



EPBC (2011/5898) ANNUAL COMPLIANCE 2019-20

HUNTLEE NEW TOWN, BRANXTON

Prepared for

Huntlee Pty Ltd

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GLOSSARY OF TERMS AND ABBREVIATIONS

Term/ Abbreviation	Meaning
Department	Commonwealth Department of the Environment, or the Australian Government Department responsible for the Environment Protection and Biodiversity Conservation Act 1999.
DoE	Commonwealth Department of the Environment
DPE	NSW Department of Planning and Environment
EP&A Act	NSW Environmental Planning and Assessment Act 1979
EPBC Act	Commonwealth Environment Protection and Biodiversity Conservation Act 1999
ha	hectare
LGA	Local Government Area
Minister	Minister for the Environment, or the Minister administering the Environment Protection and Biodiversity Conservation Act 1999, and includes a delegate of the Minister
NPWS	NSW National Parks and Wildlife Service
OEH	NSW Office of Environment and Heritage

1 Introduction

MJD Environmental has been commissioned by Huntlee Pty Ltd to prepare an annual compliance report for the 2019 - 20 period detailing the measures undertaken to address approval conditions granted under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) for the Huntlee New Town at Branxton (EPBC No. 2011/5898) on the 15 October 2013 (with variations approved on 17th February 2014 and 27th May 2015).

This report includes an overview of all works undertaken to comply with conditions to date. This report also includes the status of required actions as listed under management plans prepared in compliance with conditions to date (refer to **Appendix 1** and **Appendix 2**).

1.1 Conditions attached to the approval (EPBC 2011/5898)

Maintenance of existing populations of *Persoonia pauciflora* in-situ

1. The person taking the action must protect and manage the **northern population** of *Persoonia pauciflora* establishing a 75 metre buffer of existing native vegetation (limited to the **project area**) around each plant prior to **commencement of the action**.
2. All plants within the **northern population** must be connected by a native vegetation corridor, to be of a minimum width of 150 metres, to each other and to allow connection to conservation areas and/or native vegetation outside of the **project area** (so as to allow for macropod access) prior to **commencement of the action**.
3. The **northern population** and vegetation referred to in Conditions 1 and 2 must be maintained (to protect and conserve both plants and seed bank) in perpetuity or until such time as *Persoonia pauciflora* from the **northern population** have been scientifically verified by an **independent scientific expert** approved by the **Minister**, to have been successfully propagated and surviving in the wild (consistent with the EPBC Act Policy Statement: Translocation of Listed Threatened Species - Assessment under Chapter 4 of the EPBC Act) and as defined in these conditions.
4. The person taking the action must arrange for the protection and conservation management of all *Persoonia pauciflora* (including living plants and the in-soil seed bank of known dead or pre-existing plants) in **Conservation Areas 1, 2 and 3** in perpetuity prior to **commencement of the action**.
5. **Conservation Areas 1, 2 and 3** must be protected by a legal instrument under relevant nature conservation legislation on the title of the land. Arrangements to implement this instrument must be approved by the **Department**, in writing, prior to **commencement of the action**. This instrument must:
 - a. provide for the protection of the land in perpetuity;
 - b. prevent any future development activities, including mining and mineral extraction; and
 - c. ensure the active management of the land.
6. All *Persoonia pauciflora* within **Conservation Areas 1, 2 and 3** must be a minimum of 75 metres from the development at the start of the **commencement of the action**.
7. **Conservation Area 2** must be contiguous with **Conservation Area 3** to the west. It must be a minimum of 150 metres wide (north to south).
8. All cleared areas within **Conservation Areas 1, 2 and 3** must be revegetated to Central Hunter Ironbark - Spotted Gum - Grey box forest vegetation type (NSW) (to act as a buffer to

- the *Persoonia pauciflora*). The revegetated areas must be maintained for conservation purposes.
9. The person taking the action must arrange for the in-perpetuity protection and conservation management of the *Persoonia pauciflora* in Persoonia Park (as identified in the **preliminary documentation**) through an appropriate legal instrument on the title of the land. Arrangements to implement this instrument must be approved by the **Department**, in writing, prior to **commencement of the action**. The northern boundary of Persoonia Park must be designed so that all *Persoonia pauciflora* within Persoonia Park are a minimum of 75 metres away from the northern boundary.
 10. The person taking the action must protect by a legal instrument under relevant nature conservation legislation on the title, an area of at least 16.9 hectares at 57 Washery Road (being Lot 47 DP 755211). Arrangements to implement this instrument must be approved by the **Department**, in writing, prior to **commencement of the action**. The legal instrument must:
 - a. provide for the protection of the land in perpetuity;
 - b. prevent any future development activities, including mining and mineral extraction; and
 - c. ensure the active management of the land.
 11. The person taking the action must submit for the **Minister's** approval a *Persoonia pauciflora* Population Management Plan to support the conservation management of all known *Persoonia pauciflora* plants and seed banks within the **northern population** (and connecting habitat), **Conservation Areas 1, 2 and 3**, Persoonia Park and the area at 57 Washery Road referred to in Condition 10. This plan must be approved by the **Minister** prior to **commencement of the action**. The plan must be implemented. The plan must include:
 - a. measures to protect and conserve *Persoonia pauciflora* in situ (including living plants and seed bank) to ensure the ongoing survival and recovery of the species, through appropriate management. These measures must be clear, measurable, auditable and time bound;
 - b. measures to discourage unauthorised human access to *Persoonia pauciflora* and its habitat, while still allowing access by macropods;
 - c. measures to encourage the building of community awareness and stewardship of *Persoonia pauciflora*, including appropriate education programs to encourage care and protection of known plants and seed banks.
 - d. clear objectives and performance indicators for the measures referred to in Condition 11a, 11b and 11c;
 - e. costing of the management measures required and demonstration that these will be funded in perpetuity;
 - f. details of the monitoring and reporting to be undertaken to demonstrate the effectiveness of the measures referred to in Condition 11a, 11b and 11c, including the parameters to be monitored, methods, timing, frequency and location of monitoring;
 - g. specific and measurable trigger levels that will result in corrective actions being implemented to prevent the objectives referred to in Condition 11d being compromised;
 - h. corrective actions to be taken should the trigger levels referred to in Condition 11g be exceeded. These must be clear, measurable, auditable and time bound;

- i. measures to report to the **Department** on any exceedances of identified trigger thresholds, the implementation of corrective actions, and the outcome of these;
 - j. the person responsible for the management actions; and
 - k. a description of how the plan will apply to any conservation areas that may subsequently be transferred to a third party for protection and management for conservation.
12. The *Persoonia pauciflora* Population Management Plan must be reviewed by an **independent scientific expert** approved by the **Department** prior to submission.
13. Prior to and within six months of **commencement of the action** the person taking the action must undertake pre-clearance surveys to identify any *Persoonia pauciflora* plants (dead or alive) that are not currently documented and advise the **Department** in writing of any new plants or seed banks that are discovered.
14. The person taking the action must implement measures, consistent with those referred to in Condition 1 and, where applicable, 11a, to be put in place to protect and manage any new plants or seed banks identified as a result of implementing Condition 13.

Management of conservation areas. edge effects. open space and indirect impacts to conservation values

15. The person taking the action must submit a detailed Huntlee Conservation Management Plan to the **Minister** for approval prior to **commencement of the action**. This plan must be approved by the **Minister** prior to **commencement of the action**. The approved plan must be implemented. The Plan must include, but not be limited to, the following requirements:
- a. restoration and revegetation measures to be implemented in **Conservation areas 1, 2 and 3**, as relating to Condition 8.
 - b. measures to maintain and improve the quality and condition of habitat values in all conservation areas (including **Conservation Areas 1, 2 and 3**), open space and remnant bushland in the project area that support other matters of national environmental significance (other than *Persoonia pauciflora*), including Swift Parrot (*Lathamus discolor*), Regent Honeyeater (*Anthochaera phrygia*), Grey-headed Flying-fox (*Pteropus poliocephalus*) and Slaty Red Gum (*Eucalyptus glaucina*).
 - c. measures to prevent, mitigate and manage all direct and indirect impacts to the natural habitat values to all conservation areas (including **Conservation Areas 1, 2 and 3**), open space and remnant bushland within the project area resulting from the action, including but not limited to measures to avoid, suppress and control the spread of weeds, plant pathogens, invasive species, commercial grazing, domestic pets, unauthorised vehicles, and erosion and sedimentation control;
 - d. measures to prevent changes to hydrological regimes arising from the action that may negatively affect native vegetation;
 - e. any measures that support *Persoonia pauciflora* that are in addition to those included under Condition 11;
 - f. the design of **Conservation Areas 1, 2 and 3**;
 - g. measures in referred to in condition 15a, 15b and 15c must be clear, measurable, auditable and time bound;
 - h. clear objectives and performance indicators for the measures referred to in Condition 15a, 15b and 15c;

- i. details of the monitoring to be undertaken to demonstrate the effectiveness of the measures referred to in Condition 15a;
 - j. details of the parameters to be monitored, methods, timing, frequency and location of monitoring;
 - k. specific and measurable trigger levels that will result in corrective actions being implemented to prevent the objectives referred to in Condition 15e being compromised;
 - l. corrective actions to be taken should the trigger levels referred to in Condition 15h be exceeded. These must be clear, measurable, auditable, and specific timing;
 - m. measures to report to the **Department** on any exceedances of identified trigger thresholds, the implementation of corrective actions, and the outcome of these;
 - n. the person responsible for the management actions; and
 - o. a description of how the plan will apply to any conservation areas that may subsequently be transferred to a third party for protection and management for conservation.
16. The Huntlee Conservation Management Plan must be reviewed by an independent scientific expert approved by the Department prior to submission.

Funding of a Huntlee Conservation Officer

17. The person taking the action must arrange for and commit to the funding of a Huntlee Conservation Officer, to be employed for no less than 22.5 hours per week for a period of at least 10 years. The person to be employed in this position must possess relevant qualifications and expertise. A plan setting out contractual arrangements for the funding of the role, relevant employment arrangements (including start date) and a duty statement for the position must be provided to the **Minister** prior to the **commencement of the action**. This plan must be approved by the **Minister** prior to **commencement of the action**. The approved plan must be implemented.
18. The roles of the position must include:
- a. coordination and implementation of Condition 11c;
 - b. coordination and implementation of actions to support the protection and conservation of *Persoonia pauciflora* consistent with the plans referred to in Conditions 11 and 15; and
 - c. contribution to actions that are consistent with the *National Recovery Plan North Rothbury Persoonia* (*Persoonia pauciflora*).

Offsets – *Persoonia pauciflora* (recovery actions)

19. To compensate for the loss of habitat for the *Persoonia pauciflora* and the remaining residual impacts to the species as a result of the action, the person taking the action must provide \$341,700 directly to the NSW Office of Environment and Heritage (or appropriate agency or organisation responsible for implementation of the *National Recovery Plan North Rothbury Persoonia* (*Persoonia pauciflora*) and approved by the **Minister**) prior to **commencement of the action** to fund activities that are consistent with the recovery actions identified in the *National Recovery Plan North Rothbury Persoonia* (*Persoonia pauciflora*).

Offsets – other matters of national environmental significance

20. The person taking the action must dedicate or ensure the transfer of, for the purposes of dedication, the 5791 hectares of conservation offset lands described in the preliminary documentation to National Park (or arrange for and demonstrably commit to an equivalent other arrangement of in-perpetuity protection and management of these offset lands that is consistent with the Department's EPBC Act offsets policy). The area of land contained within this 5791 hectares must include appropriate areas of offset lands for each of the following matters of national environmental significance: Swift Parrot (*Lathamus discolor*) and Regent Honeyeater (*Anthochaera phrygia*), the vulnerable Grey-headed Flying-fox (*Pteropus poliocephalus*) and Slaty Red Gum (*Eucalyptus glaucina*).
21. Any land referred to at Condition 20 that is not dedicated to National Park or with an alternative level of protection in perpetuity agreed to by the Department must be protected by a legal instrument under relevant nature conservation legislation on the title of the land. Arrangements to implement this instrument must be approved by the Department, in writing, prior to commencement of the action. The instrument must:
 - a. provide for the protection of the land in perpetuity;
 - b. prevent any future development activities, including mining and mineral extraction; and
 - c. ensure the active management of the land.

Reporting and auditing

22. All survey data collected for the project must be collected and recorded so as to conform to a reasonable standard such that it can be readily used by a third party or to data standards notified from time to time by the **Department**. When requested by the **Department**, the proponent must provide to the **Department** all species and ecological survey data and related survey information from ecological surveys undertaken for matters of national environmental significance. This survey data must be provided within 30 business days of request, or in a timeframe agreed to by the **Department** in writing. The **Department** may use the survey data for other purposes.
23. Within 14 days after the commencement of construction, the person taking the action must advise the **Department** in writing of the actual date of **commencement of the action**.
24. Within three months of every 12 month anniversary of the **commencement of the action**, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published. The person taking the action must also notify any non-compliance with this approval to the **Department** in writing within two business days of becoming aware of the non-compliance.
25. Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.

Revisions

26. If the person taking the action wishes to carry out any activity otherwise than in accordance with the plans, as specified in the conditions, the person taking the action must submit to the **Department** for the **Minister's** written approval a revised version of that plan. The varied activity shall not commence until the **Minister** has approved the revised plan in writing. The **Minister** will not approve a revised plan, unless the revised plan would result in an equivalent

or improved environmental outcome. If the **Minister** approves the revised plan that plan must be implemented in place of the plan originally approved.

27. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species and communities or listed migratory species to do so, the **Minister** may request that the person taking the action make specified revisions to the relevant management plan specified in the conditions and submit the revised plan for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved plan must be implemented. Unless the **Minister** has approved the revised plan then the person taking the action must continue to implement the originally approved plan, as specified in the conditions.
28. If, at any time after 5 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.

Publication of plans

29. The person taking the action must maintain accurate records substantiating all activities and outcomes associated with or relevant to the above conditions of approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
30. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within 1 month of being approved.

2 EPBC Approval 2011/5898 Condition Tracking (at 22-5-2020)

The current status of each condition of approval is detailed in the following sections.

2.1 Condition 1

*The person taking the action must protect and manage the **northern population** of *Persoonia pauciflora* establishing a 75 metre buffer of existing native vegetation (limited to the **project area**) around each plant prior to **commencement of the action**.*

The northern population of *Persoonia pauciflora* was identified and demarcated by RPS Australia East Pty Ltd (RPS). Confirmation was provided to the Department (refer to **Appendix 3**) and requirements of condition 1 were confirmed as satisfied in respect of commencement of the action by the Department's representative on 12-2-2013.

