
Appendix 7

Justification of EPBC Approval Consistency

Nords Wharf

Condition	EPBC Act Approval	Consistency of Part 3A Concept Plan EA (The Proposal) with EPBC Act Approval
C1.	The person taking the action must undertake the action in accordance with the conditions of this approval and as described in the referral documentation dated 20 August 2008. Where the referral documentation and these conditions are contradictory, these conditions shall prevail to the extent of the contradiction.	The Proposal is consistent with the relevant conditions of the EPBC Act approval as set out in the responses below:
C2.	Prior to any commencement of works, the person taking the action must dedicate the approximate 116ha of land identified as the Nords Wharf conservation area to the NSW Government to be conserved in perpetuity.	The Nords Wharf conservation area will be dedicated to the NSW Government, in accordance with clause 4 of Schedule 4 of the Voluntary Planning Agreement, prior to any commencement of works.
C3.	<p>In order to minimise any potential impacts on the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) listed threatened species and suitable habitat that is known to, or likely to occur in the Nords Wharf conservation area, a management and monitoring plan must be developed to address the following interface management issues between the Nords Wharf development area and the Nords Wharf conservation area:</p> <ul style="list-style-type: none"> (a) pedestrian access arrangements; (b) edge effects due to disturbance of adjacent areas; (c) procedures for identifying and conserving, hollow bearing and old growth habitat trees in the Nords Wharf development area; (d) sediment and erosion control measures; (e) water quality and quantity; (f) domestic animals; and (g) spread of exotic and invasive species. <p>The plan must be approved in writing by the Minister prior to the commencement of works. The approved plan must be implemented.</p>	<p>The Proposal is consistent with this condition A5 as follows:</p> <p>The Proposal commits to the preparation of a Statement of Interim Management Intent (SIMI) in the “Environmental Management” clause of the Statement of Commitments. The SIMI will be prepared in consultation with DECCW and will be, to the extent possible, consistent with the plan approved by the Minister with respect to clauses (a), (b), and (g) of this condition C3.</p> <p>The Proposal commits to the preparation of a Tree Management Plan in the “Tree Management” clause of the Statement of Commitments. The Tree Management Plan will be, to the extent possible, consistent with the plan approved by the Minister with respect to clause (c) of this condition C3.</p> <p>The Proposal commits to the preparation and implementation of a range of stormwater management measures in the “Water Quality and Quantity Management” clause of the Statement of Commitments. The management measures will be, to the extent possible, consistent with the plan approved by the Minister with respect to clause (d) and (e) of this condition C3.</p> <p>The Proposal commits to the development of strategies to address potential impacts associated with pet ownership in the “Pet Management” clause of the Statement of Commitments. The management measures will be, to the extent possible, consistent with the plan approved by the Minister with respect to clause (f) of this condition</p>

		C3.
C4.	In order to minimise the potential impacts on the EPBC Act listed threatened species and suitable habitat that is known to, or likely to occur in the Nords Wharf conservation area, the person proposing to take the action must develop a Stormwater Management Plan which ensures that stormwater discharged from the Nords Wharf development area meets the objective reductions set out in the October 2007 draft Managing Urban Stormwater: environmental targets, Department of Environment and Climate Change NSW.	The Proposal commits to the preparation and implementation of a range of stormwater management measures in the “Water Quality and Quantity Management” clause of the Statement of Commitments. The stormwater management measures will be, to the extent possible, consistent with the plan approved by the Minister with respect to this condition C4.
C5.	Within ten calendar days of commencement of the works, the person taking the action must advise the department in writing of the actual commencement date.	Not Applicable.
C6.	Within three months of every 12 month anniversary of the commencement of the works, the person taking the action must submit to the Department an annual report addressing compliance with the conditions of this approval, including measures taken to implement the management plans required by this approval. Annual reports must be provided until the Minister is satisfied and the department advises in writing that the proponent has complied with all conditions of the approval.	Not Applicable. Copies of the annual report would be provided to relevant NSW Government agencies upon request) (
C7.	If the person taking the action wishes to carry out any activity otherwise than in accordance with the plans, reports or strategies referred to in condition numbers C3 and C4 the person taking the action must submit for the Minister’s approval a revised version of any such plan, report or strategy. If the Minister approves such a revised plan, report or strategy, that plan, report or strategy must be implemented in place of the plan, report or strategy originally approved.	Not Applicable.
C8.	If the Minister believes it is necessary or desirable for the better protection of listed threatened species and communities to do so, the Minister may request that the person taking the action make specified revisions to the plans, reports or strategies approved pursuant to condition numbers C3 and C4 and submit the revised plan, report or strategy for the Minister’s approval. The person taking the action must comply with any such request. The revised approved plan, report or strategy must be implemented.	Not Applicable.

C9.	If, at any time after 5 years from the date of this approval, the Minister notifies the person taking the action in writing that the Minister is not satisfied that there has been substantial commencement of the action, the action must not thereafter be commenced without the written agreement of the Minister.	Not Applicable.
C10.	The person undertaking the action must maintain accurate records substantiating all activities 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 Departments website. The results of audits may also be publicised through the general media.	Not Applicable.