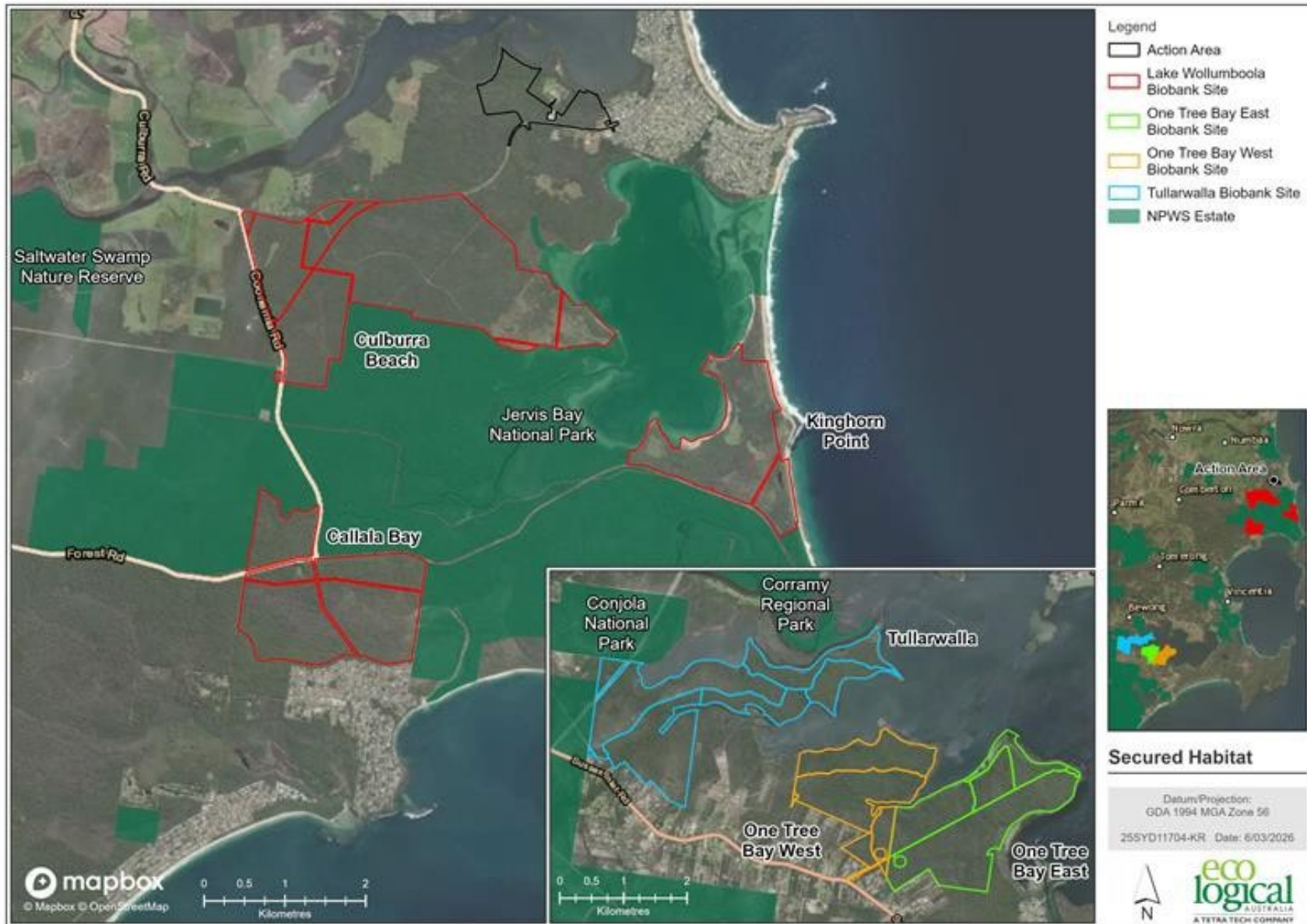
*As varied on the date
this instrument was
signed* Attachment E - Yellow-bellied Glider Habitat Cleared

*As varied on the date
this instrument was
signed* Attachment F – Map of development Stages