No further activities have occurred in relation to the northern population of *Persoonia pauciflora* in the 2018/19 reporting period. The identification and demarcation of the northern population of *Persoonia pauciflora* remains in place and satisfies the requirement to protect and manage this population to the present date.

2.2 Condition 2

*All plants within the **northern population** must be connected by a native vegetation corridor, to be of a minimum width of 150 metres, to each other and to allow connection to conservation areas and/or native vegetation outside of the **project area** (so as to allow for macropod access) prior to **commencement of the action**.*

The northern population of *Persoonia pauciflora* was identified and demarcated by RPS Australia East Pty Ltd (RPS), including demarcation of a 150m native vegetation corridor connecting plants of this population, confirmation of which was provided to the Department (refer to **Appendix 3**) and requirements of condition 2 were confirmed as satisfied in respect of commencement of the action by the Department's representative on 12-2-2013.

No further activities have occurred in relation to the native vegetation corridor in the 2018/19 reporting period. The identification and demarcation of the native vegetation corridor satisfies the requirement to connect plants of the northern population of *Persoonia pauciflora* to each other and to allow connection to conservation areas and native vegetation outside the project area to the present date.

2.3 Condition 3

The northern population and vegetation referred to in Conditions 1 and 2 must be maintained (to protect and conserve both plants and seed bank) in perpetuity or until such time as Persoonia pauciflora from the northern population have been scientifically verified by an independent scientific expert approved by the Minister, to have been successfully propagated and surviving in the wild (consistent with the EPBC Act Policy Statement: Translocation of Listed Threatened Species - Assessment under Chapter 4 of the EPBC Act) and as defined in these conditions.

Independent scientific expert approved via letter from the Minister's delegate, Shane Gaddes, on 30-5-2014 (refer to **Appendix 4**).

Persoonia pauciflora individuals planted into Persoonia Park include plants sourced from the Northern Population and are being monitored for translocation success. Refer to **Appendix 2** PPPMP Status.

2.4 Condition 4

The person taking the action must arrange for the protection and conservation management of all Persoonia pauciflora (including living plants and the in-soil seed bank of known dead or pre-existing plants) in Conservation Areas 1, 2 and 3 in perpetuity prior to commencement of the action.

The necessary arrangements for the protection and conservation management of all *Persoonia pauciflora* within Conservation Areas 1, 2 and 3 in perpetuity have been made via the legal instruments approved under condition 5 (refer to **Appendix 5**), and verified as being to the satisfaction of the Department via email on 21-1-2014.

The protection and management arrangements remain in place, via the legal instruments established under condition 5, to the present date.

2.5 Condition 5

Conservation Areas 1, 2 and 3 must be protected by a legal instrument under relevant nature conservation legislation on the title of the land. Arrangements to implement this instrument must be approved by the Department, in writing, prior to commencement of the action. This instrument must:

2.5.1 Condition 5a.

provide for the protection of the land in perpetuity;

Legal instruments in relation to the above approved by the Department via letter from the Minister's delegate, Shane Gaddes, on 14-1-2014 (refer to **Appendix 5**).

The legal instruments in relation to the above remain in effect as of the present date.

2.5.2 Condition 5b.

prevent any future development activities, including mining and mineral extraction; and

Legal instruments in relation to the above approved by the Department via letter from the Minister's delegate, Shane Gaddes, on 14-1-2014 (refer to **Appendix 5**).

The legal instruments in relation to the above remain in effect as of the present date.

2.5.3 Condition 5c.

ensure the active management of the land.

Legal instruments in relation to the above approved by the Department via letter from the Minister's delegate, Shane Gaddes, on 14-1-2014 (refer to **Appendix 5**).

The legal instruments in relation to the above remain in effect as of the present date.

2.6 Condition 6

*All **Persoonia pauciflora** within **Conservation Areas 1, 2 and 3** must be a minimum of 75 metres from the development at the start of the **commencement of the action**.*

All *Persoonia pauciflora* within Conservation Areas 1, 2 and 3 are a minimum of 75m away from the Huntlee development interface (refer to **Appendix 6**). Confirmation of the Department's satisfaction in relation to the above was provided via email on 11-12-2013.

No additional *Persoonia pauciflora* have been recorded within Conservation Areas 1, 2 and 3 to the present date.

The following observations have been made regarding *Persoonia* individuals across the conservation areas:

Northern Population – A single individual had been in a process of senescence and has not died. Reproductive material had been collected from this individual while it was alive, thus preserving the genetics for the northern population. Individuals from this plant stock have been planted into the conservation areas.

Conservation Area 2 – The known plants in the Conservation Area and also Wine Country Drive Road Reserve are no longer alive. This was identified during a survey carried out with Differential GPS during the reporting period. The plants in the Conservation Area were known to be small and struggling from historic grazing (note *Persoonia* profiles).

2.7 Condition 7

***Conservation Area 2** must be contiguous with **Conservation Area 3** to the west. It must be a minimum of 150 metres wide (north to south).*

Conservation Area 2 forms at least a 150m wide corridor connecting to Conservation Area 3 (refer to **Appendix 7**), which has been fenced with star post and two wire (non-barb) arrangement. Confirmation of the Department's satisfaction in relation to the above was provided via email on 11-12-2013.

No changes to the demarcation of the conservation area boundary have been made, nor has development progressed to the south of the conservation area, to the present date.

2.8 Condition 8

All cleared areas within **Conservation Areas 1, 2 and 3** must be revegetated to Central Hunter Ironbark - Spotted Gum - Grey box forest vegetation type (NSW) (to act as a buffer to the *Persoonia pauciflora*). The revegetated areas must be maintained for conservation purposes.

Establishment and maintenance of revegetated areas of Conservation Areas 1, 2 and 3 has been implemented via the Huntlee Conservation Management Plan (refer to **Appendix 1**) as stipulated and detailed further under condition 15(a). Refer to **Section 2.15.1**.

2.9 Condition 9

The person taking the action must arrange for the in-perpetuity protection and conservation management of the *Persoonia pauciflora* in Persoonia Park (as identified in the **preliminary documentation**) through an appropriate legal instrument on the title of the land. Arrangements to implement this instrument must be approved by the **Department**, in writing, prior to **commencement of the action**. The northern boundary of Persoonia Park must be designed so that all *Persoonia pauciflora* within Persoonia Park are a minimum of 75 metres away from the northern boundary.

Legal instruments in relation to the above approved by the Department via letter from the Minister's delegate, Shane Gaddes, on 14-1-2014 (refer to **Appendix 5**).

The legal instruments in relation to the above remain in effect as of the present date.

2.10 Condition 10

The person taking the action must protect by a legal instrument under relevant nature conservation legislation on the title, an area of at least 16.9 hectares at 57 Washery Road (being Lot 47 DP 755211). Arrangements to implement this instrument must be approved by the **Department**, in writing, prior to **commencement of the action**. The legal instrument must:

2.10.1 Condition 10a.

provide for the protection of the land in perpetuity;

Legal instruments in relation to the above approved by the Department via letter from the Minister's delegate, Shane Gaddes, on 14-1-2014 (refer to **Appendix 5**).

The legal instruments in relation to the above remain in effect as of the present date.

2.10.2 Condition 10b.

prevent any future development activities, including mining and mineral extraction; and

Legal instruments in relation to the above approved by the Department via letter from the Minister's delegate, Shane Gaddes, on 14-1-2014 (refer to **Appendix 5**).

The legal instruments in relation to the above remain in effect as of the present date.

2.10.3 Condition 10c.

ensure the active management of the land.

Legal instruments in relation to the above approved by the Department via letter from the Minister's delegate, Shane Gaddes, on 14-1-2014 (refer to **Appendix 5**).

The legal instruments in relation to the above remain in effect as of the present date.

2.11 Condition 11

The person taking the action must submit for the **Minister's** approval a *Persoonia pauciflora* Population Management Plan to support the conservation management of all known *Persoonia pauciflora* plants and seed banks within the **northern population** (and connecting habitat), **Conservation Areas 1, 2 and 3**, *Persoonia Park* and the area at 57 Washery Road referred to in Condition 10. This plan must be approved by the **Minister** prior to **commencement of the action**. The plan must be implemented. The plan must include:

2.11.1 Condition 11a.

measures to protect and conserve Persoonia pauciflora in situ (including living plants and seed bank) to ensure the ongoing survival and recovery of the species, through appropriate management. These measures must be clear, measurable, auditable and time bound;

*Persoonia Pauciflora Population Management Plan (PPPMP) final version submitted to the Department on 10-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).*

The PPPMP includes measures to protect and conserve *Persoonia pauciflora* in situ as per the above. Refer to **Appendix 2** PPPMP Status.

2.11.2 Condition 11b.

measures to discourage unauthorised human access to Persoonia pauciflora and its habitat, while still allowing access by macropods;

PPPMP final version submitted to the Department on 10-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The PPPMP includes measures to discourage human access while still allowing macropod access as per the above. Refer to **Appendix 2** PPPMP Status.

2.11.3 Condition 11c.

measures to encourage the building of community awareness and stewardship of Persoonia pauciflora, including appropriate education programs to encourage care and protection of known plants and seed banks.

PPPMP final version submitted to the Department on 10-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The PPPMP includes community education measures as per the above. Refer to **Appendix 2** PPPMP Status.

2.11.4 Condition 11d.

clear objectives and performance indicators for the measures referred to in Condition 11a, 11b and 11c;

PPPMP final version submitted to the Department on 10-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The PPPMP includes community education measures as per the above. Refer to **Appendix 2** PPPMP Status.

2.11.5 Condition 11e.

costing of the management measures required and demonstration that these will be funded in perpetuity;

PPPMP final version submitted to the Department on 10-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The PPPMP includes a costing and demonstration of funding as per the above. Refer to **Appendix 2** PPPMP Status.

2.11.6 Condition 11f.

details of the monitoring and reporting to be undertaken to demonstrate the effectiveness of the measures referred to in Condition 11a, 11b and 11c, including the parameters to be monitored, methods, timing, frequency and location of monitoring;

PPPMP final version submitted to the Department on 10-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The PPPMP includes a costing and demonstration of funding as per the above. Refer to **Appendix 2** PPPMP Status.

2.11.7 Condition 11g.

specific and measurable trigger levels that will result in corrective actions being implemented to prevent the objectives referred to in Condition 11d being compromised;

PPPMP final version submitted to the Department on 10-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The PPPMP includes measurable trigger levels and corrective actions as per the above. Refer to **Appendix 2** PPPMP Status.

2.11.8 Condition 11h.

corrective actions to be taken should the trigger levels referred to in Condition 11g be exceeded. These must be clear, measurable, auditable and time bound;

PPPMP final version submitted to the Department on 10-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The PPPMP includes corrective actions as per the above. Refer to **Appendix 2** PPPMP Status.

2.11.9 Condition 11i.

*measures to report to the **Department** on any exceedances of identified trigger thresholds, the implementation of corrective actions, and the outcome of these;*

PPPMP final version submitted to the Department on 10-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The PPPMP includes reporting measures as per the above. Refer to **Appendix 2** PPPMP Status.

2.11.10 Condition 11j.

the person responsible for the management actions; and

PPPMP final version submitted to the Department on 10-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The PPPMP names the responsible person as per the above. Refer to **Appendix 2** PPPMP Status.

2.11.11 Condition 11k.

a description of how the plan will apply to any conservation areas that may subsequently be transferred to a third party for protection and management for conservation.

PPPMP final version submitted to the Department on 10-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The PPPMP describes how the plan will apply to conservation areas as per the above. Refer to **Appendix 2** PPPMP Status.

2.12 Condition 12

*The *Persoonia pauciflora* Population Management Plan must be reviewed by an **independent scientific expert** approved by the **Department** prior to submission.*

Independent scientific expert approved by the Department via letter from the Minister's delegate, Shane Gaddes, via letter on 8-11-2013 (refer to **Appendix 9**).

Independent scientific expert reviewed and endorsed the PPPMP on 10-1-2014.

No further actions in relation to the above have occurred to the present date.

2.13 Condition 13

*Prior to and within six months of **commencement of the action** the person taking the action must undertake pre-clearance surveys to identify any *Persoonia pauciflora* plants (dead or alive) that are not currently documented and advise the **Department** in writing of any new plants or seed banks that are discovered.*

Pre-clearance surveys completed within the entire Stage 1 development area (refer to **Appendix 10**). No new *Persoonia pauciflora* individuals (dead or alive) were recorded. The Department was advised of all Stage 1 surveys and provided confirmation that the survey satisfies the requirements of this condition in relation to Stage 1, via email on 16-6-2015.

Development of further stages outside Stage 1 has not occurred in the 2019/20 reporting period and is not scheduled to occur within six months of the present date. Within six month of any future development, pre-clearance surveys will be undertaken to identify any *Persoonia pauciflora* plants (dead or alive) that are not currently documented. Future pre-clearance surveys are to be undertaken for the remaining development stages outside Stage 1. The Department is to be advised of the outcome of these surveys in writing.

2.14 Condition 14

The person taking the action must implement measures, consistent with those referred to in Condition 1 and, where applicable, 11a, to be put in place to protect and manage any new plants or seed banks identified as a result of implementing Condition 13.

The implementation of measures to protect and manage any new plants or seed banks identified as a result of implementing Condition 13 has been satisfied, as no new plants or seed banks were found during surveys carried out in compliance with Condition 13 in relation to the Stage 1 development area.

Development of further stages has not occurred and is not scheduled to occur within six months of the present date. Following future pre-clearance surveys, if new plants or seed banks are found, then measures consistent with Condition 1 and 11a are to be put in place.

2.15 Condition 15

*The person taking the action must submit a detailed Huntlee Conservation Management Plan to the **Minister** for approval prior to **commencement of the action**. This plan must be approved by the **Minister** prior to **commencement of the action**. The approved plan must be implemented. The Plan must include, but not be limited to, the following requirements:*

2.15.1 Condition 15a.

*restoration and revegetation measures to be implemented in **Conservation areas 1, 2 and 3**, as relating to Condition 8.*

Huntlee Conservation Management Plan (HCMP) final version submitted to the Department on 9-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The HCMP includes restoration and revegetation measures as per the above. Refer to **Appendix 1** HCMP Status.

2.15.2 Condition 15b.

*measures to maintain and improve the quality and condition of habitat values in all conservation areas (including **Conservation Areas 1, 2 and 3**), open space and remnant bushland in the project area that support other matters of national environmental significance (other than *Persoonia pauciflora*), including Swift Parrot (*Lathamus discolor*), Regent Honeyeater (*Anthochaera phrygia*), Grey-headed Flying-fox (*Pteropus poliocephalus*) and Slaty Red Gum (*Eucalyptus glaucina*).*

Huntlee Conservation Management Plan (HCMP) final version submitted to the Department on 9-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The HCMP includes measures to maintain and improve the quality and condition of habitat values as per the above. Refer to **Appendix 1** HCMP Status.

