

## WELLS Kylie M

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**From:** Taylor, Mahani <Mahani.Taylor@environment.gov.au>  
**Sent:** Thursday, 5 September 2013 10:56 AM  
**To:** MITCHELL Rowena  
**Cc:** Irish, Peter; Ellis, Caitlin; LAWRENCE Scott B; LEONARD Paul M; Harris, Nathan; Irish, Peter  
**Subject:** RE: Devil's Pulpit [SEC=UNCLASSIFIED]

Dear Rowena,

My apologies for the delay in responding. As discussed, the department has reviewed this offset site in accordance with our current EPBC Act Policy and guide (calculator). I have also discussed this and confirmed with the delegate for the Minister (James Tregurtha) that the entire site will be acceptable as an offset for this project. The delegate has been made aware that it does not meet the habitat requirements specified in the conditions for the spotted-tail quoll but is willing to forgo this given the quality and extent of the proposed site.

Kind regards,

*Mahani Taylor*

Director  
NSW Section, South-Eastern Australia Environment Assessment Branch  
Department of Sustainability, Environment, Water, Population and Communities  
33 Allara Street, Civic, ACT, 2600

(02) 6274 1428

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**From:** MITCHELL Rowena [<mailto:Rowena.MITCHELL@rms.nsw.gov.au>]  
**Sent:** Monday, 19 August 2013 12:04 PM  
**To:** Taylor, Mahani  
**Cc:** Irish, Peter; Ellis, Caitlin; LAWRENCE Scott B; LEONARD Paul M  
**Subject:** FW: Devil's Pulpit [SEC=UNCLASSIFIED]

Hi Mahani



**Australian Government**  
**Department of the Environment**

EPBC Ref: 2010/5586

Mr Bob Higgins  
General Manager Pacific Highway  
NSW Roads and Maritime Services  
21 Prince Street  
GRAFTON NSW 2460

Bob

Dear ~~Mr Higgins~~,

**Pacific Highway Upgrade, Devil's Pulpit (EPBC 2010/5586) – Offset Plan**

Thank you for your letter of 25 November 2013 regarding the proposed offset for the Devil's Pulpit Upgrade.

The Department previously advised RMS that the entire Bungawalbin site would be required as an offset for the Devil's Pulpit project, in light of the site not meeting the habitat quality for the Spotted-tail Quoll required by the conditions of the approval. We now note your request to only meet 90% of the offset requirements for the Devil's Pulpit project by protecting and managing a portion of the Bungawalbin site. We also note your request to only use a portion of the proposed Bungawalbin site to offset the impacts of Devil's Pulpit, and use the remaining portions of the site to offset the impacts of other upgrade projects.

Firstly, in regards to your request to meet 90% of the offset requirements with a portion of the Bungawalbin site, the Offsets Policy states that a minimum of 90% of offset requirements must be met through direct offsets, with other compensatory measures, such as funding of research projects, contributing a maximum of 10% towards the offset. The offset package must therefore still meet 100% of the requirements.

If RMS are seeking to only protect a portion of the Bungawalbin property in order to achieve 90% of the offset requirements, RMS will need to provide other compensatory measures to provide conservation benefits for the relevant species to meet the remaining 10%. Please note that the cost of these compensatory measures is calculated in the offsets guide on the basis of the costs associated with the direct offset component. Should RMS wish to use other compensatory measures to make up the remaining 10% of the offset, these measures and costings should be provided to the Department. Alternatively, 100% of the offset could be provided by protecting and managing the entire Bungawalbin property.

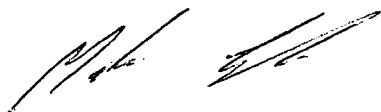
In regards to RMS' request to use portions of the Bungawalbin property for other offsets, the Department provides the following advice based on the assumption that RMS is providing 100% of their offset requirement by protecting and managing the Bungawalbin property. The Department considers that the entire property is required to compensate for the impacts to the Spotted-tail Quoll. As the entire offset site would be protected as a result of the Devil's Pulpit EPBC Act approval (for the Spotted-tail Quoll), only additional management measures, required above and beyond what is required as a part of the Devil's Pulpit approval, that can be demonstrated to provide

an *additional* conservation gain for the relevant species, can be considered as offsets for other RMS proposals. The Department considers that the management measures to be implemented for the Spotted-tail Quoll are the same as those that would be implemented for the Grey-headed Flying-fox, Swift Parrot and Regent Honeyeater. As the whole site would already be protected and managed for these species, no *additional* conservation gain could be provided for these species at the Bungawalbin property as offsets for other projects. Should additional management measures be proposed for the Giant-Barred Frog as part of another offset, these measures could be considered if they can be demonstrated to provide an additional conservation gain for the species.

