

Our Ref: 19061 EPBC 2008-4419 Catherine Hill Bay Annual Compliance 2024-25
Via: email

Date: 19 May 2025

Attn: Post Approvals Team
Commonwealth Department of Climate Change, Energy, the Environment and Water
GPO Box 3090
epbcmonitoring@environment.gov.au
Canberra ACT 2601

Dear Sir/Madam

RE: CATHERINE HILL BAY EPBC (2008/4419) ANNUAL COMPLIANCE 2024-25

MJD Environmental has been engaged by Wallalong Land Developments Pty Ltd to prepare an annual compliance report for the 2024-25 period detailing the measures undertaken to address approval conditions granted under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) for the Catherine Hill Bay Development (EPBC No. 2008/4419 – Annexure B of the consolidated approval) on the 23 March 2010 (consolidated 28 November 2016).

This report includes an overview of all of the conditions associated with the approval and the commencement of the development. MJD Environmental note that the project commencement to date is limited to underscrubbing of site vegetation to facilitate detailed land survey, and as such many requirements of the Development Management Plan have not commenced or cannot be implemented as construction activities are yet to commence.

The current status of each condition of approval is summarised in Table 1 below.

Table 1: EPBC Approval 2008/4419 Condition Tracking

Condition	Status	Comment
B1.	Note	Acknowledged
B2.	Complete	Attachment 1 NSW Land Registry Services Title Search
B3(a)-(f)	Approved	CHBMP Approved 21 December 2023, Attachment 2 Letter of Approval CHBDMP. Attachment 2 CHBDMP Implementation Status
B4.	Ongoing	Prior to the commencement of site under scrubbing works, shaker ramps were installed at the entry to site compounds. Subcontractors were engaged to machine install sedimentation fence to all locations as required by the Erosion and Sediment Control (ESC) plans, and these have been regularly inspected and maintained for the duration of under scrubbing site works. The site is currently not active while detailed land survey is incorporated into approved subdivision plans ahead of construction.

02 4054 9539

info@mjdenvironmental.com.au

PO Box 360 Waratah NSW 2298

MJDenvironmental.com.au

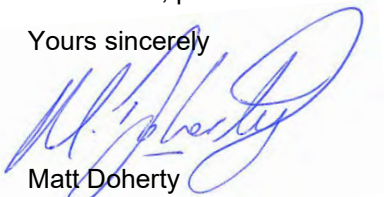


Condition	Status	Comment
		NSW NPWS has been consulted and attended site on several occasions during under scrubbing works to inspect boundaries and ESC controls.
B5.	Complete	Notification of commencement was issued on 23 February 2024 and approved 12 April 2024. Attachment 4 Commencement of Action Letter
B6.	Department Approval Pending	2024-25 compliance monitoring report submitted 19-5-2025 (this report) Report published and publicly available at https://catherinehill.net.au/
B7.	Revoked	
B8.	Revoked	
B9.	Complete	Notification of commencement was issued on 23 February 2024 and approved 12 April 2024. Attachment 4 Commencement of Action Letter
B10.	Note	Acknowledged requirement to maintain and make available on request accurate records of undertakings under the approval
B11.(a)(i)-(iii)-(b)	Note	Acknowledged
B12.	Note	Acknowledged
B13.(a)-(b)	Note	Acknowledged
B14.	Note	Acknowledged

On this basis, we submit this annual compliance report for review and approval by the department in accordance with Condition B6. Ongoing works are scheduled during the forthcoming 2025-26 period as part of CHBDMP implementation, to maintain compliance and meet management targets.

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

Yours sincerely



Matt Doherty
Director
MJD Environmental

Encl: Attachment 1 – NSW Land Registry Services Title Search
Attachment 2 – Letter of Approval CHBDMP
Attachment 3 – CHBDMP Implementation Status
Attachment 4 – Commencement of Action Letter
Attachment 5 – Pre-clearance Compliance Letter

Attachment 1 – NSW Land Registry Services Title Search



FOLIO: 6/1180181

SEARCH DATE	TIME	EDITION NO	DATE
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30/10/2023	1:57 PM	2	21/6/2013

LAND

LOT 6 IN DEPOSITED PLAN 1180181
AT CATHERINE HILL BAY
LOCAL GOVERNMENT AREA LAKE MACQUARIE
PARISH OF WALLARAH COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP1180181

FIRST SCHEDULE

MINISTER ADMINISTERING THE NATIONAL PARKS AND WILDLIFE ACT
1974 (TZ AH793750)