2.15.3 Condition 15c.

*measures to prevent, mitigate and manage all direct and indirect impacts to the natural habitat values to all conservation areas (including **Conservation Areas 1, 2 and 3**), open space and remnant bushland within the project area resulting from the action, including but not limited to measures to avoid, suppress and control the spread of weeds, plant pathogens, invasive species, commercial grazing, domestic pets, unauthorised vehicles, and erosion and sedimentation control;*

Huntlee Conservation Management Plan (HCMP) final version submitted to the Department on 9-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The HCMP includes measures to prevent, mitigate and manage direct and indirect impacts as per the above. Refer to **Appendix 1** HCMP Status.

2.15.4 Condition 15d.

measures to prevent changes to hydrological regimes arising from the action that may negatively affect native vegetation;

Huntlee Conservation Management Plan (HCMP) final version submitted to the Department on 9-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The HCMP includes measures to prevent changes to hydrological regimes as per the above. Refer to **Appendix 1** HCMP Status.

2.15.5 Condition 15e.

*any measures that support *Persoonia pauciflora* that are in addition to those included under Condition 11;*

Huntlee Conservation Management Plan (HCMP) final version submitted to the Department on 9-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The HCMP includes additional measures to support *Persoonia pauciflora* as per the above. Refer to **Appendix 1** HCMP Status.

2.15.6 Condition 15f.

*the design of **Conservation Areas 1, 2 and 3**;*

Huntlee Conservation Management Plan (HCMP) final version submitted to the Department on 9-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The HCMP includes the design of Conservation Areas 1, 2 and 3 as per the above. Refer to **Appendix 1** HCMP Status.

2.15.7 Condition 15g.

measures in referred to in condition 15a, 15b and 15c must be clear, measurable, auditable and time bound;

Huntlee Conservation Management Plan (HCMP) final version submitted to the Department on 9-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The HCMP includes clear, measurable, auditable and time bound measures as per the above. Refer to **Appendix 1** HCMP Status.

2.15.8 Condition 15h.

clear objectives and performance indicators for the measures referred to in Condition 15a, 15b and 15c;

Huntlee Conservation Management Plan (HCMP) final version submitted to the Department on 9-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The HCMP includes clear objectives and performance indicators as per the above. Refer to **Appendix 1** HCMP Status.

2.15.9 Condition 15i.

details of the monitoring to be undertaken to demonstrate the effectiveness of the measures referred to in Condition 15a;

Huntlee Conservation Management Plan (HCMP) final version submitted to the Department on 9-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The HCMP includes details of the monitoring as per the above. Refer to **Appendix 1** HCMP Status.

2.15.10 Condition 15j.

details of the parameters to be monitored, methods, timing, frequency and location of monitoring;

Huntlee Conservation Management Plan (HCMP) final version submitted to the Department on 9-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The HCMP includes details of the monitoring parameters as per the above. Refer to **Appendix 1** HCMP Status.

2.15.11 Condition 15k.

specific and measurable trigger levels that will result in corrective actions being implemented to prevent the objectives referred to in Condition 15e being compromised;

Huntlee Conservation Management Plan (HCMP) final version submitted to the Department on 9-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The HCMP includes specific and measurable trigger levels as per the above. Refer to **Appendix 1** HCMP Status.

2.15.12 Condition 15l.

corrective actions to be taken should the trigger levels referred to in Condition 15h be exceeded. These must be clear, measurable, auditable, and specific timing;

Huntlee Conservation Management Plan (HCMP) final version submitted to the Department on 9-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The HCMP includes corrective actions as per the above. Refer to **Appendix 1** HCMP Status.

2.15.13 Condition 15m.

*measures to report to the **Department** on any exceedances of identified trigger thresholds, the implementation of corrective actions, and the outcome of these;*

Huntlee Conservation Management Plan (HCMP) final version submitted to the Department on 9-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The HCMP includes measures to report to the Department as per the above. Refer to **Appendix 1** HCMP Status.

2.15.14 Condition 15n.

the person responsible for the management actions; and

Huntlee Conservation Management Plan (HCMP) final version submitted to the Department on 9-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The HCMP nominates the person responsible as per the above. Refer to **Appendix 1** HCMP Status.

2.15.15 Condition 15o.

a description of how the plan will apply to any conservation areas that may subsequently be transferred to a third party for protection and management for conservation.

Huntlee Conservation Management Plan (HCMP) final version submitted to the Department on 9-1-2014 and approved by the Minister's delegate, Shane Gaddes, via letter on 14-1-2014 (refer to **Appendix 8**).

The HCMP describes how the plan will apply to conservation areas transferred to a third party as per the above. Refer to **Appendix 1** HCMP Status.

2.16 Condition 16

The Huntlee Conservation Management Plan must be reviewed by an independent scientific expert approved by the Department prior to submission.

Independent scientific expert approved via letter from the Minister's delegate, Shane Gaddes, on 8-11-2013 (refer to **Appendix 9**).

Independent scientific expert reviewed and endorsed the HCMP on 9-1-2014.

No further actions in relation to the above have occurred to the present date.

2.17 Condition 17

The condition of approval dated 15-10-2013 is as follows:

*The person taking the action must arrange for and commit to the funding of a Huntlee Conservation Officer, to be employed for no less than 22.5 hours per week for a period of at least 10 years. The person to be employed in this position must possess relevant qualifications and expertise. A plan setting out contractual arrangements for the funding of the role, relevant employment arrangements (including start date) and a duty statement for the position must be provided to the **Minister** prior to the **commencement of the action**. This plan must be approved by the **Minister** prior to **commencement of the action**. The approved plan must be implemented.*

The Huntlee Conservation Officer Plan (HCOP) was submitted to the Department and approved by the Minister's delegate, Shane Gaddes, on 5-12-2013 (refer to **Appendix 11**).

A request for variation to Condition 17 and 18 of the EPBC Act approval was approved via letter from the Minister's delegate, Shane Gaddes, on 27-5-2015 (refer to **Appendix 12**).

The variation to Condition 17 has effect from 27-5-2015 to the present date, and reproduced below together with status of the condition:

*The person taking the action must arrange for and commit to the funding of the work described in condition 18, for a period of at least 10 years from the **commencement of the action**. The work must be undertaken and coordinated by personnel having the requisite ecological qualifications and expertise and may be provided by firms specialising in environmental consulting. A plan setting out contractual arrangements for the work and a work plan of what will be undertaken must be provided to the **Minister for approval**. The approved plan must be implemented.*

The Huntlee Conservation Coordinator, Contractual Arrangements and Work Plan was submitted to the Department and approved by the Minister's delegate, Shane Gaddes, on 8-9-2015 (refer to **Appendix 13**).

The plan has remained in operation from the date of approval. (refer to **Appendix 1** and **Appendix 2**).

2.18 Condition 18

The condition of approval dated 15-10-2013 is as follows:

The roles of the position must include:

- a. *coordination and implementation of Condition 11c;*
- b. *coordination and implementation of actions to support the protection and conservation of *Persoonia pauciflora* consistent with the plans referred to in Conditions 11 and 15; and*
- c. *contribution to actions that are consistent with the National Recovery Plan North Rothbury *Persoonia* (*Persoonia pauciflora*).*

The Huntlee Conservation Officer Plan (HCOP) was submitted to the Department and approved by the Minister's delegate, Shane Gaddes, via letter on 5-12-2013 (refer to **Appendix 11**).

A request for variation to Condition 17 and 18 of the EPBC Act approval was approved via letter from the Minister's delegate, Shane Gaddes, via letter on 27-5-2015 (refer to **Appendix 12**).

The variation to Condition 18 has effect from 27-5-2015 to the present date, and is reproduced below together with status of the condition:

The work must include:

2.18.1 Condition 18a.

coordination and implementation of Condition 11c;

The coordination and implementation of measures to encourage community awareness and stewardship of *Persoonia pauciflora* (Condition 11c) form part of the Huntlee Conservation Coordinator, Contractual Arrangements and Work Plan. (refer to **Appendix 1** and **Appendix 2**).

2.18.2 Condition 18b.

*coordination and implementation of actions to support the protection and conservation of *Persoonia pauciflora* consistent with the plans referred to in Conditions 11 and 15;*

The coordination and implementation of the PPPMP and HCMP, referred to in Conditions 11 and 15, form part of the Huntlee Conservation Coordinator, Contractual Arrangements and Work Plan (refer to **Appendix 1** and **Appendix 2**).

2.18.3 Condition 18c.

*contribution to actions that are consistent with the National Recovery Plan North Rothbury *Persoonia* (*Persoonia pauciflora*); and*

Contribution to actions that are consistent with the *National Recovery Plan North Rothbury *Persoonia* (*Persoonia pauciflora*)* form part of the Huntlee Conservation Coordinator, Contractual Arrangements and Work Plan (refer to **Appendix 1** and **Appendix 2**).

2.18.4 Condition 18d.

reporting on the work and compliance with conditions of approval.

Reporting on the work and compliance with conditions of approval form part of the Huntlee Conservation Coordinator, Contractual Arrangements and Work Plan. This report provides the reporting requirements over the 2018/19 reporting period (this document).

2.19 Condition 19

The condition of approval dated 15-10-2013 is as follows:

*To compensate for the loss of habitat for the *Persoonia pauciflora* and the remaining residual impacts to the species as a result of the action, the person taking the action must provide \$341,700 directly to the NSW Office of Environment and Heritage (or appropriate agency or organisation responsible for implementation of the National Recovery Plan North Rothbury *Persoonia (Persoonia pauciflora)* and approved by the **Minister**) prior to **commencement of the action** to fund activities that are consistent with the recovery actions identified in the National Recovery Plan North Rothbury *Persoonia (Persoonia pauciflora)*.*

A request for variation to Condition 19 of the EPBC Act approval was approved by the Minister's delegate, Shane Gaddes, via letter on 17-2-2014 (refer to **Appendix 14**).

The variation to Condition 19 has effect from 17-2-2014 to the present date, and is reproduced below together with status of the condition:

*To compensate for the loss of habitat for the *Persoonia pauciflora* and the remaining residual impacts to the species as a result of the action, the person taking the action must provide \$341,700 directly to the NSW Office of Environment and Heritage (or appropriate agency or organisation responsible for implementation of the National Recovery Plan North Rothbury *Persoonia (Persoonia pauciflora)* and approved by the **Minister**) to fund activities consistent with the recovery actions identified in the National Recovery Plan North Rothbury *Persoonia (Persoonia pauciflora)*.*

*The \$341,700 is to be provided to the NSW Office of Environment and Heritage (or an appropriate agency or organisation, as approved by the **Minister**) in the following instalments:*

- \$100,000 by 14 July 2014;
- \$141,700 by 14 July 2015; and
- \$100,000 by 14 July 2016.

The person taking the action must provide written evidence to the Department within 1 week of each instalment being paid.

First payment of \$100,000 made 14-7-2014 (refer to **Appendix 15**).

Second payment of \$141,700 made 14-7-2015 (refer to **Appendix 15**).

Third payment of \$100,000 made 14-7-2016 (refer to **Appendix 15**).

No further action in relation to Condition 19 is required to the present date.

2.20 Condition 20

*The person taking the action must dedicate or ensure the transfer of, for the purposes of dedication, the 5791 hectares of conservation offset lands described in the preliminary documentation to National Park (or arrange for and demonstrably commit to an equivalent other arrangement of in-perpetuity protection and management of these offset lands that is consistent with the Department's EPBC Act offsets policy). The area of land contained within this 5791 hectares must include appropriate areas of offset lands for each of the following matters of national environmental significance: Swift Parrot (*Lathamus discolor*) and Regent Honeyeater (*Anthochaera phrygia*), the vulnerable Grey-headed Flying-fox (*Pteropus poliocephalus*) and Slaty Red Gum (*Eucalyptus glaucina*).*

Legal instruments in relation to the above approved by the Department via letter from the Minister's delegate, Shane Gaddes, on 14-1-2014 (refer to **Appendix 5**).

Conservation offset lands described in the preliminary documentation to the New South Wales Government. These lands are now being managed by NSW National Parks and Wildlife Service.

The legal instruments in relation to the above remain in place as of the present date.

2.21 Condition 21

Any land referred to at Condition 20 that is not dedicated to National Park or with an alternative level of protection in perpetuity agreed to by the Department must be protected by a legal instrument under relevant nature conservation legislation on the title of the land. Arrangements to implement this instrument must be approved by the Department, in writing, prior to commencement of the action. The instrument must:

2.21.1 Condition 21a.

provide for the protection of the land in perpetuity;

Legal instruments in relation to the above approved by the Department via letter from the Minister's delegate, Shane Gaddes, on 14-1-2014 (refer to **Appendix 5**).

The legal instruments provide for protection of the land in perpetuity.

2.21.2 Condition 21b.

prevent any future development activities, including mining and mineral extraction; and

Legal instruments in relation to the above approved by the Department via letter from the Minister's delegate, Shane Gaddes, on 14-1-2014 (refer to **Appendix 5**).

The legal instruments prevent any future development activities.

2.21.3 Condition 21c.

ensure the active management of the land.

Legal instruments in relation to the above approved by the Department via letter from the Minister's delegate, Shane Gaddes, on 14-1-2014 (refer to **Appendix 5**).

The legal instruments ensure active management of the land.

2.22 Condition 22

*All survey data collected for the project must be collected and recorded so as to conform to a reasonable standard such that it can be readily used by a third party or to data standards notified from time to time by the **Department**. When requested by the **Department**, the proponent must provide to the **Department** all species and ecological survey data and related survey information from ecological surveys undertaken for matters of national environmental significance. This survey data must be provided within 30 business days of request, or in a timeframe agreed to by the **Department** in writing. The **Department** may use the survey data for other purposes.*

Compliance monitoring inspection of Condition 11 completed by DoE Officers on 10-9-2015. DoE officers issued advice on 12-10-2015 stating, the Department is satisfied that the action is being undertaken in accordance with the conditions of approval.

Compliance monitoring inspection of completed by DoE Officers on 4-11-2016. DoE officers issued advice on 17-3-2017 discussing the provision of additional documentation relating to Condition 20

and secondly a recommendation to revise management plans required under Conditions 11 and 15 to reflect current project status including dedication of conservation lands to the NSW Government. The revision is to be achieved via a variation to the EPBC approval conditions relating to conditions 11 and 15. These items are currently being actioned by Huntlee.