The Department also notes that the proposed management measures and management funding for the Bungawalbin property, as required by the approval, are yet to be provided by RMS, as well as final confirmation that the property will be dedicated as a National Park or Nature Reserve. Only once this final information is received, can the Department confirm the final numbers in the calculator should RMS wish to only meet 90% of their offset requirements with this property.

If you have any questions about the process, please do not hesitate to contact myself on 6274 1428 or [mahani.taylor@environment.gov.au](mailto:mahani.taylor@environment.gov.au), or the project manager, Caitlin Ellis on 6275 9927 or [caitlin.ellis@environment.gov.au](mailto:caitlin.ellis@environment.gov.au) and quote the EPBC reference number shown at the beginning of this letter

Yours sincerely



Mahani Taylor  
Director  
NSW Section  
South-Eastern Australia Assessments  
19 February 2014

16 October 2014

Mahani Taylor  
Director  
Department of the Environment  
GPO Box 787  
Canberra ACT 2601

**Pacific Highway Upgrade – Devils Pulpit Biodiversity Offset Package Submission for Approval**

Dear Mahani,

Condition of Approval (CoA) number 7 for the Devils Pulpit project requires the development of a Biodiversity Offset Plan (Offset Package).

In 2011 Roads and Maritime Services (Roads and Maritime) started the process of procuring a suitable offset property. After extensive consultation with Office of Environment and Heritage (OEH), Department of the Environment (DotE), National Parks and Wildlife Services (NPWS), an agreement was reached to procure a property adjoining the Bundjalung National Park, meeting the Commonwealth Environmental Offset Policy requirements. The property is located at 1457 Myall Creek Road, Bungawalbin. Roads and Maritime have since purchased the property in March 2014 and have prepared the attached Biodiversity Offset Package. It is envisaged that the property will be managed by NPWS as part of the state conservation reserve system. In the meantime the property is being managed by Roads and Maritime Services Property section. On the 12 September 2014 NPWS provided Roads and Maritime a scope of works for the associated management tasks on the property, these tasks are referred to in Appendix C of the attached Offset Package.

Roads and Maritime has completed the Offset Package and consulted with the Department as required by the CoA. Details of the consultation are included in section 1.3 and Appendix A of the Offset Package.

Roads and Maritime are in the final stages of negotiations with NPWS for the ongoing management costs for the property. The timing of property transfer to the National Parks estate will be determined following agreement between Roads and Maritime and NPWS.

Roads and Maritime is seeking approval from the Department for the attached Offset Package.

Should you require further information, please contact Simon Wilson on (02) 6640 1376.

Yours sincerely,



Jim Campbell  
Acting General Manager, Pacific Highway

cc. Environment Protection Authority – Gary Davey  
cc. National Parks and Wildlife Service – Mark Pittavino



**Office of the Secretary**

Mr Robert Higgins  
General Manager, Pacific Highway  
Roads and Maritime Services  
PO Box 546  
Grafton NSW 2460

14/18911

Dear Mr Higgins

**Devils Pulpit Upgrade (MP09\_0179) - Biodiversity Offset Package**

Thank you for your correspondence of 16 October 2014 seeking approval of the Biodiversity Offset Package for the above project.

After careful consideration I am satisfied that this document addresses the requirements of Condition B5 of the Devils Pulpit project approval. As such, I approve the *Devils Pulpit Upgrade — Biodiversity Offset Package (October 2014)*, prepared by Roads and Maritime Services, dated 16 October 2014.

Should you have any further enquiries, please contact Dominic Crinnion, of the Infrastructure Projects branch at the Department on (02) 9228 2084.

Yours sincerely

A handwritten signature in black ink, appearing to read 'CA McNally', with a stylized flourish extending to the right.

Carolyn McNally  
Secretary

17.11.14



Mr James Barker  
Assistant Secretary Assessment and Governance Branch  
Department of the Environment and Energy  
GPO Box 787  
CANBERRA ACT 2601

Attn: Hagen Ganahl

Dear Mr Barker

**Re: Devil's Pulpit (EPBC 2010/5586) – Biodiversity Offset Package**

Roads and Maritime Services (Roads and Maritime) submitted the Biodiversity Offset Package (BoP) for the Devil's Pulpit Upgrade program for approval in October 2014. The results of the Compliance Audit undertaken on the project earlier this year indicated that the package had not been approved by the Minister. Roads and Maritime agreed to update the BoP and resubmit it for approval.


