



Environmental Protection Biodiversity
Compliance Report
Approval Number 2015/7578

For Torrens Title Subdivision for
Residential Development
33 -35 Warradale Road, Silverdale

ENVIRONMENTAL COMPLIANCE REPORT

Torrens Title Subdivision
33- 35 Warradale Road, Silverdale

EPBC Approval Number 2015/7578

PREPARED FOR

TJ & RF Fordham Pty Ltd

PREPARED BY

Planning Plus (NSW) Pty Ltd (Planning Plus)

Office: 7 Rosemont Street, West Wollongong NSW 2500
PO Box 113 Keiraville NSW 2500
Telephone: 043435 0913
E-mail: info@planningplus.com.au

Copyright©: This document is and shall remain the property of Planning Plus (PlanningPlus) Pty Ltd. Unauthorised use of this document in any form whatsoever is prohibited.

Planning Plus Pty. Ltd. (Incorporated in NSW) ACN 637 852 138

Document Tracking

Document Status							
File Location							
Project No.		20109			Date	January 2020	
Rev No.	Author	Author			Approved		
		Name	Signature	Date	Name	Signature	Date
1	Report	Anne Trezise		Aug 2020	WT		Aug 2020
2	Client Issue	AT		Sept 2020	WT		Sept 2020
3	Client Issue	AT		Sept 2020	WT		Sept 2020
4	EPBC Issue	AT		Sept 2020	WT		Sept 2020

TABLE OF CONTENTS

1.0 DECLARATION OF ACCURACY.....	1
2.0 DESCRIPTION OF ACTIVITIES.....	2
3.0 COMPLIANCE TABLE.....	3
4.0 ADDITIONAL INFORMATION.....	7
4.1 Property Description.....	7
4.2 Aerial Photos.....	8

TABLE

Table 3.1	Compliance with EPBC Approval 2015/7578
-----------	---

FIGURES

FIGURE 4.1	Location of 5 DP 261728
FIGURE 4.2	Survey of Lots 100 to 104 DP 1237882

ATTACHMENTS

ATTACHMENT 1	Approved Subdivision Plan
ATTACHMENT 2	BioBank Statement
ATTACHMENT 3	BioBank Retirement of Credits
ATTACHMENT 4	Commencement of Works
ATTACHMENT 5	EcoLogical Advice 2019
ATTACHMENT 5	EcoLogical Advice 2020
ATTACHMENT 6	Survey
ATTACHMENT 7	Aerial Photos

1.0 DECLARATION OF ACCURACY

In making this declaration, I am aware that sections 490 and 491 of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed: 

Position: CFO

Organisation: TJ & R. F Fordham Pty Ltd

ABN/ 56 000 548 354

ACN 00548354

Date 2nd September 2020

2.0 DESCRIPTION OF ACTIVITIES

The EPBC Approval number for this controlled activity is 2015/7578

This is a torrens title subdivision of land at 33-35 Warradale Road, Silverdale. The Estate is known as Silverdale Ridge. A plan showing the approved subdivision is located in Attachment 1.

The approval holder is T. J & R. F Fordham Pty Ltd

The approved action is for the development for residential subdivision and light industrial development.

The location of the land at the time the approval was granted was for 33 -35 Warradale Road, Silverdale, New South Wales (Lot 5 DP 261728).

During the assessment of the application by Wollondilly Council, it became necessary to re-subdivide the land to separate out some land zoned E2 Environmental Protection.

The land which comprised Lot 5 DP 261728 is now known as Lots 100 to 104 DP 1237882. Lot 103 is land identified as the Biobank site.

Work commenced on this approval on 12th August 2019. This report is being published on 3rd September 2020.

The reporting period for this report is from 12th August 2019 to 18th August 2020

This report was prepared on 28th August 2020.

3.0 COMPLIANCE TABLE

Table 3.1 addresses the conditions of consent for EPBC Approval No 2015/7578.