2.23 Condition 23

*Within 14 days after the commencement of construction, the person taking the action must advise the **Department** in writing of the actual date of **commencement of the action**.*

Commencement of the action occurred on 24-2-2014.

The Department was advised via email on 26-2-2014 that commencement of the action occurred.

2.24 Condition 24

*Within three months of every 12 month anniversary of the **commencement of the action**, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published. The person taking the action must also notify any non-compliance with this approval to the **Department** in writing within two business days of becoming aware of the non-compliance.*

Previous Annual reports available online - <https://huntlee.com.au/caring-for-the-environment/>

The report (this document) is to be published online following DoE approval (<https://huntlee.com.au/caring-for-the-environment/>).

2.25 Condition 25

*Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.*

The Minister has issued no directions in relation to the above in the 2019/20 reporting period.

No action is required to the present date.

2.26 Condition 26

*If the person taking the action wishes to carry out any activity otherwise than in accordance with the plans, as specified in the conditions, the person taking the action must submit to the **Department** for the **Minister's** written approval a revised version of that plan. The varied activity shall not commence until the **Minister** has approved the revised plan in writing. The **Minister** will not approve a revised plan, unless the revised plan would result in an equivalent or improved environmental outcome. If the **Minister** approves the revised plan that plan must be implemented in place of the plan originally approved.*

No varied activities or revised plans have been implemented or prepared in the 2019/20 reporting period.

No action is required to the present date.

2.27 Condition 27

*If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species and communities or listed migratory species to do so, the **Minister** may request that the person taking the action make specified revisions to the relevant management plan specified in the conditions and submit the revised plan for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved plan must be implemented. Unless the **Minister** has approved the revised plan then the person taking the action must continue to implement the originally approved plan, as specified in the conditions.*

The Minister has not requested revisions to any management plans in the 2019/20 reporting period.

No action is required to the present date.

2.28 Condition 28

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

Commencement of the action occurred on 24-2-2014.

The Department was advised via email on 26-2-2014 that commencement of the action occurred.

2.29 Condition 29

*The person taking the action must maintain accurate records substantiating all activities and outcomes associated with or relevant to the above conditions of approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.*

The Department has not requested records substantiating activities associated with or relevant to the conditions of approval in the 2019/20 reporting period.

No action is required to the present date.

2.30 Condition 30

*Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within 1 month of being approved.*

Management plans referred to in these conditions of approval, being the *Personia pauciflora* Population Management Plan and Huntlee Conservation Management Plan, have been published and made available on the Huntlee website (<https://huntlee.com.au/caring-for-the-environment>).

The management plans remain available on the Huntlee website as of the present date.

3 Management Plans

The EPBC approval requires the preparation, approval and implementation of two management plans as follows:

1. Condition 11 – *Persoonia pauciflora* Population Management Plan (PPPMP)
2. Condition 15 – Huntlee Conservation Management Plan (HCMP)

The current status of required actions as listed within the PPPMP and HCMP is provided in **Appendix 1** and **Appendix 2** respectively. DoE officers issued advice on 17-3-2017 discussing a recommendation to revise management plans required under Conditions 11 and 15 to reflect current project status including dedication of conservation lands to the NSW Government. The revision is to be achieved via a variation to the EPBC approval conditions relating to conditions 11 and 15. These items are currently under review by Huntlee.

4 Conclusion

MJD Environmental has been commissioned by Huntlee Pty Ltd to prepare an annual compliance report for the 2019/20 period detailing the measures undertaken to address approval conditions granted under the EPBC Act for the Huntlee New Town at Branxton (EPBC No. 2011/5898).

This report includes an overview of all works undertaken to comply with conditions to date. This report and its appendices (**Appendix 1 – 15**) provide verification of compliance with each of the conditions of approval over the 2019/20 period.

The Huntlee New Town Development, the action referred to in the approval, is in compliance with the conditions attached to the EPBC Act approval to the present date. A report verifying ongoing compliance with conditions of the approval over the reporting period 2020/21 will be submitted to the Department no later than 24 May 2021.

Appendix 1 HCMP Status

Sect.	Item	Timing / Trigger	Status	Progress Commentary
s4.1	<p>Communication: Training & Awareness</p> <p>All contractors to undergo environmental induction with the induction to be developed by the Huntlee Conservation Officer.</p>	Upon commencement	Active Ongoing	Induction programme has been developed and continues to be implemented.
s4.2	<p>Communication: Sign-In Protocol</p> <p>All persons entering the conservation areas are to sign-in with details recorded on the sign in sheet.</p>	Upon commencement and ongoing	Active Ongoing	<p>This protocol was established by the HCO and is being implemented in conjunction with 4.1 above by the Huntlee Academy.</p> <p>An induction register and separate sign-in register has been maintained.</p> <p>Note: NPWS (now land manager on behalf of NSW Government post land transfer) also maintain access protocol and provision of indemnity forms.</p>
s6	<p>Weed Control: Primary Phase</p> <p>Target: Weed cover of large infestations to be reduced in first 2 years. Performance targets to be developed during the 2 years of active works.</p>	Reduced within two years of commencement	Active For Action	<p>Weed control undertaken by Huntlee Academy primarily targeting Lantana. Treatment of a Mother-of Millions patch has also commenced.</p> <p>A weed audit was undertaken and further weeding target areas identified.</p>
s6	<p>Weed Control: Secondary Phase</p> <p>Target: No large infestations remain, only active management at least twice per year for former large sites and medium sites.</p>	Within three years of commencement and then yearly	Dormant Future Action	Ongoing treatment of areas treated by Huntlee Academy required. A weed audit was undertaken and further weeding target areas identified.
s6	<p>Weed Control: Maintenance Phase</p> <p>Target: Weeds kept under control through annual control programme.</p>	Ongoing	Dormant Future Action	To commence following Secondary Weed Control Phase. A weed audit was undertaken and further weeding target areas identified.

Sect.	Item	Timing / Trigger	Status	Progress Commentary
s7	<p>Pest Control: Animal Population Assessment Carry out an assessment of the impact and estimated population of feral and/or domestic animals.</p> <p>Pest Control: Animal Control Implement control measures based on annual monitoring.</p>	<p>Within the first year of commencement</p> <p>As required</p>	<p>Open For Action</p> <p>Open In progress</p>	<p>Wild Dog baiting program commissioned for 2019 programme. Successful contractor undertaking baiting in NSW NPWS lands concurrently.</p> <p>Wild Dog baiting program commissioned in 2019 and occurred in May to June 2019. Programme commissioned for 2020.</p> <p>Ongoing baiting programs to occur following review of each baiting program and results, along with recommendation of timing by contractor.</p> <p>Note wherever possible baiting programs to occur as overlap with NSW NPWS to maximise results over large land area.</p>
s7	<p>Pest Control: Animal Monitoring Carry out annual pest monitoring.</p>	Annual	<p>Open For Action</p>	<p>Wild Dog baiting program commissioned in 2018 and occurred in May to June 2019. Programme commissioned for 2020.</p> <p>Ongoing baiting programs to occur following review of each baiting program and results, along with recommendation of timing by contractor.</p> <p>Note wherever possible baiting programs to occur as overlap with NSW NPWS to maximise results over large land area.</p>
s8	<p>Grazing Prevention: Fence Inspection & Programme</p>	<p>Within 3 months of HCO commencement</p>	<p>Completed No further action required</p>	<p>Fencing audit completed.</p>
s8	<p>Grazing Prevention: Stock Removal Remove stock from the Conservation Lands.</p>	<p>Within 3 months of fences being determined as adequate</p>	<p>Completed No further action</p>	<p>All stock has been removed from the Conservation Lands.</p>

Sect. Item	Timing / Trigger	Status	Progress Commentary
s8 Grazing Prevention: Monitoring Monitor for domestic grazing.	Weekly for the first month and then ongoing	Active In Progress	Monthly inspections occurring. To date, no evidence of further grazing in the conservation lands has been identified. Minor incursions from neighbouring properties to be dealt with on an as needs basis and in collaboration with NSW NPWS.
s9 Fencing: Fencing Works Conduct an audit of the fencing to Conservation Areas 1, 2 and 3 and implement repairs or new fencing and signage as required. Persoonia Park is also to be fenced in conjunction with the development front.	Within 24 months of commencement	Active In Progress	Fencing audit has been completed per above. Ongoing fencing maintenance occurring as needs and in collaboration with the NSW NPWS. Steel bollard and rope wire fencing installed along Old North Road to deter unsolicited access. Ongoing monitoring and maintenance of fence and gates to be undertaken as required. Fencing installed along Hanwood Road being chain wire mesh and steel bollard with rope wire. Ongoing monitoring and maintenance of fence to be undertaken as required. Fence line repair (post and wire type) has been undertaken along conservation areas (approx. 200m) a further 300m (approx.) identified for maintenance and repair. Additional 100m bollard and wire fencing installed along Old North Road. Numerous rural fence and gate repairs occurred during the reporting period to stem illegal access.

Sect.	Item	Timing / Trigger	Status	Progress Commentary
s9	Fencing: Macropod Thoroughfares Construct macropod thoroughfares and install temporary monitoring points.	Ongoing	Open Future Action	No macropod thoroughfares have been installed at this time as fencing types maintained are of a post and wire type and/or newly installed fencing to be of a rope wire and steel bollard type to restrict vandalism and unsolicited access. Both fence types are not considered as restrictive to macropods moving across the locality.
s10	Pathogen Control: Baseline	Ongoing	Active In progress	Sampling has been undertaken around the Northern Population, Conservation Area 1 and Persoonia Park. The soils tests returned a negative result for Phytophthora from each sample location.
s10	Pathogen Control: Protocols	Ongoing	Active In Progress	Protocols have been developed. Hygiene kits have been set up and are actively being used by site personnel and visitors.
s11	Revegetation	Within 10 years of commencement	Active In Progress	Follow up monitoring of areas previously mulched (with mulch from native vegetation cleared off the development site) to aid in weed suppression and assist natural regeneration is ongoing. Monitoring of natural regeneration ongoing. Natural regeneration has been observed in areas where grazing pressure removed (Conservation Area 2).
s13	Monitoring	Ongoing	Open For Noting	Monitoring programme prepared by HCO.
s14	Reporting	Ongoing	Active In Progress	Reporting and maintenance of records is ongoing in accordance with the annual reporting requirements of the EPBC Approval.

Appendix 2 PPPMP Status

Sect.	Item	Timing / Trigger	Status	Progress Commentary
3.1	<p>Measures to protect and conserve <i>P. pauciflora</i></p> <p>Huntlee to develop a range of programmes to protect <i>P. pauciflora</i>, including:</p> <ul style="list-style-type: none"> - protection from stock - habitat restoration - pathogen control - propagation trials 	Various timing triggers	Active Ongoing	Programmes have been developed that cover both the HCMP and PPMP. All implementation measures will fall under one or more of the programmes. All programmes are currently being implemented.
3.2	Unauthorised access deterrence	Various timing triggers	Active In Progress	Being completed as part of ongoing fencing works outlined in HCMP table.
3.3	<p>Community Engagement: Fact Sheet</p> <p>Prepare a fact sheet about <i>P. pauciflora</i>.</p>	Within 3 months of commencement	Completed Ongoing	<p>The fact sheet has been prepared and is hosted on the Huntlee website (https://huntlee.com.au/caring-for-the-environment/). The fact sheet is also freely available in print at the Huntlee Sales & Project Office.</p> <p>The fact sheet may be updated from time to time to provide updates and additional information as required.</p>

Sect.	Item	Timing / Trigger	Status	Progress Commentary
3.3	<p>Community Engagement</p> <p>Microsite for <i>P. pauciflora</i> to be hosted on proponent website and is to include information, links and progress reports.</p>	<p>Within 6 months of commencement</p>	<p>Complied Ongoing</p>	<p>Both the PMP and HCMP are hosted on the Huntlee website. A dedicated environmental page with information, links and compliance reports has been established and can be found at the following link - https://huntlee.com.au/caring-for-the-environment/. Additionally a Huntlee Residents social media page (closed group) has been set up and periodic environmental updates are presented on the page.</p>
3.3	<p>Community Engagement: Signage</p> <p>Provide information signage and conservation signage around / near the conservation areas.</p>	<p>Various timing triggers – with nearby construction works.</p>	<p>Active In Progress</p>	<p>Conservation signs have been deployed. Signs have been updated by NPWS following dedication to the NSW Government</p> <p>Signage has been placed around trial planting plots in the conservation lands.</p>
3.3	<p>Community Engagement: Interaction Programme</p> <p>Prepare a <i>P. pauciflora</i> PowerPoint presentation and provide updates on compliance through the website.</p>	<p>Within 6 months of commencement and ongoing</p>	<p>Complied Ongoing</p>	<p>Flyer is available on Huntlee Environment microsite as a component of available community education material.</p>
3.3	<p>Community Engagement: Evaluation</p> <p>Formal assessment of the success of community education to be done at key milestones.</p>	<p>Various timing triggers – with annual report following first residents (community) living at Huntlee</p>	<p>Open Future Action</p>	<p>With the arrival of new residents forming the growing Huntlee community, regular updates, bulletins and announcements are being posted on the My-Huntlee Residents social media page by Huntlee.</p>

Sect.	Item	Timing / Trigger	Status	Progress Commentary
4.0	Monitoring	Various timing triggers	Active In progress	<p>Ongoing monitoring of all known <i>P. pauciflora</i> is undertaken.</p> <p>Camera traps were not deployed during the monitoring period as no Macropod fauna thoroughfares have been installed as part of ongoing fencing works. Regular observations have been made of Macropods within the conservation and development areas throughout the reporting period.</p> <p>The compliance report provides the required AMR for the 2019-20 period.</p>

Appendix 3

Persoonia pauciflora demarcation – Condition 1 and 2

GREAT

NORTHERN

RAILWAY





TYPICAL STAR PICKETS DEMARCATING 150 METRE CORRIDOR



DP 1137569
11

DP 828486
200



-  HUNTLEE NEW TOWN PROJECT BOUNDARY
-  150 METRE CORRIDOR
-  *Personna pauciflora* individual
-  DENOTES STAR PICKET PLACED

TITLE: HUNTLEE NEW TOWN PROJECT
Northern Population 150m Corridor

LOCATION: NORTH ROTHBURY

DATUM:
PROJECTION: MGA ZONE 56

DATE: 27TH NOVEMBER 2013
PURPOSE: Staking 150m Northern Corridor

AUTOCAD REF: 105216 - PERSONNA STAKING - STAKES

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CLIENT: HUNTLEE PTY LTD
JOB REF: 105216

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Appendix 4 Independent Scientific Expert Approval – Condition 3



Our reference: 2014/00396

Contact Officer: Alex Taylor
Telephone: (02) 6274 2209 Facsimile: (02) 6274 1878
Email: post.approvals@environment.gov.au

Mr Ian Wilkes
General Manager
Huntlee Pty Limited
PO Box 199
BRANXTON NSW 2335

Dear Mr Wilkes

**Huntlee New Town Residential Development, Hunter Valley NSW (EPBC 2011/5898)
Ministerial approval of Independent Scientific Expert – Condition 3**

I write in relation to an email from Mr Matt Doherty dated 10 December 2013 in which Ministerial approval of Mr Craig Anderson as an Independent Scientific Expert, in relation to condition 3 of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2011/5898, was requested.