The BoP includes a 386 hectare site at 1457 Myall Creek Road, Bungawalbin, to offset all of the Matters of National Environmental Significance (MNES) impacted by the project. The offset property had higher quality habitat than the impact site for all species except Spotted-tailed Quoll. Habitat at the offset site scored lower than the impact site (for quolls) due to forest age and the absence of abundant arboreal hollows and large logs. The Department previously advised they are willing to forgo the quality of habitat requirement given the quality and extent of the proposed site and as the project approval predated the *EPBC Act* Offsets Policy.

The offset property also contains a substantial area of known Giant Barred Frog habitat that is proposed to be available to offset impacts associated with other projects, with the addition of species specific management actions not required under the Package.

The property has been acquired and will be protected in perpetuity through environmental protection zoning provisions enacted under the National Parks and Wildlife Act, 1974. The property will be managed as a State Conservation Area in accordance with National Parks and Wildlife Service (NPWS) policies and plans of management. Roads and Maritime will transfer the property to NPWS on approval of the BoP.

We look forward to receiving your advice on the package in the near future.

Yours sincerely

  
Robert (Bob) Higgins  
Director, Pacific Highway Project Office

Roads and Maritime Services



DOC18/579373

Ms Kylie Wells  
Biodiversity Offsets Manager, Pacific Highway  
Roads and Maritime Service  
PO Box 546  
Grafton NSW 2460  
NORTH SYDNEY NSW 2059

Dear Kylie,

**Re: Devils Pulpit offset- addition to Bungawalbin Nature Reserve**

I am writing to confirm an agreement between OEH (NPWS) and RMS regarding the transfer of the biodiversity offset property adjacent to Bungawalbin Nature Reserve comprised of Lot 2 DP1112483 and Lot 21 DP755601, an area of 381 hectares.

The land has been agreed for transfer and addition to Bungawalbin State Conservation Area. The Department of Resources and Energy (DRE) has objected to the reservation of the land as nature reserve at this time. NPWS will request DRE to reconsider its position on reserve category, and support the land's reservation as nature reserve, as part of a routine five-year statutory review of all State Conservation Areas (s.47M *National Parks and Wildlife Act 1974*).

The land will be managed for the purposes of biodiversity conservation in accordance with the Plan of Management for the Bungawalbin and Yarrigully Parks and Reserves. This plan of management can be downloaded here:

<http://www.environment.nsw.gov.au/research-and-publications/publications-search/bungawalbin-and-yarrigully-parks-and-reserves-plan-of-management>

I have outlined the transfer process and timeframes in the following table. Once the land is transferred (step 3 below) it is held in the name of the Minister for the Environment under Part 11 of the *National Parks and Wildlife Act 1974* until it is reserved.

Next steps	Timeframe
1. NPWS Area inspect property to confirm any works prior to transfer are completed and that land is ready for transfer	Within 2 weeks of RMS notification
2. Solicitors commence conveyancing process including title and property checks	3-4 week turnaround provided there are no complications
3. Settlement and Registration	May occur 1-2 weeks after property checks
4. Reservation papers prepared and submitted for approval by Minister and Governor	Contingent on the Minister. Historically these approvals have taken 1-18 months.
5. Reservation notice published in Government Gazette	May occur within 1-2 weeks of the Minister's approval, or may be delayed if requested by the Minister.

As of August 2016, RMS agreed to transfer a payment of [REDACTED] to NPWS for future management works. Over two years have since elapsed. I suggest both parties review this agreement before the property transfer to ensure it accurately reflects current management liabilities, and adjust the agreement if necessary.

Please contact Joanna Muldoon, Project Officer, Reserve Establishment to resolve any outstanding matters on 02 6650 7122 or email [joanna.muldoon@environment.nsw.gov.au](mailto:joanna.muldoon@environment.nsw.gov.au).