Table 3.1 Approval Conditions of EPBC Approval 2015/7578

Cond No	Condition	Compliance	Comment
1	The approval holder must not clear more than: 3.26 hectares of the <i>Shale Sandstone Transition Forest of the Sydney Basin Bioregion</i> ecological community, at the impact site.	Compliant	No more than 3.26 ha of Shale Transition Forest of the Sydney Basin Bioregion has been cleared from the site
2	The approval holder must obtain an approved BioBanking Statement issued by the NSW Office of Environment and Heritage, for the purchase and retirement of BioBanking Credits for impacts to 3.26 ha of <i>Shale Sandstone Transition Forest of the Sydney Basin Bioregion</i> ecological community, at the impact site. The approval holder must:	Compliant	See Attachment 2
2(a)	provide a copy of the approved BioBanking Statement to the Department prior to the commencement of action;	Non-compliant	The Department of Agriculture, Water and the Environment wrote to the approval holder on 3 rd July 2020 based on concerns that this condition of the approval could have been breached. This condition had been breached in that a copy of the BioBanking Statement had not been forwarded to the Department. Advice responding to the Department's queries was forwarded on the 9 th July 2020 including a copy of the BioBanking Statement. A copy of this BioBanking Statement is located in Attachment 2
2(b)	notify the Department of any changes to the number and type of BioBanking	Not applicable	

	credits required by the approval holder to offset		
3	To compensate for the loss of <i>Shale Sandstone Transition Forest of the Sydney Basin Bioregion</i> ecological community at the impact site, prior to the commencement of the action, the approval holder must purchase and retire all BioBanking credits, in accordance with the approved BioBanking Statement issued by the NSW Office of Environment and Heritage. The approval holder must provide written evidence to the Department of the retirement of these BioBanking credits prior to the commencement of action.	Compliant	<p>Bio Banking Credits have been purchased for the impact on <i>Shale Sandstone Transition Forest of the Sydney Basin Bioregion</i></p> <p>A copy of the retirement of the credits and advice to the Department is located in Attachment 3</p>
4	Within 14 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.	Non compliant	<p>The Department of Agriculture, Water and the Environment wrote to TRN on 3rd July 2020 based on concerns that this condition of the approval could have been breached.</p> <p>This condition had been breached and advice responding to the Department's queries was forwarded on the 9th July 2020.</p> <p>This included advice from CPE Tree services that clearing work commenced on 12th August 2019.</p> <p>No further action was taken.</p> <p>See Attachment 4</p>
5	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to offset all impacts 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	Compliant	<p>EcoLogical were on site to support the clearance of the site.</p> <p>Attachment 5 are letters provided by EcoLogical detailing how clearing occurred on site.</p> <p>Clearing took place in two stages, consequently separate advice is provided for each of these stages.</p>

	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.		
6	<p>Within three months of every 12 month anniversary of the commencement of the action, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including details on the offsets required 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 approval holder must continue to publish the annual compliance report until such time as agreed to in writing by the Minister.</p>	Compliant	
7	<p>Upon the direction of the Minister, the approval holder 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</p>	Not Applicable	
8	<p>If the approval holder wishes to carry out any activity otherwise than in accordance with any offset as specified in these conditions, the approval holder must submit to the Department for the Minister's written approval a revised version of the relevant offset(s). The varied activity shall not commence until</p>	Not Applicable	

	<p>the Minister has approved the varied offset(s) in writing. The Minister will not approve a varied offset(s) unless the revised offset(s) would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised offset(s), that offset(s) must be implemented in place of the offset(s), originally approved.</p>		
9	<p>If the Minister believes that it is necessary or convenient for the better protection of MNES to do so, the Minister may request that the approval holder make specified revisions to any offset(s) specified in these conditions, and submit the revised offset(s) for the Minister's written approval. The approval holder must comply with any such request. The revised approved offset(s) must be implemented. Unless the Minister has approved the revised offset(s), then the approval holder must continue to implement the offset(s) originally approved.</p>	Not Applicable	
10	<p>If, at any time after five (5) years from the date of this approval, the approval holder has not commenced the action, then the approval holder must not commence the action without the written agreement of the Minister.</p>	Not Applicable	
11	<p>Unless otherwise agreed to in writing by the Minister, the approval holder must publish all offsets referred to in these conditions of approval on their website. Each offset must be published on the website within one (1) month of being approved.</p>	Not required for publication.	Offsets have been purchased and evidence has been provided to the Department..