The department has assessed the information provided in support of Mr Anderson and has determined that he possesses the requisite qualifications, experience and independence, in accordance with the requirements of condition 3 of the EPBC approval. Based on this assessment, and as delegate of the Minister for the Environment, I have decided to approve Mr Anderson as the Independent Scientific Expert in relation to condition 3 of the approval.

Under condition 3 of the approval, Mr Anderson must, in providing scientific verification of the successful propagation and survival of *Persoonia Pauciflora*, do so consistent with the conditions of the EPBC approval and the EPBC Act Policy Statement entitled *Translocation of Listed Threatened Species – Assessment under Chapter 4 of the EPBC Act*.

I would appreciate Mr Anderson providing details of his assessment and verification of the success, or otherwise, of the propagation and survival of the *Persoonia Pauciflora*; at an appropriate time. Moreover, I draw to your attention that details of activities conducted under the conditions of approval and in relation to management plans must be reported to the Department on an annual basis; in accordance with condition 24 of the approval.

If you have any enquiries please contact Alex Taylor on 02 6274 2209.

Yours sincerely

Shane Gaddes
Assistant Secretary
Compliance and Enforcement Branch
Environment Assessment and Compliance Division

30 May 2014

Appendix 5 Legal Instruments Approval – Condition 4, 5, 9, 10, 20, and 21



Our reference: 2013/10641

Contact Officer: Alex Taylor
Telephone: (02) 6274 2209 Facsimile: (02) 6274 1878
Email: post.approvals@environment.gov.au

Mr Ian Wilkes
General Manager
Huntlee Pty Limited
PO Box 199
BRANXTON NSW 2335

Dear Mr Wilkes

**Huntlee New Town Residential Development, Hunter Valley NSW
(EPBC 2011/5898)
Arrangements to implement the instruments – Conditions 5, 9, 10 and 20/21**

I write in relation to your request for departmental approval of arrangements to implement instruments under conditions 5, 9, 10 and 20/21 of *Environment Protection and Biodiversity Conservation Act 1999* (the Act) approval 2011/5898.

The department has reviewed the proposed arrangements to implement the conservation instruments and consider that they are appropriate to ensure the protection and ongoing management of conservation lands and offsets, as specified in the approval. On this basis, I have decided to approve the arrangements to implement the instruments in relation to conditions 5, 9, 10 and 20/21 of the approval.

I would encourage you to notify the department of the transfer of the lands under the Voluntary Planning Agreement (VPA) and on the registration of the restrictive covenants under section 88E of the *Conveyancing Act 1919 NSW*. Details of the management of these lands must be included in the annual report, to be provided under condition 24 of the approval.

Please ensure that you maintain accurate records of all activities associated with, or relevant to the conditions of approval, so that they can be made available to the department on request. Such documents may be subject to audit and used to verify compliance. Summaries of results of audits may be published by the department. Information about the monitoring and audit program can be found on the department's website at www.environment.gov.au/epbc/compliance/auditing.html.

If you would like to discuss this matter further please contact Alex Taylor on 02 6274 2209.

Yours sincerely

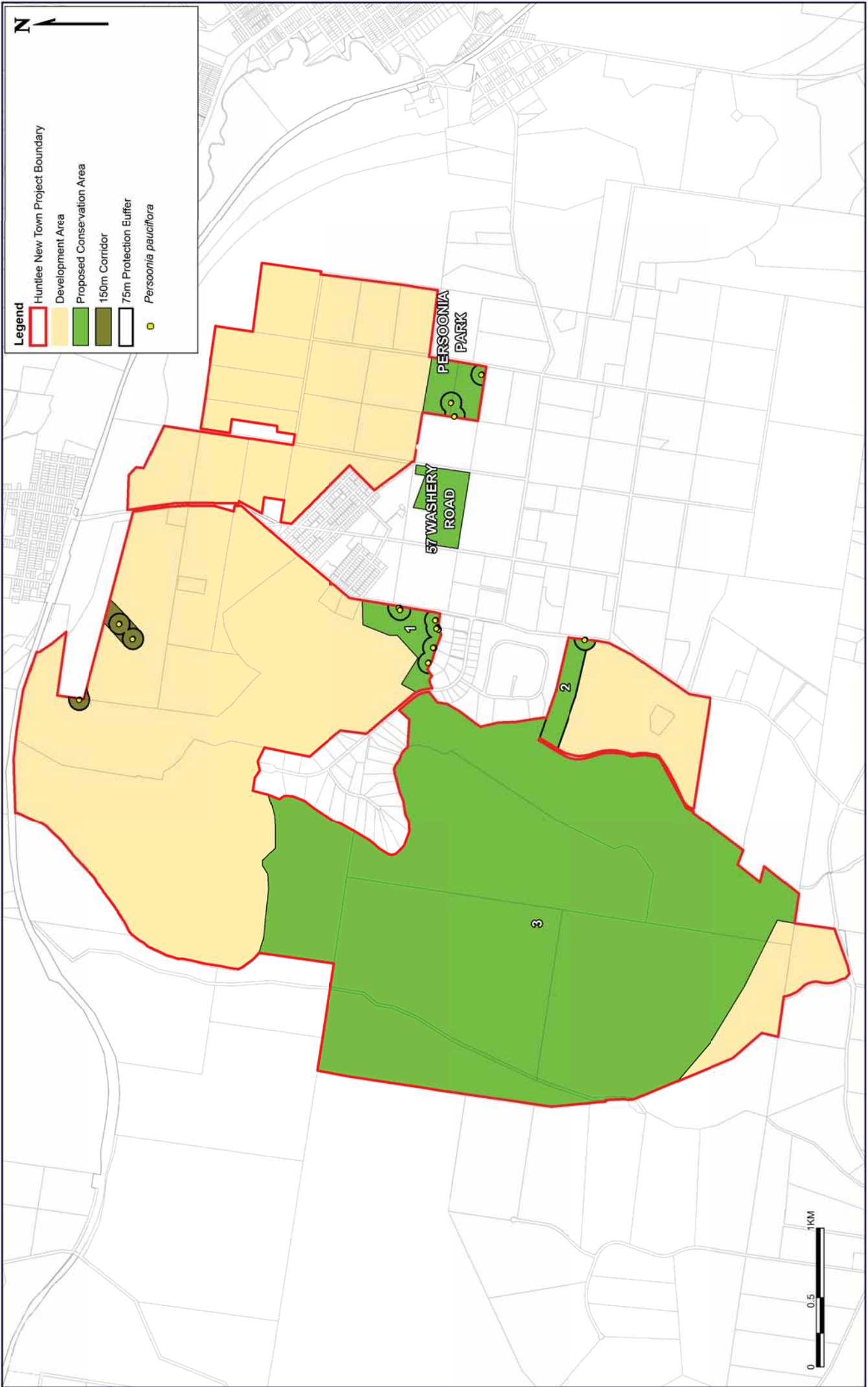


Shane Gaddes
Assistant Secretary
Compliance & Enforcement Branch
Environment Assessment and Compliance Division

14 January 2014

Note: Under s 491 of the *Environment Protection and Biodiversity Conservation Act 1999* it is an offence to knowingly provide false and/or misleading information to a departmental officer.

Appendix 6 *Persoonia pauciflora* locations – Condition 6



HUNTLEE EPBC APPROVAL (2011/5898)
 MAP - CONDITION 6

LOCATION: NORTH ROTHBURY

DATUM: MGA ZONE 56

DATE: 10/12/2013
 PURPOSE: REFERENCE MAP

LAYOUT REF: A:\08\108\108216 North Rothbury Huntlee\10 - Drafting
 VERSION (PLAN BY): MD PH JS (A-A3)

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Appendix 7

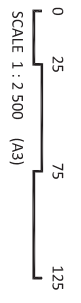
Conservation Area 2 contiguous with Conservation Area 3 – Condition 7



TYPICAL PEG AND STAKE DEMARCATING 150 METRE BUFFER

TYPICAL STAR PICKETS DEMARCATING 75 METRE CORRIDOR

DIAGRAM
(NOT TO SCALE)



- HUNTLEE NEW TOWN PROJECT BOUNDARY
- 75 METRE CORRIDOR
- 150 METRE CONSERVATION AREA 2 BUFFER
- *Personia pauciflora* individual
- DENOTES STAR PICKET PLACED
- DENOTES PEG AND STAKE PLACED

TITLE: HUNTLEE NEW TOWN PROJECT
LOCATION: NORTH ROTHBURY
CONSERVATION Area 2

DATUM: MGA ZONE 56
PROJECTION: MGA ZONE 56

DATE: 5TH DECEMBER 2013
PURPOSE: Conservation Area 2

AUTOCAD REF: 105216 - Conservation Area 2 Survey
VERSION: STAKES

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JOB REF: 105216

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Appendix 8 PPPMP Approval – Condition 11 and 15



Our reference: 2013/10641

Contact Officer: Alex Taylor
Telephone: (02) 6274 2209 Facsimile: (02) 6274 1878
Email: post.approvals@environment.gov.au

Mr Ian Wilkes
General Manager
Huntlee Pty Limited
PO Box 199
BRANXTON NSW 2335

Dear Mr Wilkes

Huntlee New Town Residential Development, Hunter Valley NSW (EPBC 2011/5898) Approval of PPPMP and HCMP – conditions 11 and 15

I write in relation to your request for ministerial approval of the *Persoonia Pauciflora* Population Management Plan (PPPMP) and the *Huntlee Conservation Management Plan* (HCMP), required under conditions 11 and 15, respectively, of *Environment Protection and Biodiversity Conservation Act 1999* (the Act) approval 2011/5898.

The department has reviewed the final submitted versions of the PPPMP (10 January 2014) and the HCMP (9 January 2014) and has found that these documents meet the requirements of conditions 11 and 15, respectively, of EPBC approval 2011/5898. On this basis, and as delegate of the Minister for the Environment, I have decided to approve the PPPMP (10 January 2014) and the HCMP (9 January 2014).

In accordance with conditions 11 and 15 of the approval, the approved plans must be implemented. Under condition 26 of the approval, should you wish to carry out an activity otherwise than in accordance with an approved plan you must submit a revised plan for approval by the Minister. Until the Minister has approved the revised plan, you must continue to implement the originally approved plan. Please ensure that, in accordance with condition 30, you publish all approved plans on your website.

Please ensure that you maintain accurate records of all activities associated with, or relevant to the conditions of approval, so that they can be made available to the department on request. Such documents may be subject to audit and used to verify compliance. Summaries of results of audits may be published by the department. Information about the monitoring and audit program can be found on the department's website at www.environment.gov.au/epbc/compliance/auditing.html.

If you would like to discuss this matter further please contact Alex Taylor on 02 6274 2209.

Yours sincerely



Shane Gaddes
Assistant Secretary
Compliance & Enforcement Branch
Environment Assessment and Compliance Division

14 January 2014

Appendix 9 Independent Scientific Expert Approval – Condition 12 and 16



Our reference: 2013/10641

Contact Officer: Alex Taylor
Telephone: (02) 6274 2209 Facsimile: (02) 6274 1878
Email: post.approvals@environment.gov.au

Mr Ian Wilkes
General Manager
Huntlee Pty Limited
PO Box 199
BRANXTON NSW 2335

Dear Mr Wilkes

**Huntlee New Town Residential Development, Hunter Valley NSW (EPBC 2011/5898)
Approval of Independent Scientific Expert – Condition 12 and 16**

I write in relation to your email of 27 October 2013 in which you sought departmental approval of Mr Anderson as an Independent Scientific Expert to review the *Persoonia pauciflora* Population Management Plan and the *Huntlee Conservation Management Plan*, as required under conditions 12 and 16 respectively of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2011/5898.

On 1 November 2013, the department requested further information in relation to the qualifications, experience and independence of Mr Anderson. This information was provided to the department on 5 November 2013 by Mr Doherty, acting as a representative of Huntlee Pty Limited.

The department has assessed the information provided by yourself and Mr Doherty and has determined that Mr Anderson has the requisite qualifications, experience and independence in accordance with the requirements of the EPBC approval.

Based on the assessment, I have decided to give departmental approval of Mr Anderson as an Independent Scientific Advisor under conditions 12 and 16 of the EPBC approval to review the *Persoonia pauciflora* Population Management Plan and the *Huntlee Conservation Management Plan*.

I draw to your attention that both of these reports must be provided to, and be approved by, the Minister prior to the commencement of the action.

If you have any enquiries please contact Alex Taylor on 02 6274 2209.

Yours sincerely

Shane Gaddes
Assistant Secretary
Compliance and Enforcement Branch
Environment Assessment and Compliance Division

8 November 2013

Appendix 10 *Persoonia pauciflora* pre-clearance surveys – Condition 13



Newcastle Office

Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292
PO Box 428, Hamilton, NSW Australia 2303
T +61 2 4940 4200 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au
ABN 441 402 927 62

Our Ref: PR105216
Date: 19 May 2015

Attn: Alex Taylor
33 Allara Street
Civic ACT 2600

Via: Email

Dear Alex

RE: HUNTLEE PERSOONIA PAUCIFLORA PRE-CLEARANCE SURVEYS – COMPLETION OF STAGE 1 & ADJACENT LANDS

RPS was commissioned by Huntlee Pty Ltd to conduct pre-clearance surveys for *Persoonia pauciflora* within Huntlee at North Rothbury. This survey has been undertaken in accordance with Condition 13 of the Huntlee EPBC Approval (2011/5898). The pre-clearance survey areas for the most recent survey encompassed the remaining Stage 1 lands and an adjacent area to Stage 1 north of Precinct 1,2 & 4.

The surveys were conducted by an ecologist familiar with identification of *Persoonia pauciflora* on the 29th April and 14th May 2015. A comprehensive search of the realignment area using a D-GPS unit (refer to Attachment 1) failed to identify any *Persoonia pauciflora* individuals.