Yours sincerely



**PAUL DONNELLY**  
**Team Leader - Land Assessments**  
**National Parks and Wildlife Service**



**From:** [Berlinda Bowler](#)  
**To:** [WELLS Kylie M](#)  
**Cc:** [Hagen Ganahl](#)  
**Subject:** EPBC 2010/5586 – Pacific Highway Upgrade at Devil's Pulpit – Biodiversity Offset Package [SEC=UNCLASSIFIED]  
**Date:** Friday, 5 October 2018 1:30:51 PM  
**Attachments:** [2010-5586 - Biodiversity Offset Package - PAS comments.docx](#)

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Dear Kylie

**EPBC 2010/5586 – PACIFIC HIGHWAY UPGRADE AT DEVILS PULIT – BIODIVERSITY OFFSET PACKAGE  
OFFSET SITE AT 1457 MYALL CREEK ROAD, BUNGAWALBIN KNOWN AS THE 'BUNGAWALBIN PROPERTY'**

We refer to recent correspondence and discussions regarding this matter, which are summarised below as background points.

We confirm at a meeting held in Canberra on 18 September 2018, it was agreed between RMS and the Department that RMS will proceed on the basis that the Bungawalbin property be transferred to NSW National Parks and Wildlife Service (NPWS) and gazetted as a State Conservation Area (SCA).

Given the nature of SCA listings under the *National Parks and Wildlife Act 1975* (NSW), it was agreed that RMS would:

1. Confirm in writing that the Bungawalbin property had no existing mining or exploration leases over it, and
2. Forward to Post Approvals any written advice and other documentation it received from NPWS and NSW Department of Planning and Environment regarding NPWS's unsuccessful efforts to secure the property as part of the existing Bungawalbin Nature Reserve.

**Draft Biodiversity Offset Package**

The Department has considered the draft Biodiversity Offset Package dated December 2017. Our comments are in the **attached** table for RMS's consideration and response.

Specifically, please note our comments within regarding the requirement for key milestones, performance indicators, corrective actions and completion timeframes, developed on the advice of a suitably qualified expert. It is the Department's expectation that these management activities are specific to the four threatened species for which the offset site was conditioned for.

**Background**

- In its [letter of 15 December 2017](#), RMS advised the Department it had secured the Bungawalbin property which will be protected in perpetuity through environmental protection zoning provisions enacted under the *National Parks and Wildlife Act 1975*

(NSW) (NPW Act) and managed as a **State Conservation Area** in accordance with National Parks and Wildlife Service (NPWS) policies and plans of management. It was the Department's understanding, however, that the offset site was to be declared as either a National Park or Nature Reserve under the NPW Act.

- Under the NPW Act, **State Conservation Areas (SCA)** - unlike National Parks and Nature Reserves - allow for mineral and petroleum exploration and mining. The proposed site falls within the Clarence-Moreton Basin, which is known for its high coal seam gas and conventional petroleum potential.
- The [Department asked RMS on 18 July 2018](#) to clarify whether it intended to proceed with the SCA listing, noting the appropriateness of this property as an adequate offset will need to be reassessed by the Department.
- Following on from this correspondence, and as advised at a [meeting on 18 September 2018](#), RMS followed up with NPWS who in turn made a request of NSW Department of Planning and Environment for the site to be gazetted as a national park or nature reserve. NPWS advised RMS this request was rejected by NSW Department of Planning. It was RMS's understanding that NPWS were again seeking to secure this site as a national park or a nature reserve (as opposed to a SCA), but were not confident in the outcome.
- RMS – who owns the site – advised its options were to proceed with the SCA or enter into a Biodiversity Stewardship Agreement (BSA). It was agreed between RMS and the Department that proceeding with the SCA would afford the site the better security and ongoing management (by NPWS) into the future.

Once Post Approvals is satisfied its comments have been appropriately and adequately responded to and incorporated into an updated version of the Biodiversity Offset Package (Offset Plan), that updated version can be provided to the Minister's delegate for consideration. That consideration time would be about two weeks from the date submitted.

We look forward to receipt of an updated Offset Package/Plan in due course. In the meantime, if you have any queries in relation to the above, please do not hesitate to contact us at [PostApproval@environment.gov.au](mailto:PostApproval@environment.gov.au).

Kind regards

**Berlinda Bowler**

Post Approvals Section

**Department of the Environment and Energy**

GPO Box 787, Canberra 2601

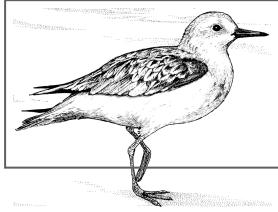
**Phone:** (02) 6274 2970

**EPBC 2010/5586 – PACIFIC HIGHWAY UPGRADE AT DEVILS PULIT – BIODIVERSITY OFFSET PACKAGE  
 OFFSET SITE AT 1457 MYALL CREEK ROAD, BUNGAWALBIN KNOWN AS THE ‘BUNGAWALBIN PROPERTY’**