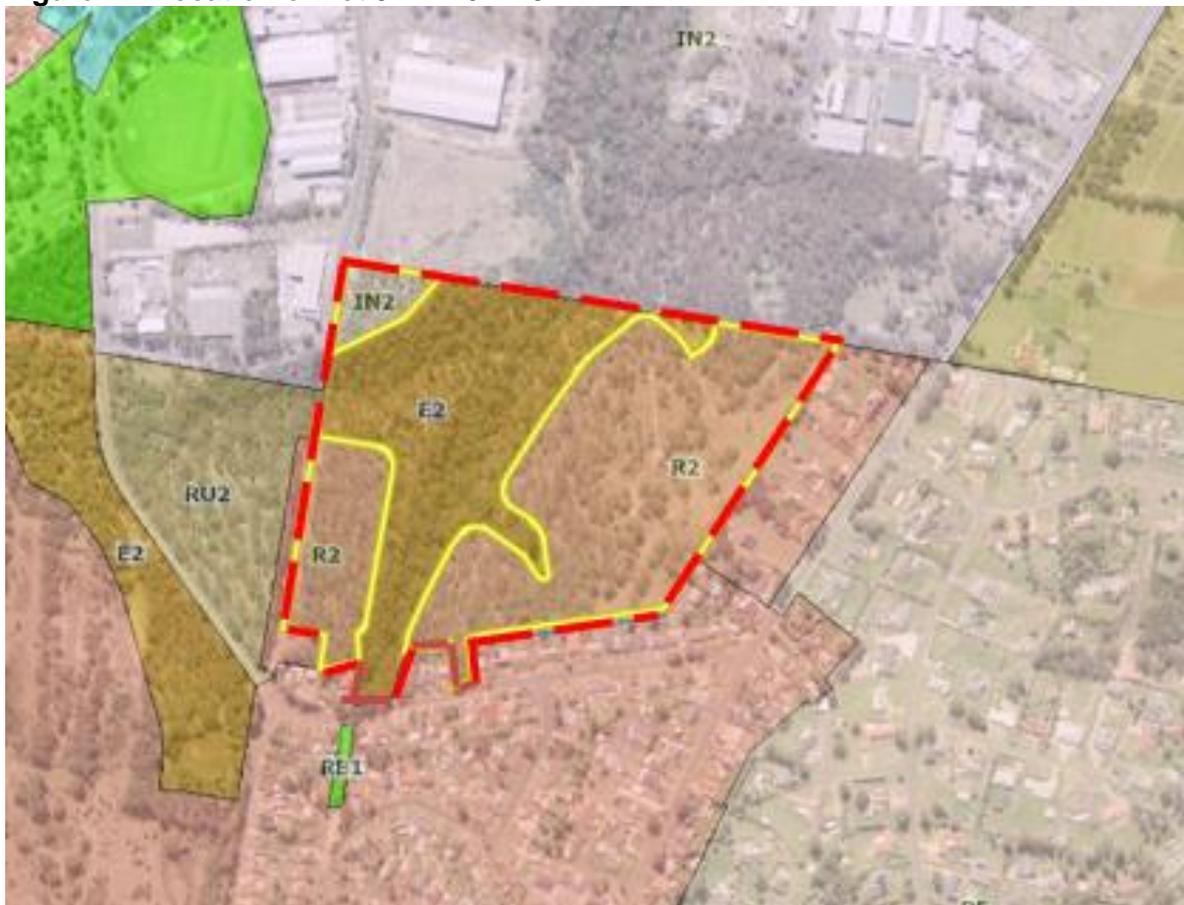
4.0 ADDITIONAL INFORMATION

4.1 Property Description

During the assessment of the development application with Wollondilly Shire Council it became necessary to re-subdivide the land to excise a portion of the site which was zoned E2 Environmental Protection. This has resulted in an altered property description for the site.