For the departments benefit and to ensure transparency, a composite plan of areas where *Persoonia pauciflora* pre-clearance surveys have been carried out and approved by the Department has been attached. Note the most recent above-mentioned surveys have also been shown on the plan.

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the writer.

Yours sincerely
RPS

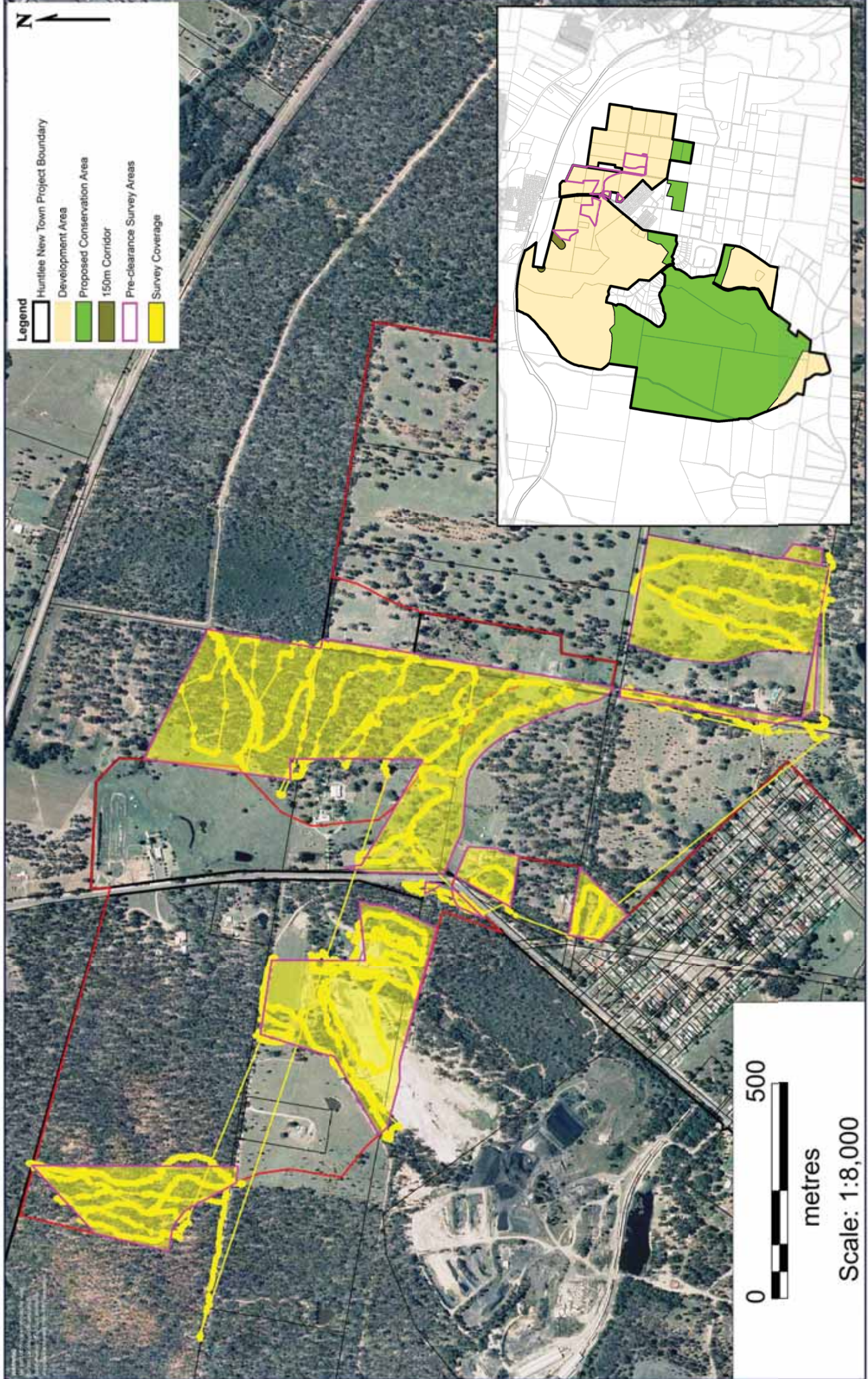


Matt Doherty
Technical Director (Ecology)

Encl:

Attachment 1 – Huntlee EPBC Approval (2011/5898) Map – Condition 13
Attachment 2 – Huntlee EPBC Approval (2011/5898) Map – Condition 13 Composite Plan

Cc: Huntlee Pty Ltd (Stephen Thompson and Glenn Swan)



Legend

- Huntlee New Town Project Boundary
- Development Area
- Proposed Conservation Area
- 150m Corridor
- Pre-clearance Survey Areas
- Survey Coverage

0 500
metres
Scale: 1:8,000

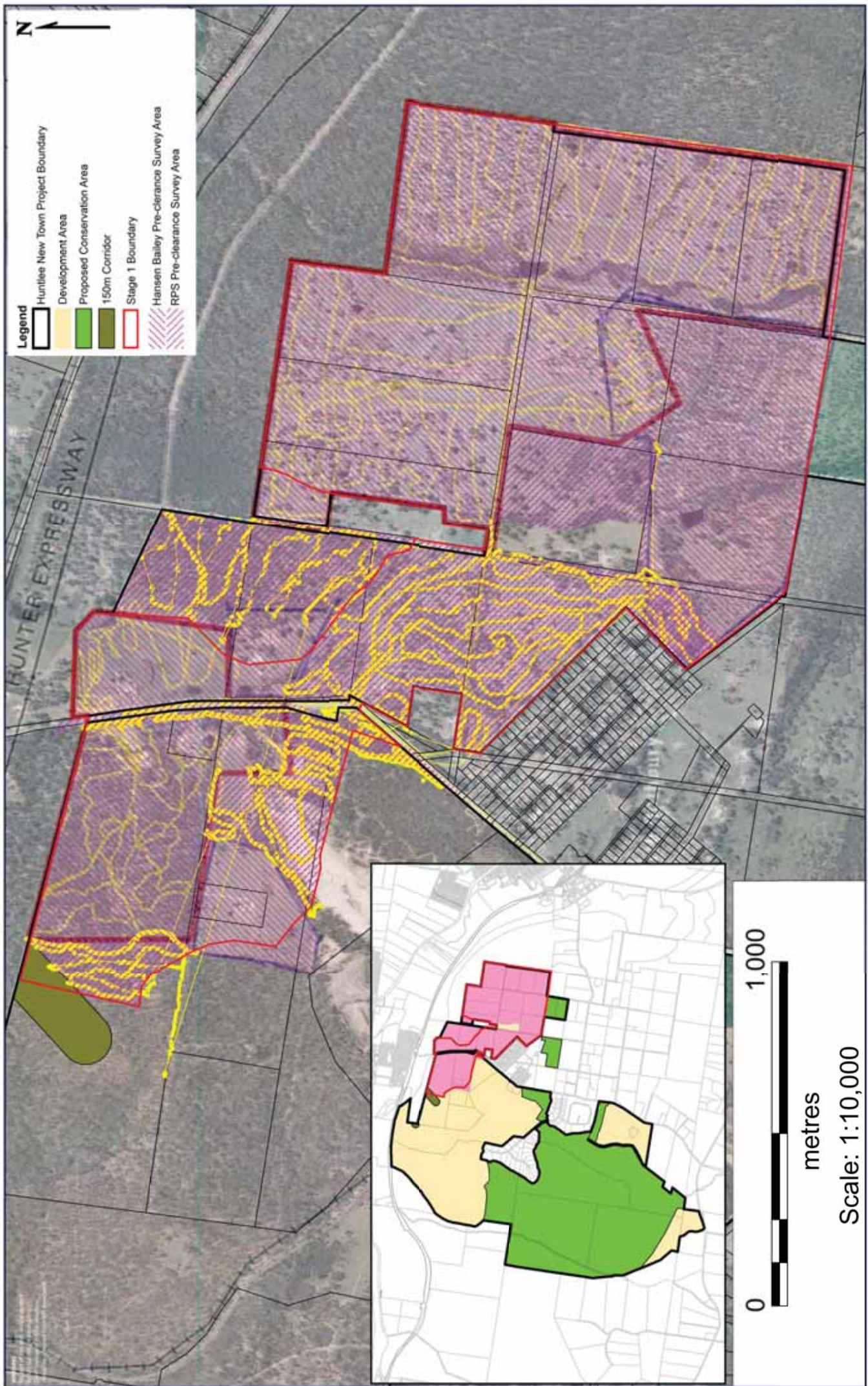
HUNTLEE EPIC APPROVAL (2011/5898) | LOCATION: NORTH ROTHBURY | DATUM: GDA 94 | DATE: 19-5-2015
 MAP - CONDITION 13 | PROJECTION: MGA ZONE 56 | PURPOSE: REFERENCE MAP | LAYOUT REF: A1000201501211 North Rothbury (Huntlee) EPIC Drafting | VERSION (PLAN BY): JMD (C-A3)

CLIENT: HUNTLEE PTY LTD
 JOB REF: 105216

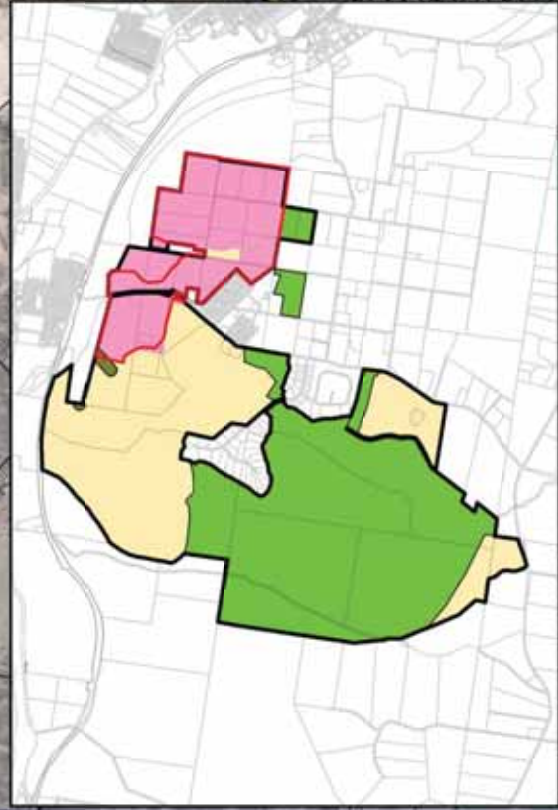
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- Legend**
- Huntlee New Town Project Boundary
 - Development Area
 - Proposed Conservation Area
 - 150m Corridor
 - Stage 1 Boundary
 - Hansen Bailey Pre-clearance Survey Area
 - RPS Pre-clearance Survey Area



metres
Scale: 1:10,000

HUNTLEE EPIC APPROVAL (2011/5898)
COMPOSITE MAP - CONDITION 13

DATE: 19-5-2015
PURPOSE: REFERENCE MAP

DATUM: GDA 94
PROJECTION: MGA ZONE 56

LAYOUT REF: A:\000\2015\2015\North\Huntlee\Huntlee\1301\1301_Drawing
VERSION (PLAN BY): MD (A-A3)

1 September 2014

Development Manager
Huntlee Pty Ltd
PO BOX 199
Branxton NSW 2335

Attention: Glenn Swann

Dear Glenn,

STAGE 1 – *PERSOONIA PAUCIFLORA* PRECLEARANCE SURVEY FOUR

The Department of the Environment granted Environment Protection and Biodiversity Conservation (EPBC) Approval 2011/5898 for the development of the new town settlement, Huntlee on 15 October 2013. The proposed Huntlee residential development is located adjacent to the villages of North Rothbury and Branxton in the Hunter Valley, NSW.

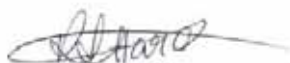
Hansen Bailey was commissioned by Huntlee Pty Ltd to conduct pre-clearance surveys for *Persoonia pauciflora* within Stage 1 of the Huntlee New Town Development at North Rothbury. This survey has been undertaken in accordance with Condition 13 of the Huntlee EPBC Approval (2011/5898) which states:

13. Prior to and within six months of the commencement of the action the person taking the action must undertake pre-clearance surveys to identify any Persoonia pauciflora plants (dead or alive) that are not currently documented and advise the Department in writing of any new plants or seed banks that are discovered.

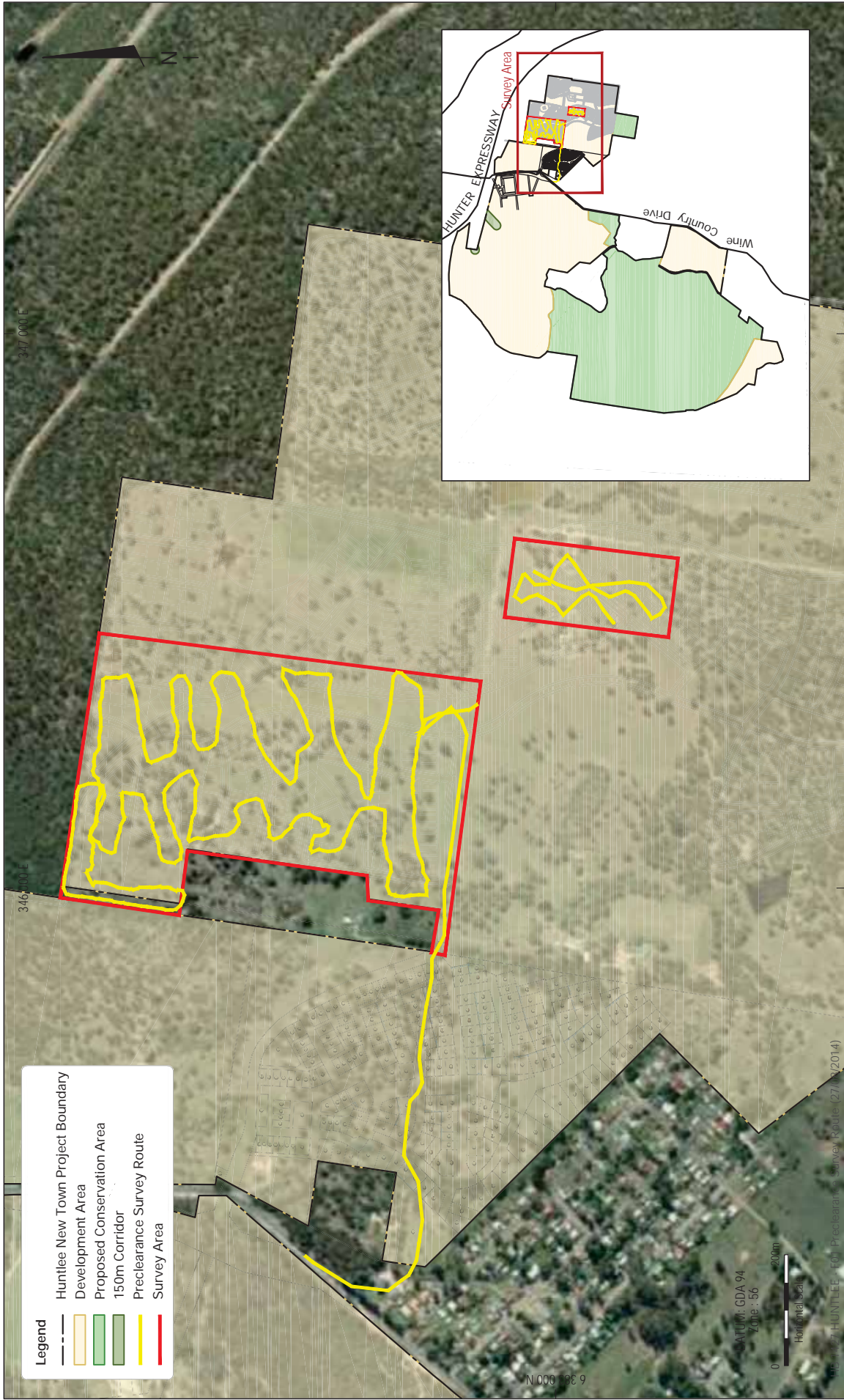
The survey was undertaken by the Department of Environment approved Conservation Officer, who is familiar with the identification of *Persoonia pauciflora*. A comprehensive walk over of Stage 1 – Preclearance Survey Area Four using D-GPS units (refer to Attachment 1) was undertaken on 22 August 2014. The vegetation of the area surveyed is cleared pasture with a large incidence of weed species and failed to present any *Persoonia pauciflora* individuals.