Feedback on Biodiversity Offset Package provided by the Department of the Environment and Energy, 5 October 2018

Guidance	Page	RMS Response
<p><b>Overarching comments:</b></p> <p>Condition 7 of the EPBC approval requires RMS to submit an <b>Offset Plan</b> for the Minister’s approval. The Offset Plan must include key milestones, performance indicators, corrective actions and completion timeframes (Condition 7f), with management works consistent with advice from a suitably qualified expert (Condition 7e). The Biodiversity Offset Package does not provide specific milestones, performance indicators, corrective actions and completion timeframes developed on the advice of a suitably qualified expert, and therefore is considered by the Department not to be fully compliant with the requirements of Condition 7.</p> <p>As the Department understands it, the Bungawalbin property (the offset site) is proposed to be incorporated into the NSW nature reserve system as a State Conservation Area. The offset site is located directly adjacent to the existing Bungawalbin Nature Reserve and is in close proximity of the existing Bungawalbin Nature Reserve, the Bungawalbin State Conservation Area, the Yarringly Nature Reserve and the Yarringly State Conservation Area (refer Figure 4.1, page 9 of the Biodiversity Offset Package). Once gazetted under the <i>National Parks and Wildlife Act, 1974</i> (NSW), and as stated in the Biodiversity Offset Package, the site will be managed by NSW National Parks and Wildlife Service (NPWS), presumably under the existing <a href="#">Plan of Management for the Bungawalbin and Yarringly Parks and Reserves</a>. If this is the case, the existing Plan of Management can be updated by NPWS to incorporate the offset site and act as an umbrella plan to the more detailed Offset Plan required by Condition 7. It is the Department’s expectation that the Offset Plan submitted for the Minister’s approval outlines specific management activities, controls, performance targets, monitoring and corrective actions required for the matters of national environmental significance for which the offset was conditioned for: the Spotted-tailed Quoll, Grey-headed Flying Fox, Swift Parrot and Regent’s Honeyeater. That is, the Offset Plan should state targeted management activities above and beyond ‘business as usual’ for the broader existing NPWS Plan of Management for the Bungawalbin and Yarringly Parks and Reserves.</p> <p><b>RMS response:</b></p> <p>The offset plan has been updated to outline specific management activities and performance criteria for each of the MNES based on the advice of a suitably qualified expert (Sandpiper Ecological Surveys). While this site will be included under the NPWS Plan of Management for the Bungawalbin and Yarringly Parks and Reserves, specific funding for each of the proposed management actions will be provided to NPWS.</p>		
<p>For an Offset Plan that meets the requirements of Condition 7, please include a <b>Declaration of Accuracy</b> signed by the approval holder. Refer to Section 3.1 of the Department’s <i>Environmental</i></p>	<p>n/a</p>	<p>This is the intent of the Approval and authorisation table included on the ‘About this release’ page.</p>

Guidance	Page	RMS Response
<i>Management Plan Guidelines.</i>		
<p><b>Section 4.4 Delivery mechanism:</b> Please update this section. Be explicit about the listing mechanism under the NSW reserve system (i.e. that the site will be gazetted as a State Conservation Area as opposed to part of the existing Bungawalbin Nature Reserve). Provide any available supporting documentation from NPWS to this effect. As noted above, it needs to be made clear that the site will be managed for the matters of national environmental significance for which it was conditioned for. Provide a clear outline of funding for the management in perpetuity of the land (as per Condition 7g).</p>	16	Section 4.4 has been updated accordingly.
<p><b>Section 4.5 Ongoing management actions and Section 4.6 Monitoring:</b> As discussed above, if it is proposed that this site falls under the existing NPWS Plan of Management for the Bungawalbin and Yarringully Parks and Reserves, this Plan of Management should be updated by NPWS accordingly. Specific milestones, performance indicators, corrective actions and completion timeframes developed on the advice of a suitably qualified expert for the threatened species of concern are required.</p> <p>Additional guidance on management actions and monitoring can be obtained from the Department's <i>Environmental Management Plan Guidelines</i>.</p>	17	<p>The site will be incorporated to the NPWS Plan of Management for the Bungawalbin and Yarringully Parks and Reserves. NPWS will update the Plan of Management once the site is gazetted as part of the Bungawalbin State Conservation Area. More detail has been included in Section 4.5 on the proposed management framework for the offset area.</p> <p>Section 4.6 has been added to include specific milestones, performance indicators, corrective actions and completion timeframes that are consistent with the desired outcomes and management responses of the Plan of Management. Advice has been received on these measures from Sandpiper Ecological Surveys as the suitably qualified expert.</p>
<p><b>Section 4.7 Timing and responsibility for implementation:</b> Please update this section. Please include any available supporting documentation from NPWS.</p>	18	Section 4.8 (formerly Section 4.7) has been updated. A letter from NPWS advising of the process to incorporate the site into the Bungawalbin State Conservation Area has been incorporated in Appendix A.