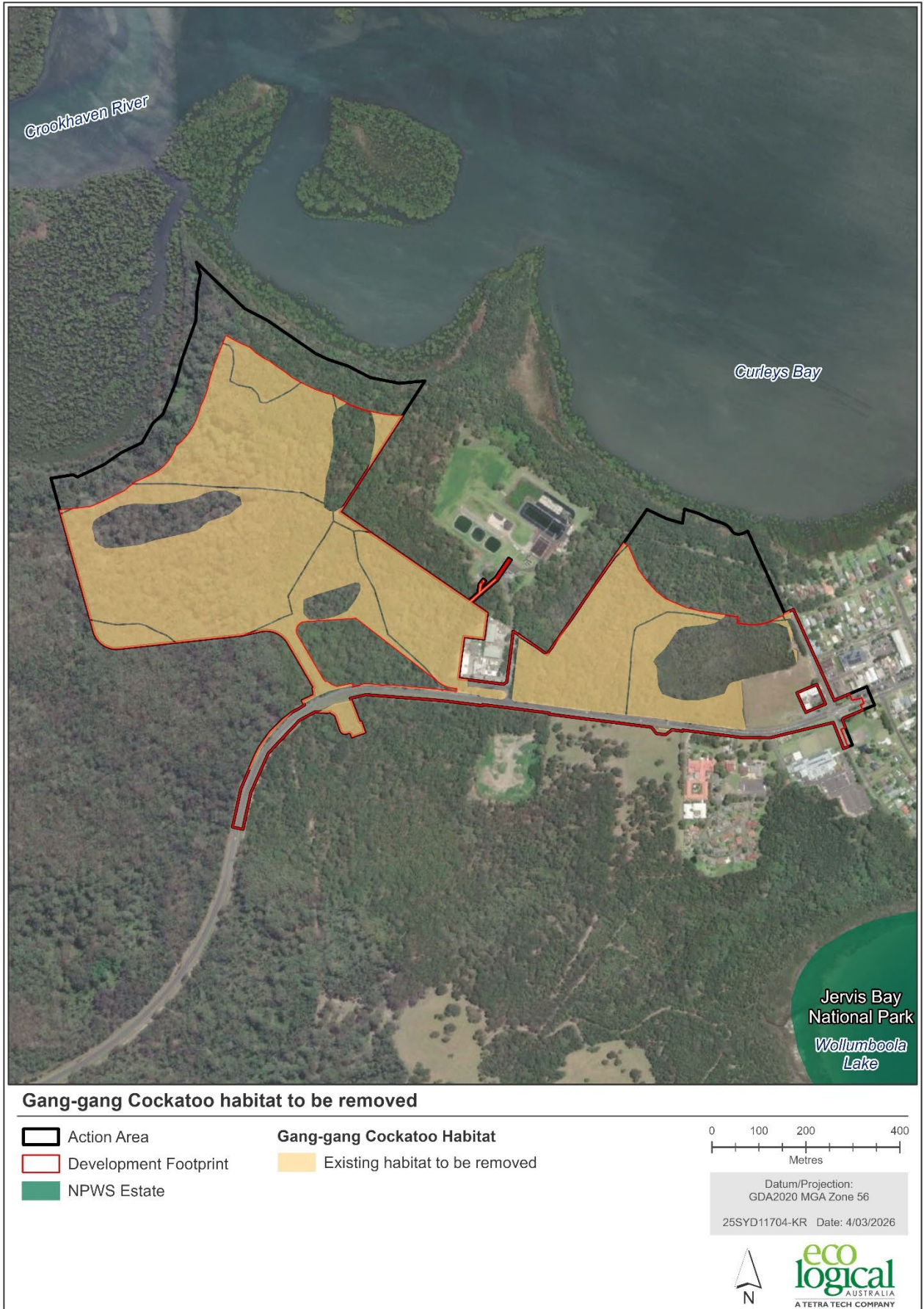
Attachment A - Action area/Development footprint