SECOND SCHEDULE (14 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 LAND EXCLUDES MINERALS WITHIN THE PART(S) SHOWN SO INDICATED IN THE TITLE DIAGRAM - SEE CROWN GRANT(S)
- 3 U663734 RESTRICTION(S) ON THE USE OF LAND AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 4 LAND EXCLUDES THE ROAD(S) SHOWN IN THE TITLE DIAGRAM
- 5 E997171 COVENANT AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM.
- 6 DP1106489 EASEMENT TO DRAIN WATER 3 METRES WIDE REFERRED TO AND NUMBERED (1) IN THE S.88B INSTRUMENT APPURTENANT TO THE PART(S) SHOWN SO BENEFITED IN THE TITLE DIAGRAM
- 7 DP1106489 EASEMENT TO DRAIN WATER 3 METRES WIDE AND VARIABLE REFERRED TO AND NUMBERED (2) IN THE S.88B INSTRUMENT APPURTENANT TO THE PART(S) SHOWN SO BENEFITED IN THE TITLE DIAGRAM
- 8 EXCEPTING LAND BELOW A DEPTH FROM THE SURFACE OF 15.24 METRES OF THE 7335 SQUARE METRES GRANT WITHIN THE PART(S) SHOWN DESIGNATED 'AA' IN THE TITLE DIAGRAM
- 9 Q249941 EASEMENT FOR ACCESS AND PIPELINE 8 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 10 LAND EXCLUDES MINERALS RESERVED BY THE 7335 SQUARE METRES GRANT WITHIN THE PART(S) SHOWN DESIGNATED 'AA' IN THE TITLE DIAGRAM
- 11 EXCEPTING LAND BELOW A DEPTH FROM THE SURFACE OF 20 METRES AS TO POR 17, 18 & 19 WITHIN THE PART(S) SHOWN DESIGNATED 'AA' IN THE TITLE DIAGRAM
- 12 J691673 RIGHTS TO MINE COAL AND OTHER MINERALS AND METALS APPURTENANT TO THE PART SHOWN SO BENEFITED IN THE

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PRINTED ON 30/10/2023

FOLIO: 6/1180181

PAGE 2

SECOND SCHEDULE (14 NOTIFICATIONS) (CONTINUED)

TITLE DIAGRAM AFFECTING THE LAND COMPRISED IN VOLUME
9142 FOL 116

13 DP1180181 EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 15
METRE(S) WIDE AND VARIABLE AFFECTING THE PART(S) SHOWN
SO BURDENED IN THE TITLE DIAGRAM

14 DP1180181 EASEMENT FOR SERVICES 30 METRE(S) WIDE AFFECTING THE
PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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PRINTED ON 30/10/2023

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

Attachment 2 – Letter of Approval CHBDMP



EPBC ref: 2008/4419

Darren Nicholson
Factory 2a, 8 Reliance Dr
TUGGERAH NSW 2259
darren@huntergroup.net.au

Approval of Variation and Catherine Hill Bay Development Management Plan

Dear Mr Nicholson

Thank you for your email dated 11 July 2023 and 6 October 2023 to the department requesting the variation of conditions attached to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval for Catherine Hill Bay development, and approval of the draft Catherine Hill Bay Development Management Plan as required under condition B3 of the approval.

Officers of this department have reviewed the variation request. As delegate of the Minister for the Environment and Water, I have varied the conditions attached to EPBC Act approval 2008/4419 under section 143(1)(c) of the EPBC Act. This will extend the period of time in which to commence the action. The action must now be taken in accordance with the varied conditions specified in the variation notification, which has been attached for your information.

Officers of the department have advised me on the development management plan and the requirements of the conditions of the approval for this project. On this basis, and as a delegate of the Minister for the Environment and Water (the Minister), I have decided to approve the Catherine Hill Bay Development Management Plan Flowers Drive, Catherine Hill Bay, NSW, Version 5, November 2023. This plan must now be implemented.

The department notes the Independent Auditor review indicated PFAS and PFOA were unlikely to be contaminants of concern at the site based on previous site uses. Noting that the Remediation Action Plan suggests that further assessment may be required in some cases, such as within surface water, the department recommends that if further sampling is undertaken that it include PFASs, and that the PFAS National Environmental Management Plan is followed.

Approval condition B11 for this project allows you (under certain circumstances) to implement revised plans without seeking approval from the Minister. If you require any advice on whether to submit a revised plan for approval, please contact the Post Approvals area. I also attach a fact sheet providing guidance on new or increased impact relating to changes to approved management plans under EPBC Act.