Kylie Wells  
Biodiversity Offsets Manager  
Environment Branch  
Roads and Maritime Services  
Kylie.wells@rms.nsw.gov.au

7 November 2019

## Sandpiper Ecological Surveys

PO Box 401  
ALSTONVILLE  
NSW 2477

Phone: 02 6628 3559  
ABN: 82 084 096 828

Dear Kylie,

**RE: Review of performance criteria and specification of completion timeframes for corrective actions.**

As requested, I have reviewed sections 4.5 and 4.6 of the Devils Pulpit Offset Strategy (the Strategy) and proposed appropriate completion timeframes for the corrective actions included in Table 4.5 (Table 1). I note that Table 4.4 in Section 4.7 of the Strategy should be labelled as Table 4.5. I have included some additional edits for other components of Table 4.5, however, I understand if you do not wish to modify that table at this stage.

Please contact me on the number below if you would like to discuss the information provided.

Yours sincerely

Dr David Rohweder

**Principal Ecologist** | [david@sandpipereco.com.au](mailto:david@sandpipereco.com.au) | 0401 195 480

Biodiversity Survey

Impact Assessment

Ecological Monitoring

Targeted Surveys

Project Management

Onsite Ecology

**Table 1:** Suggested completion timeframes for corrective actions proposed in the Devils Pulpit Offsets Strategy

MNES impacted	Specific milestones	Performance indicators	Corrective actions	Completion timeframes
Spotted-tailed quoll	Native vegetation is maintained or improved from current state.	Annual vegetation and habitat monitoring identifies no improvement, or a decline in (vegetation/habitat) condition, from baseline state.	<ul style="list-style-type: none"> <li>Additional remedial actions to restrict vehicle access if any illegal clearing detected.</li> <li>Restriction of vegetation management to essential management trails and management of exotic species.</li> <li>If deemed necessary, introduce additional fallen dead timber and rocks.</li> </ul>	<ul style="list-style-type: none"> <li>Within 3 months</li> <li>Immediately upon detection</li> <li>Completed prior to next annual monitoring event</li> </ul>
	Weeds controlled and where possible eliminated	Annual vegetation and habitat monitoring shows no decrease in weed levels or the establishment of new weed incursions.	Review of weed management strategy for the planning area if emerging weed threat detected through annual assessment.	Completed prior to next annual monitoring event
	No removal of standing dead timber, fallen logs or rocks.	Annual vegetation and habitat monitoring detects removal of standing dead timber, fallen logs or rocks.	Additional remedial actions to restrict vehicle access if any removal of fallen timber or rocks is detected.	Within 3 months of issue being identified
	Fire regimes are appropriate for conservation of native plant and animal communities,	Annual vegetation and habitat monitoring shows decline in quality due to fire regime.	Review of the Fire Management Strategy (2006) for the planning area.	Following 2 successive monitoring events where a decline related to fire is demonstrated and prior to the next annual monitoring event and / or proposed burn.
	Pest fauna controlled and where possible eliminated.	Results of bi-annual survey of pest fauna populations indicate maintained or increased number or density of pest fauna species.	Review of pest management strategy for the planning area.	Annually
Grey-headed flying fox	Native vegetation is maintained or improved from current state.	Annual vegetation and habitat monitoring identifies no improvement, or a decline in (vegetation/habitat) condition, from baseline state.	<ul style="list-style-type: none"> <li>Additional remedial actions to restrict vehicle access if any illegal clearing detected.</li> <li>Restriction of vegetation management to essential management trails and management of exotic species.</li> </ul>	<ul style="list-style-type: none"> <li>Within 3 months</li> <li>Immediately upon detection</li> </ul>
	Weeds controlled and where possible eliminated	Annual vegetation and habitat monitoring shows no decrease in weed levels or the establishment of new weed incursions.	Review of weed management strategy for the planning area if emerging weed threat detected through annual assessment.	Completed prior to next annual monitoring event
	Fire regimes are appropriate for conservation of native plant and	Annual vegetation and habitat monitoring shows decline in quality due to fire regime.	Review of the Fire Management Strategy (2006) for the planning area.	Following 2 successive monitoring events where a decline related to fire is demonstrated and prior to