Figure 4.1 shows the subject land when it was identified as Lot 5 DP 261728 and is shown outlined in red.

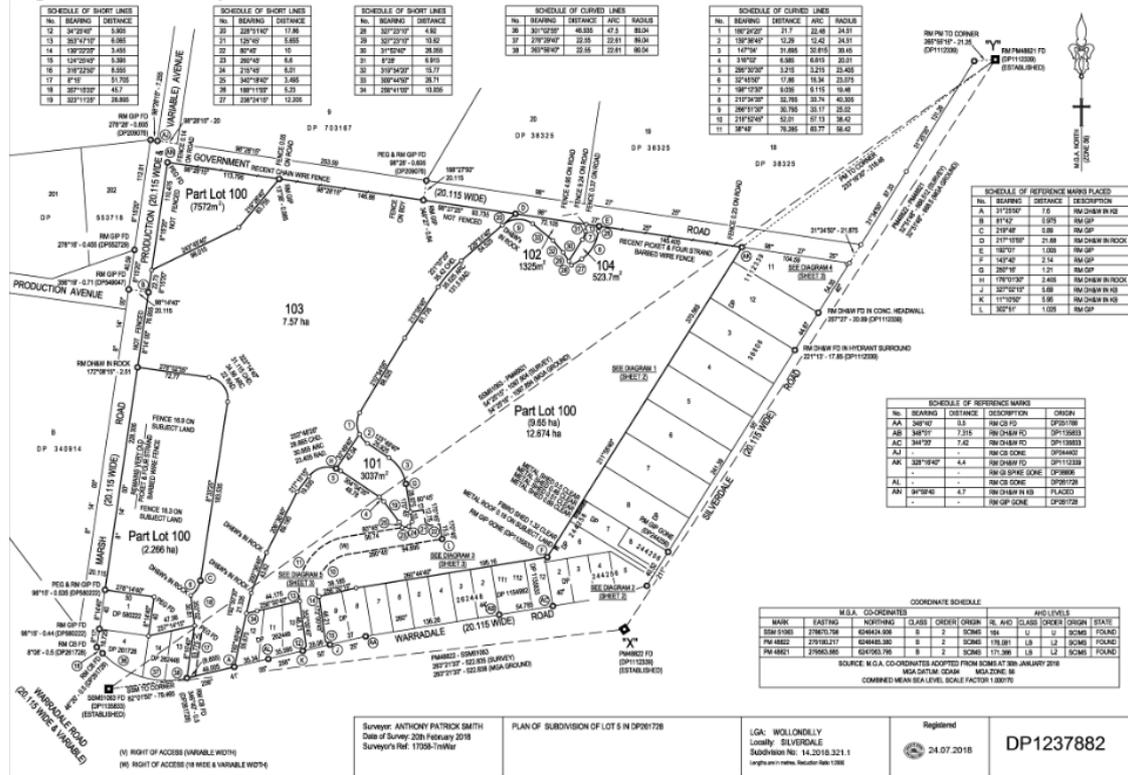
Figure 4.1 Location of Lot 5 DP 261728



Source: Planning Plus and SEPP Coastal Maps

Figure 4.2 is a survey of the site showing the re subdivision of the site with land titles being comprised of Lot 100 to 104 DP 1237882. This survey is also shown in Attachment 6.

Figure 4.2 Survey of Re subdivision of site



4.2 Aerial Photos

Aerial photos have been taken during the development of the site and these are shown in Attachment 7.