Attachment B - Stewardship sites



Attachment C - Gang-Gang Cockatoo Habitat Cleared

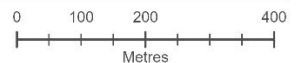


Attachment D - Grey-headed Flying Fox Habitat Cleared



Grey-headed Flying-fox habitat to be removed

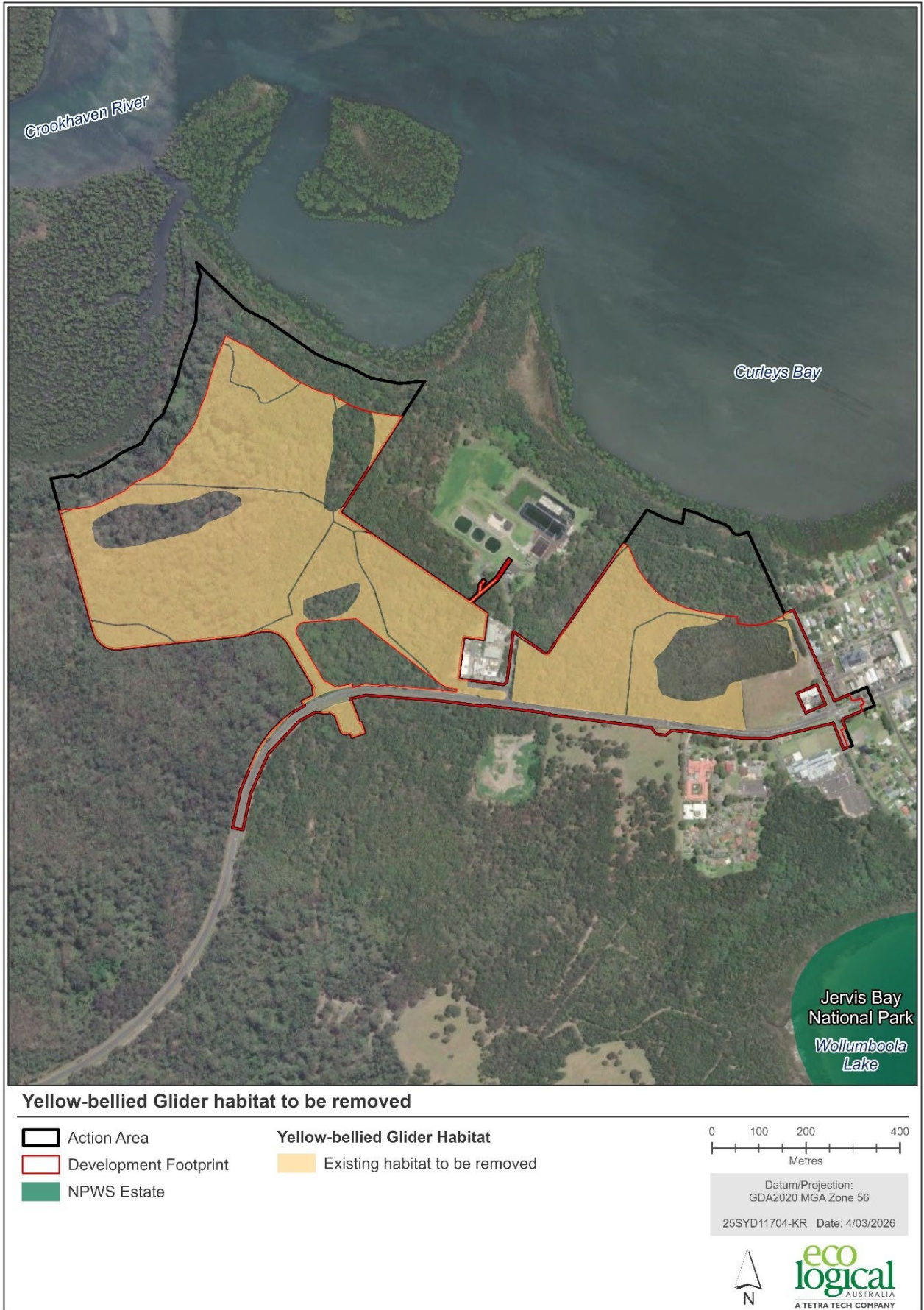
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|-----------------------|--------------------------------|
| Action Area | Existing habitat to be removed |
| Development Footprint | |
| NPWS Estate | |



Datum/Projection:
GDA2020 MGA Zone 56
25SYD11704-KR Date: 4/03/2026



Attachment E - Yellow-bellied Glider Habitat Cleared



Attachment F – Map of development Stages