	animal communities.			the next annual monitoring event and / or proposed burn.
Swift parrot	Native vegetation is maintained or improved from current state.	Annual vegetation and habitat monitoring identifies no improvement, or a decline in (vegetation/habitat) condition, from baseline state.	<ul style="list-style-type: none"> <li>Additional remedial actions to restrict vehicle access if any illegal clearing detected.</li> <li>Restriction of vegetation management to essential management trails and management of exotic species.</li> </ul>	<ul style="list-style-type: none"> <li>Within 3 months</li> <li>Immediately upon detection</li> </ul>
	Weeds controlled and where possible eliminated	Annual vegetation and habitat monitoring shows no decrease in weed levels or the establishment of new weed incursions.	Review of weed management strategy for the planning area if emerging weed threat detected through annual assessment.	Completed prior to next annual monitoring event
	Fire regimes are appropriate for conservation of native plant and animal communities.	Annual vegetation and habitat monitoring shows decline in quality due to fire regime.	Review of the Fire Management Strategy (2006) for the planning area.	Following 2 successive monitoring events where a decline related to fire is demonstrated and prior to the next annual monitoring event and / or proposed burn.
Regent honeyeater	Native vegetation is maintained or improved from current state.	Annual vegetation and habitat monitoring identifies no improvement, or a decline in (vegetation/habitat) condition, from baseline state.	<ul style="list-style-type: none"> <li>Additional remedial actions to restrict vehicle access if any illegal clearing detected.</li> <li>Restriction of vegetation management to essential management trails and management of exotic species.</li> </ul>	<ul style="list-style-type: none"> <li>Within 3 months</li> <li>Immediately upon detection</li> </ul>
	Weeds controlled and where possible eliminated	Annual vegetation and habitat monitoring shows no decrease in weed levels or the establishment of new weed incursions.	Review of weed management strategy for the planning area if emerging weed threat detected through annual assessment.	Completed prior to next annual monitoring event
	Fire regimes are appropriate for conservation of native plant and animal communities.	Annual vegetation and habitat monitoring shows decline in quality due to fire regime.	Review of the Fire Management Strategy (2006) for the planning area.	Following 2 successive monitoring events where a decline related to fire is demonstrated and prior to the next annual monitoring event and / or proposed burn.







**Department of Agriculture, Water and the Environment Review**

<b>EPBC Number</b>	2010/5586
<b>Project</b>	Pacific Highway Upgrade at Devils Pulpit
<b>Approval Holder</b>	Roads and Maritime Services (NSW)
<b>Name of document under review</b>	<i>Biodiversity Offset Package: Devil's Pulpit Pacific Highway Upgrade (dated 10 Nov 2019)</i>
<b>Officer(s) reviewing</b>	Hannah McFarlane Zac Neulinger
<b>Date issued to approval holder</b>	21 February 2020

Condition	DOEE Review	Response by approval holder to comments/issues
General comments	<ul style="list-style-type: none"> <li>Review of the Offset Management Plan (Biodiversity Offset Package) for the Devil's Pulpit Pacific Highway Upgrade dated 18 Nov 2019.</li> </ul>	
<p>Condition 7</p> <p>The person taking the action must submit an Offset Plan for approval by the Minister by 31 August 2012 to provide for the conservation and management in perpetuity of a minimum of 152 hectares of habitat for the Grey-headed Flying-fox, the Spotted-tail Quoll, the Regent Honeyeater and the Swift Parrot. The approved plan must include but not be limited to:</p>		
<p>a. The acquisition and conservation of land containing a minimum of 152 hectares of habitat for the Grey-headed Flying-fox, the Spotted-tail Quoll, the Regent Honeyeater and the Swift Parrot that is of equal or greater quality to that to be removed for the Pacific Highway Upgrade;</p>	<p><b>Met</b></p> <p>Section 4.2 outlines that the Proposed offset property covers a total of 386.28 hectares, and conserves over 152 hectares of suitable habitat for the Grey-headed Flying-fox, the Spotted-tail Quoll, the Regent Honeyeater and the Swift Parrot. The site is described to be of moderate – good condition.</p>	
<p>b. The land referred to at condition (7a) must be located within 50km of the Pacific Highway upgrade at Devil's Pulpit, unless otherwise agreed to be the department;</p>	<p><b>Met</b></p> <p>The proposed offset property is less than 50km away from the Impact Site (section 4.2 and figure 4.1).</p>	
<p>c. The land referred to at condition 7(a) must be protected by a legal instrument under relevant nature conservation legislation on the title of the area by 28 February 2013.</p>	<p><b>Not met</b></p> <p>Section 4.4 recognises that the offset property proposes to be listed as a State Conservation Area (as the Department has shown acceptance of), under the</p>	<p>A letter from NPWS was received in 2018 and confirms the agreement reached for the inclusion of this property as a SCA. This letter is referenced in Section 4.4 and is included at the end of Appendix A.</p>