Should you have any queries in relation to this letter, please do not hesitate to contact me on 02 6575 2019 or rattard@hansenbailey.com.au.

Yours faithfully,
Renee Attard,



Incl: Attachment 1: Figure 1 – Preclearance Survey Route



HUNTLEE NEW TOWN DEVELOPMENT

Figure 1 - Preclearance Survey Route

FIGURE 1

15 October 2014

Development Manager
Huntlee Pty Ltd
PO BOX 199
Branxton NSW 2335

Attention: Glenn Swann

Dear Glenn,

STAGE 1 – *PERSOONIA PAUCIFLORA* PRECLEARANCE SURVEY FIVE

The Department of the Environment granted Environment Protection and Biodiversity Conservation (EPBC) Approval 2011/5898 for the development of the new town settlement, Huntlee on 15 October 2013. The proposed Huntlee residential development is located adjacent to the villages of North Rothbury and Branxton in the Hunter Valley, NSW.

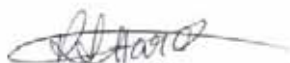
Hansen Bailey was commissioned by Huntlee Pty Ltd to conduct pre-clearance surveys for *Persoonia pauciflora* within Stage 1 of the Huntlee New Town Development at North Rothbury. This survey has been undertaken in accordance with Condition 13 of the Huntlee EPBC Approval (2011/5898) which states:

13. Prior to and within six months of the commencement of the action the person taking the action must undertake pre-clearance surveys to identify any Persoonia pauciflora plants (dead or alive) that are not currently documented and advise the Department in writing of any new plants or seed banks that are discovered.

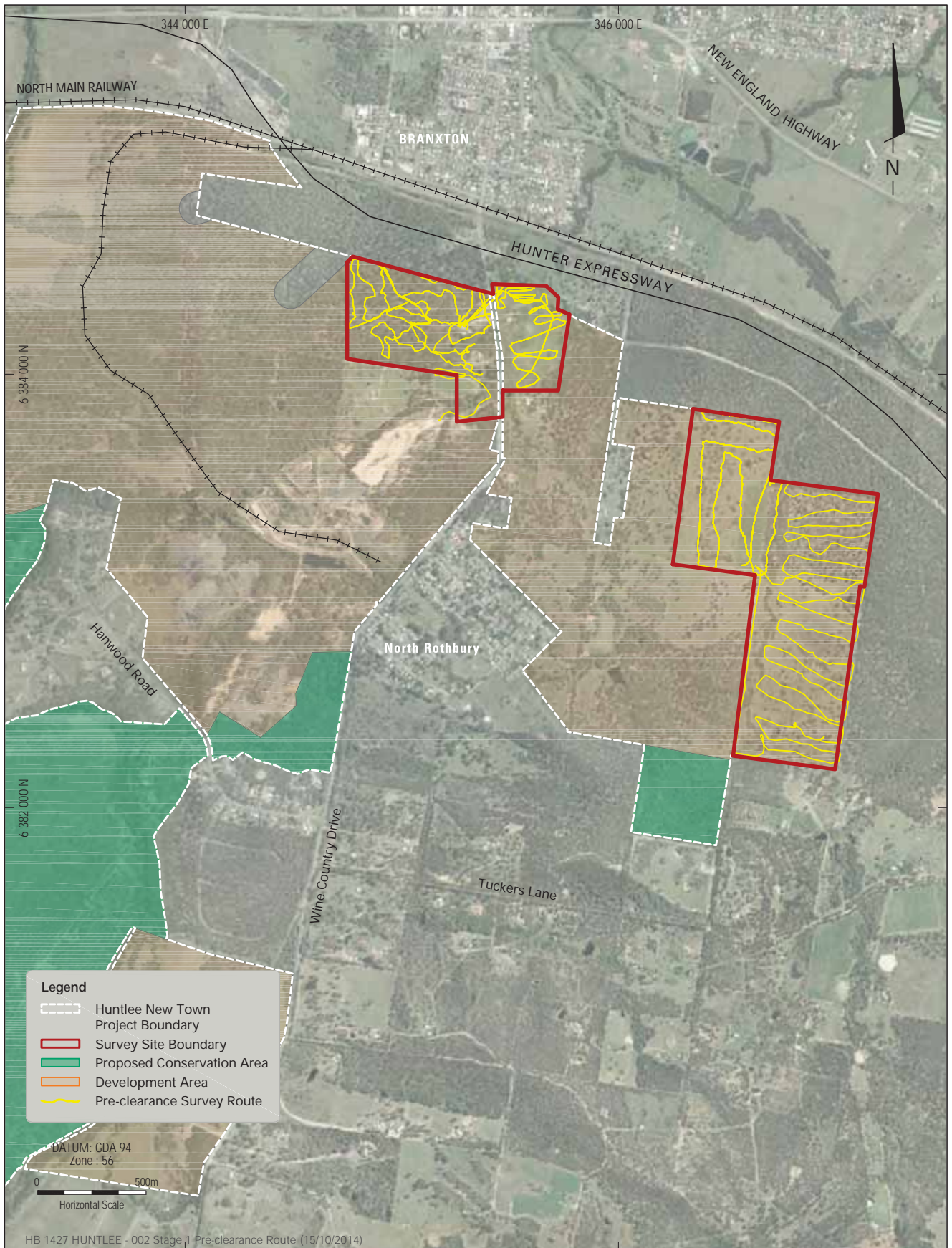
The survey was undertaken by the Department of Environment approved Conservation Officer, who is familiar with the identification of *Persoonia pauciflora*. A comprehensive walk over of Stage 1 – Preclearance Survey Area Five using D-GPS units (refer to Attachment 1) was undertaken between 18 September and 9 October 2014. The vegetation of the area surveyed consists of cleared pasture, and areas of former rural residential lots with a large incidence of weed species which failed to present any *Persoonia pauciflora* individuals.

Should you have any queries in relation to this letter, please do not hesitate to contact me on 02 6575 2019 or rattard@hansenbailey.com.au.

Yours faithfully,
Renee Attard,



Incl: Attachment 1: Figure 1 – Preclearance Survey Route



HUNTER NEW TOWN DEVELOPMENT

Stage 1 - Pre-clearance Survey Route

FIGURE 1

16 October 2014

Development Manager
Huntlee Pty Ltd
PO BOX 199
Branxton NSW 2335

Attention: Glenn Swann

Dear Glenn,

STAGE 1 – *PERSOONIA PAUCIFLORA* PRECLEARANCE SURVEY SIX

The Department of the Environment granted Environment Protection and Biodiversity Conservation (EPBC) Approval 2011/5898 for the development of the new town settlement, Huntlee on 15 October 2013. The proposed Huntlee residential development is located adjacent to the villages of North Rothbury and Branxton in the Hunter Valley, NSW.

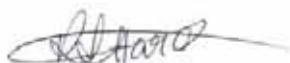
Hansen Bailey was commissioned by Huntlee Pty Ltd to conduct pre-clearance surveys for *Persoonia pauciflora* within Stage 1 of the Huntlee New Town Development at North Rothbury. This survey has been undertaken in accordance with Condition 13 of the Huntlee EPBC Approval (2011/5898) which states:

13. Prior to and within six months of the commencement of the action the person taking the action must undertake pre-clearance surveys to identify any Persoonia pauciflora plants (dead or alive) that are not currently documented and advise the Department in writing of any new plants or seed banks that are discovered.

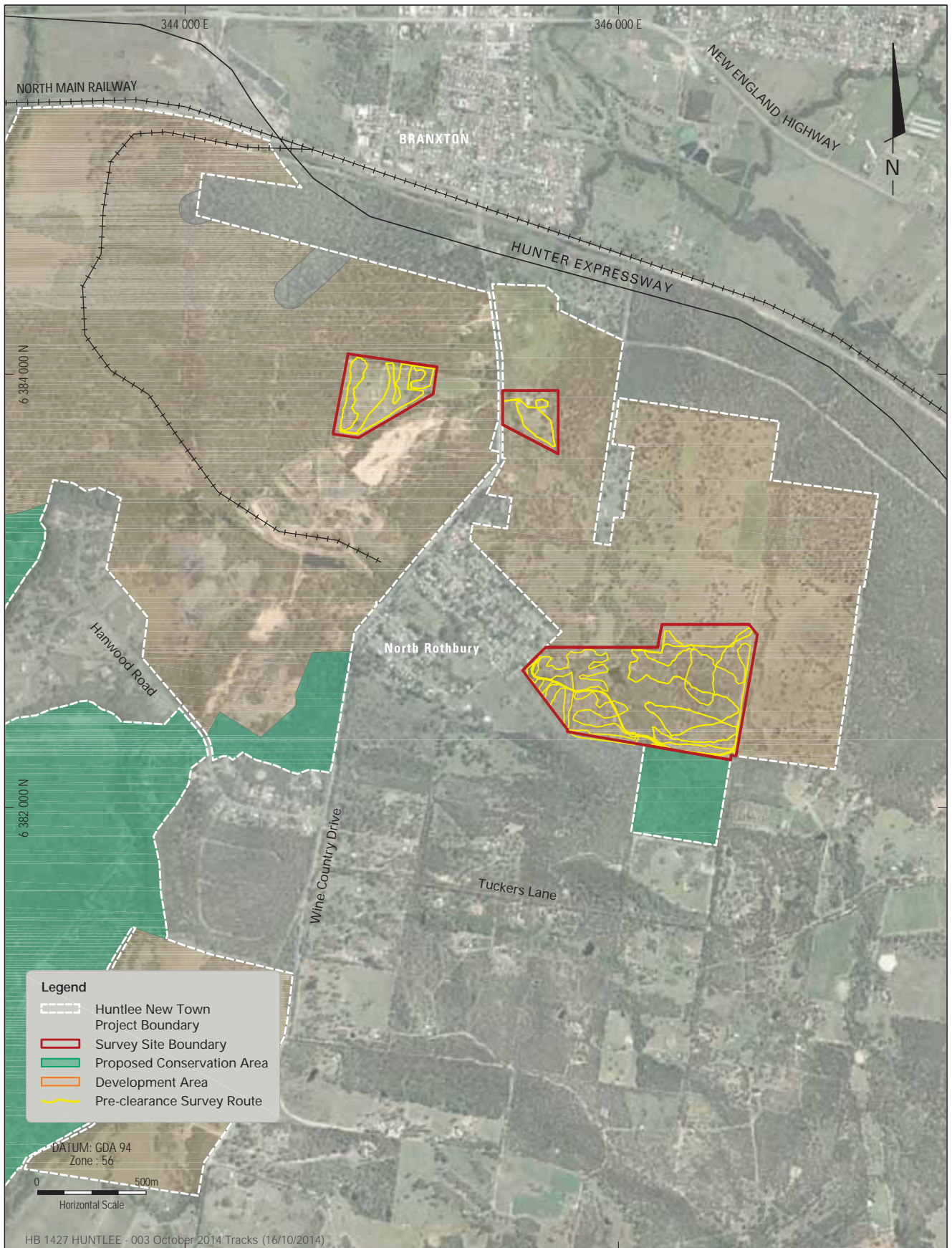
The survey was undertaken by the Department of Environment approved Conservation Officer, who is familiar with the identification of *Persoonia pauciflora*. A comprehensive walk over of Stage 1 – Preclearance Survey Area Six using D-GPS units (refer to Attachment 1) was undertaken on 16 October 2014. The vegetation of the area surveyed consists of cleared pasture, and areas of former rural residential lots with a large incidence of weed species which failed to present any *Persoonia pauciflora* individuals.

Should you have any queries in relation to this letter, please do not hesitate to contact me on 02 6575 2019 or rattard@hansenbailey.com.au.

Yours faithfully,
Renee Attard,



Incl: Attachment 1: Figure 1 – Preclearance Survey Route



HUNTER NEW TOWN DEVELOPMENT

Stage 1 - Pre-clearance Survey Route

FIGURE 1

Appendix 11 HCOP Approval – Condition 17 and 18



Our reference: 2013/10641

Contact Officer: Alex Taylor
Telephone: (02) 6274 2209 Facsimile: (02) 6274 1878
Email: post.approvals@environment.gov.au

Mr Ian Wilkes
General Manager
Huntlee Pty Limited
PO Box 199
BRANXTON NSW 2335

Dear Mr Wilkes

**Huntlee New Town Residential Development, Hunter Valley NSW (EPBC 2011/5898)
Approval of Huntlee Conservation Officer Plan – Condition 17**

I write in relation to email correspondence from Mr Matt Doherty received on 27th and 29th November 2013 in relation to the Huntlee Conservation Officer Plan (the plan), as per condition 17 of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2011/5898.

The department has assessed the plan and has determined that it meets the requirements of the approval. On this basis, and as delegate of the Minister for the Environment, I have decided to approve the plan.