Condition	DOEE Review	Response by approval holder to comments/issues
	<p>management of NPWS, with intentions to incorporate the site into the Bungawalbin Nature Reserve.</p> <p><b>Changes required:</b></p> <p>Please provide documentation from NPWS regarding their support; if transferring of the offset property, inclusive of ongoing management strategies according to the plan, is still intended.</p>	
<p>d. The instrument referred to in Condition 7(c) must provide for:</p> <ul style="list-style-type: none"> <li>i. The protection of the land in perpetuity</li> <li>ii. Prevent any future development activities</li> <li>iii. Ensure the active management of the land;</li> </ul>	<p><b>Not met</b></p> <p>Section 4.4 presents information that following the transfer of the property from RMS to NPWS, NPWS will provide protection and management of the land. It is stated that there is no intention for mining to be undertaken at the offset property.</p> <p><b>Changes required:</b></p> <p>As above, please provide supporting documentation from NPWS.</p>	<p>See response above.</p>
<p>e. The land referred to at Condition 7(a) must provide linkages to existing habitat for the species of concern</p>	<p><b>Met</b></p> <p>As stated in sections 3.2 and 4.2, there is a vegetative connection to provide linkages to existing habitat for the species of concern.</p>	
<p>f. The Offset Plan must include a clear commitment to ongoing management of the land at Condition 7(a). Management works must be consistent with advice from a suitably qualified expert. These measures must commence within 3 months of the legal protection of the land.</p>	<p><b>Not met</b></p> <p>Section 4.5 describes all management strategies for the Offset property, including defined measures of success.</p> <p><b>Changes required:</b></p> <p>Please include a Declaration of Accuracy into the front of the document.</p>	<p>This was the intent of the Approval and authorisation table currently included at the front of the offset package. A declaration of accuracy has been included below this table to meet the Department's requirements.</p>

Condition	DOEE Review	Response by approval holder to comments/issues
	<p>Specifically mention that the management measures for the site must commence within 3 months of the legal protection of the land. The timeframe for all the management actions must be included.</p> <p>A revised version of the NPWS Plan of Management as described in section 4.5 needs to be provided to the Department when finalised. This Plan of Management must be consistent with the management requirements of this offset management plan.</p>	<p>Information added to section 4.5 to confirm the management measures will commence within 3 months of the gazettal of the land. Timeframe column added to Table 4.5. All actions are on-going but will be commenced within 3 months of gazettal. This has also been included as a required action in Table 4.7.</p> <p>The revised NPWS Plan of Management for the Bungawalbin and Yarringully Parks and Reserves will be provided to the Department (Section 4.5). In the meantime, the current plan has been included as Appendix E to the offset plan.</p>
<p>g. The Plan must include key milestones, performance indicators, corrective actions and timeframes for the completion of all actions outlines in the Plan.</p>	<p><b>Met</b></p> <p>Table 4.6 lists all MNES impacted, and being offset, and specific milestones for management actions, performance indicators, corrective actions and timeframes for completion of each action for all the impacted MNES.</p>	
<p>h. The Plan must include clear outline of funding for the management in perpetuity of the land at Condition 7(a).</p>	<p><b>Not met</b></p> <p>Section 4.4 briefly mentions the funding for the management of the land in perpetuity.</p> <p><b>Changes required:</b></p> <p>Please provide more information regarding funding for management of the land. The documentation, as mentioned above, from NPWS must include a clear outline of funding for the management of the land in perpetuity.</p>	<p>Section 4.4 has been modified to add extra detail. The letter from NPWS discussed above confirms the exact management funding to be provided, however this information will not be publically released, so has not been included in the main body of the plan.</p>
<p>i. The Plan must be developed in consultation with the department.</p>	<p><b>Met</b></p>	

Condition	DOEE Review	Response by approval holder to comments/issues
	The Plan has been developed with consultation from the Department. Statements are made in section 1.3.	