In accordance with condition 17 of the approval, the approved plan must be implemented. Under condition 26 of the approval, should you wish to act other than in accordance with the approved plan, you must submit a revised plan for approval. Until a revised plan has been approved by the Minister, the original approved plan must be implemented.

Please ensure that you maintain accurate records of all activities associated with, or relevant to the conditions of approval, so that they can be made available to the Department on request. Such documents may be subject to audit and used to verify compliance. Summaries of results of audits may be published by the Department. Information about the monitoring and audit program can be found on the Department's website at www.environment.gov.au/epbc/compliance/auditing.html.

If you have any enquiries please contact Alex Taylor on 02 6274 2209.

Yours sincerely

Shane Gaddes
Assistant Secretary
Compliance and Enforcement Branch
Environment Assessment and Compliance Division

5 December 2013

Appendix 12 Request for variation Approval – Condition 17 and 18



Our reference: 2011/5898

Stephen Thompson
Project Director - Huntlee
LWP Property Group
PO Box 199
BRANXTON NSW 2335

Dear Mr Thompson

Variation to conditions 17 and 18 (EPBC 2011/5898)

Thank you for your letter dated 20 November 2014 from your lawyer Corrs, Chambers Westgarth, to the Department, requesting a variation to conditions 17 and 20 of the approval dated 15 October 2013.

Officers of this Department have reviewed the variation request and subsequent email correspondence. I understand that you have subsequently agreed to proposed amendment of condition 18 in conjunction with your proposal for condition 17.

As delegate of the Minister, I have varied conditions 17 and 18 of EPBC Approval 2011/5898 under section 143(1)(c) of the *Environment Protection and Biodiversity Conservation Act 1999* to enable the role of the Huntlee Conservation Officer to be undertaken as you propose. Conditions 17 and 18 must now be undertaken in accordance with the varied condition specified in the variation notification, which has been attached for your information.

I acknowledge your request to vary condition 20 of the approval. The Department is currently considering this request and has sought further information from the NSW Government. The Department will advise in due course regarding this.

As you are aware, the Department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the Department on request.

Should you require any further information please contact Peter Blackwell, Assistant Director, Post Approvals Section, on 02 6274 1470 or by email: post.approvals@environment.gov.au.

Yours sincerely

Shane Gaddes
Assistant Secretary
Compliance & Enforcement Branch
Environment Assessment and Compliance Division

27/5/2015



VARIATION TO CONDITIONS ATTACHED TO APPROVAL
Huntlee New Town Residential Development, Hunter Valley, NSW
(EPBC 2011/5898)

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

Approved action

Person to whom the approval is granted Huntlee Pty Limited
ACN 143 744 745

Approved action To develop a new urban settlement known as Huntlee, to be located adjacent to the villages of North Rothbury and Branxton in the Hunter Valley, NSW (see EPBC Act referral 2011/5898)

Variation

Variation of conditions of approval The variation is: delete conditions 17 and 18 attached to the approval dated 15 October 2013 and substitute with conditions 17 and 18 below.

Date of effect This variation has effect on the date the instrument is signed.

Person authorised to make decision

Name and position Shane Gaddes
Assistant Secretary
Compliance & Enforcement Branch

Signature

S. Gaddes

Date of decision *27 May 2015*

Conditions attached to the approval

17. The person taking the action must arrange for and commit to the funding of the work described in condition 18, for a period of at least 10 years from the **commencement of the action**. The work must be undertaken and coordinated by personnel having the requisite ecological qualifications and expertise and may be provided by firms specialising in environmental consulting. A plan setting out contractual arrangements for the work and a work plan of what will be undertaken must be provided to the **Minister for approval**. The approved plan must be implemented.

18. The work must include:

- a. coordination and implementation of condition 11c;
- b. coordination and implementation of actions to support the protection and conservation of *Persoonia pauciflora* consistent with the plans referred to in Conditions 11 and 15;
- c. contribution to actions that are consistent with the National Recovery Plan North Rothbury *Persoonia pauciflora* (*Persoonia pauciflora*); and
- d. reporting on the work and compliance with conditions of approval.

Appendix 13 Huntlee Conservation Coordinator, Contractual Arrangements and Work Plan Approval – Condition 17



Our reference: 2011/5898

Mr Matt Doherty
Technical Director- Ecology
RPS Australia Asia Pacific
PO Box 428
HAMILTON NSW 2303

Dear Mr Doherty

**EPBC 2011/5898- Huntlee Residential Development
Conservation coordinator Work Plan and Contractual Agreement**

Thank you for your email dated 11 August 2015 submitting the *Huntlee Conservation Coordinator, Contractual Arrangements and Work Plan*, in accordance with condition 17 of EPBC Approval 2011/5898.

Officers of this Department have considered the *Huntlee Conservation Coordinator Contractual Arrangements and Work Plan* and are satisfied that it meets the requirements of condition 17 of the approval for this project. On this basis, and as a delegate of the Minister for the Environment, I have decided to approve the plan. This plan must now be implemented.

In accordance with EPBC Approval 2011/5898 condition 26, if the approval holder wants to act other than in accordance with this approved plan, the approval holder must submit a revised plan for approval. Until the Minister (or his delegate) has approved the revised plan, the approved version of the plan must continue to be implemented.

Should you require any further information please contact Peter Blackwell, Assistant Director, Post Approvals Section, on (02) 6274 1470 or by email: post.approvals@environment.gov.au.

Yours sincerely

Shane Gaddes
Assistant Secretary
Compliance & Enforcement Branch
Environment Standards Division

8/9/2015

Appendix 14 Request for variation Approval – Condition 19



VARIATION TO CONDITIONS ATTACHED TO APPROVAL
Huntlee New Town Residential Development, Hunter Valley, NSW (EPBC
2011/5898)

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

Approved action

Person to whom the approval is granted Huntlee Pty Limited
ACN 143 744 745

Approved action To develop a new urban settlement known as Huntlee, to be located adjacent to the villages of North Rothbury and Branxton in the Hunter Valley, NSW (see EPBC Act referral 2011/5898)

Variation

Variation of conditions of approval The variation is: delete condition 19 and substitute with condition 19 below.

Date of effect This variation has effect on the date the instrument is signed.

Person authorised to make decision

name and position Shane Gaddes
Assistant Secretary
Compliance & Enforcement Branch

Signature

S. Gaddes

Date of decision 17 February 2014

Conditions attached to the approval

19. To compensate for the loss of habitat for the *Persoonia pauciflora* and the remaining residual impacts to the species as a result of the action, the person taking the action must provide \$341,700 directly to the NSW Office of Environment and Heritage (or appropriate agency or organisation responsible for implementation of the *National Recovery Plan North Rothbury Persoonia* (*Persoonia pauciflora*) and approved by the **Minister**) to fund activities consistent with the recovery actions identified in the *National Recovery Plan North Rothbury Persoonia* (*Persoonia pauciflora*).

The \$341,700 is to be provided to the NSW Office of Environment and Heritage (or an appropriate agency or organisation, as approved by the **Minister**) in the following instalments:

- \$100,000 by 14 July 2014;
- \$141,700 by 14 July 2015; and
- \$100,000 by 14 July 2016.

The person taking the action must provide written evidence to the **Department** within 1 week of each instalment being paid.



Our reference: 2013/00789

Contact Officer: Alex Taylor
Telephone: (02) 6274 2209 Facsimile: (02) 6274 1878
Email: post.approvals@environment.gov.au

Mr Ian Wilkes
General Manager
Huntlee Pty Limited
PO Box 199
BRANXTON NSW 2335

Dear Mr Wilkes

**Huntlee New Town Residential Development, Hunter Valley NSW
(EPBC 2011/5898) – Variation to Approval Condition 19**

I write in relation to the proposed variation to condition 19 of *Environment Protection and Biodiversity Conservation Act 1999* (the Act) approval 2011/5898.

Officers of the department, in collaboration with the NSW Department of Environment and Heritage, have reviewed the proposed variation and have determined that it is necessary and convenient for the implementation of activities under the *National Recovery Plan North Rothbury Persoonia (Persoonia pauciflora)*.

As delegate of the Minister for the Environment, I have decided to approve the variation to condition 19 of the approval in accordance with the provisions of the national environmental law, the EPBC Act. Condition 19 must now be undertaken in accordance with the varied condition specified in the enclosed variation notification.

The variation of conditions of approval does not relieve the person to whom it has been granted from an obligation to comply with any other law of the Commonwealth, State or Territory that is applicable to do the action and to have any right, title or interest that is required to access land or waters and to do the action.

If you have any enquiries in relation to this matter, please contact Alex Taylor on 02 6274 2209

S Gaddes

Shane Gaddes
Assistant Secretary
Compliance & Enforcement Branch
Environment Assessment and Compliance Division

17 February 2014

Appendix 15 Payment receipts – Condition 19

RECEIPT



Office of
Environment
& Heritage

OFFICE OF ENVIRONMENT & HERITAGE, DEPARTMENT OF PREMIER & CABINET
SERVICE CENTRE . PO BOX 1967. HURSTVILLE NSW 2220
Telephone (02) 9585 6682. Fax (02) 9585 6026
E-mail: accounts.receivable@environment.nsw.gov.au

ABN: 30 841 387 271

HUNTLEE PTY LTD
34 MAIN STREET
ELLENBROOK WA 6069

Receipt confirmation

Date 14.07.2014

Cash document 67151
Company code 0100 OEH
Cash journal 7130 SERVICE CENTRE

Incoming payment

From HUNTLEE PTY LTD
Customer no 414531
For/Address
Transaction CUSTOMER PAYMENT
Currency AUD
Payment details 306089/0000000001936
Receipt Date 11.07.2014

Net 110,000.00

Total 110,000.00

In words ONE HUNDRED TEN THOUSAND DOLLARS and ZERO CENTS

Text	Amount
------	--------

110,000.00

SPECIAL NOTICE

The Department of Environment, Climate Change & Water
is now known as Office of Environment & Heritage, Dept of Premier & Cabinet NSW

Our reference
LC/JB/HUNT16295-9071808

8 Chifley
8-12 Chifley Square Sydney NSW 2000
GPO Box 9925 Sydney NSW 2001
Tel +61 2 9210 6500
Fax +61 2 9210 6611
www.corrs.com.au

**CORRS
CHAMBERS
WESTGARTH**
lawyers

Sydney
Melbourne
Brisbane
Perth

20 July 2015

Mr James Tregurtha
Assistant Secretary
South-Eastern Australia Assessment Branch
Department of the Environment
GPO Box 787
Canberra City ACT 2601

Contact
Julia Bridge (02) 9210 6157
Email: julia.bridge@corrs.com.au

Partner
Louise Camenzuli

By email:
james.tregurtha@environment.gov.au

Dear Mr Tregurtha

Huntlee New Town development – EPBC Approval 2011/5898

We confirm that we act for Huntlee Pty Limited (**Huntlee**) in relation to the above matter.

In accordance with condition 19 of EPBC Approval 2011/5898 (as varied by decision dated 17 February 2014), our client was required to provide the sum of \$141,700 to the NSW Office of Environment and Heritage (**OEH**) by 14 July 2015 to fund activities consistent with the recovery actions identified in the *National Recovery Plan North Rothbury Persoonia* (*Persoonia Pauciflora*).

We confirm that a cheque in the sum of \$141,700 was provided to the OEH on 14 July 2015. Please see the **attached** letter from the OEH dated 15 July 2015 acknowledging receipt of the cheque in this regard.

We confirm that the third and final instalment of \$100,000 is payable by 14 July 2016.

Please contact Julia Bridge on (02) 9210 6157 if you have any queries.

Yours sincerely
Corrs Chambers Westgarth



Louise Camenzuli
Partner

attachments

Signed acknowledgment letter regarding receipt of the cheque in the sum of \$141,700



**Office of
Environment
& Heritage**

Your reference: Julia Bridge
Our reference:
Contact: Rasheed Sahu-khan
9995-6001

Corrs Chambers Westgarth
GPO Box 9925
SYDNEY NSW 2001

ATTENTION: Ms Julia Bridge

15 July 2015

Dear Ms Bridge

Re: Huntlee New Town development – EPBC Approval 2011/5898

I refer to your letter of 14 July 2015. Please find enclosed a copy of your letter signed as requested, acknowledging receipt of the cheque in the sum of \$141,700.

Yours sincerely

**Rasheed Sahu-khan
Principal Legal Officer
Office of Environment and Heritage**

Our reference
LC/JB/HUNT16295-9071808

8 Chifley
8-12 Chifley Square Sydney NSW 2000
GPO Box 9925 Sydney NSW 2001
Tel +61 2 9210 6500
Fax +61 2 9210 6611
www.corrs.com.au



Sydney
Melbourne
Brisbane
Perth

14 July 2015

By courier
Rasheed Saku-Khan
NSW Office of Environment and Heritage
Level 14, 59-61 Goulburn Street
Sydney NSW 2000

Contact
Julia Bridge (02) 9210 6157
Email: julia.bridge@corrs.com.au

Partner
Louise Camenzuli

Dear Mr Saku-Khan

Huntlee New Town development – EPBC Approval 2011/5898

We confirm that we act for Huntlee Pty Limited (**Huntlee**) in relation to the above matter.

In accordance with condition 19 of EPBC Approval 2011/5898 (as varied by decision dated 17 February 2014), our client is required to provide the sum of \$141,700 to the NSW Office of Environment and Heritage by 14 July 2015 to fund activities consistent with the recovery actions identified in the *National Recovery Plan North Rothbury Persoonia* (*Persoonia Pauciflora*).

Please find **attached** a cheque in the sum of \$141,700 in this regard.

Could you please confirm receipt of the cheque by signing and returning the **attached** copy of this letter.

We confirm that the third and final instalment of \$100,000 is payable by 14 July 2016.

Please contact Julia Bridge on (02) 9210 6157 if you have any queries.

Yours sincerely
Corrs Chambers Westgarth

Louise Camenzuli
Partner

attachments

Cheque in the sum of \$141,700

Receipt of the attached cheque in
the sum of \$141,700 acknowledged:

A handwritten signature in black ink, appearing to read 'R. Saku-Khan', written over a horizontal line.

Signature

14.7.2015

PABU280764944 (1).txt

From Account: Huntlee Pty Ltd 306-089 2681565

Account Name: HUNTLEE

Narration: BALANCING ENTRY

Payment Type: PAY ANYBODY - FILE UPLOAD

Processing Date: 14/07/2016

Processing Time: 16:33:15 (WA)

Debit Amount: \$100,000.00

Payment Number: 280764944

Payment Status: PROCESSED

Recipient

Narration

Office Enviroment & Heritage

HUNTLEE PTY LTD

Account

Amount

032-001 203420

\$100,000.00

END