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

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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 Post Approval, cc James Newman, by email to PostApproval@dcceew.gov.au.

Yours sincerely



Brendan Linton-Smith
A/g Branch Head
Environment Assessments (Vic and Tas) and Post Approvals
[21 December 2023](#)

Attach:

- Notice of variation to conditions.
- [New or increased impact guidelines](#)

Attachment 3 – CHBDMP Implementation Status

Required Action	Works undertaken	Action outstanding	Timing and completion date
All Areas			
Site Establishment			
Identify clearing limits and Project Area boundary on all Site plans; contractors inducted	Contractors inducted – Attachment 5 Pre-clearance Compliance Letter	Works Plans demonstrating clearing limits and project area boundary	At completion of survey and prior to commencement of substantial clearing or earth works
Install hi-viz flag bunting (or similar)	Site boundary demarcated using bright pink flagging tape and star pickets – Attachment 5 Pre-clearance Compliance Letter	Entire extent of work site to be flagged pending sufficient access	At completion of survey and prior to commencement of substantial clearing or earth works
Mark habitat trees with flagging tape/spray paint and map with GPS	Complete – Attachment 5 Pre-clearance Compliance Letter.	None	Completed 1 March 2024
CEMP prepared by suitably qualified individual	Complete	<p>Ensure all contractors on site are following approved protocols (Y/N) – Yes</p> <p>Prior to the commencement of site under scrubbing works, shaker ramps were installed at the entry to site compounds. Subcontractors were engaged to machine install sedimentation fence to all locations as required by the Erosion and Sediment Control (ESC) plans, and these have been regularly inspected and maintained for the duration of under scrubbing site works.</p> <p>NSW NPWS has been consulted and attended site on several occasions during under scrubbing works to inspect boundaries and ESC controls.</p>	Prior to commencement of works
SWMP prepared by suitably qualified individual/ consultant	Complete	<p>Ensure all contractors on site are following approved protocols (Y/N) – Yes</p> <p>Prior to the commencement of site under scrubbing works, shaker ramps were installed at the entry to site compounds. Subcontractors were engaged to machine install sedimentation fence to all locations as required by the Erosion and Sediment</p>	Prior to commencement of works

Required Action	Works undertaken	Action outstanding	Timing and completion date
		Control (ESC) plans, and these have been regularly inspected and maintained for the duration of under scrubbing site works. NSW NPWS has been consulted and attended site on several occasions during under scrubbing works to inspect boundaries and ESC controls.	
Signage Installed at informal Conservation Area tracks	No go demarcation installed prior to commencement	Permanent Signage to be installed as a part of subdivision construction works. Permanent gates/ access controls have been agreed with NSW NPWS.	Prior to commencement of works
Vegetation Clearing			
Machinery cleaned of foreign soil and seed	Completed by contractor prior to floating of machines to site for under scrubbing works. Machines were free of mud, soil and vegetation biomass on arrival.	Ensure best practice hygiene protocols are followed and maintained prior to and during future clearing works.	Prior to machinery arriving on Site
Staged clearing	Underscrubbing has been completed following pre-clearance survey and site establishment	Continue staged clearing per CHBDMP	During construction works
Erosion and sediment controls as per SWMP	Prior to the commencement of site under scrubbing works, shaker ramps were installed at the entry to site compounds. Subcontractors were engaged to machine install sedimentation fence to all locations as required by the Erosion and Sediment Control (ESC) plans, and these have been regularly inspected and maintained for the duration of under scrubbing site works. NSW NPWS has been consulted and attended site on several occasions during under scrubbing works to inspect boundaries and ESC controls.	Ongoing maintenance and implementation of ESC plans (SWMP and CEMP) while site works on hold and then when construction commences.	At the commencement of site works and ongoing until final stormwater control structures in place
Logs installed blocking informal Conservation Area tracks	No go demarcation installed prior to commencement to block tracks.	Permanent gates/ access controls have been agreed with NSW NPWS and will be installed as a part of subdivision construction works.	Prior to completion of clearing

Required Action	Works undertaken	Action outstanding	Timing and completion date
Disposal of weeds and weed affected soils	No works to date	Ensure weed species and contaminated soils are removed from site and properly disposed, pending commencement of substantial earthworks	At the commencement of works and ongoing
Construction			
Vehicles/ machinery use designated access tracks	Construction has not commenced	Ensure access tracks do not cross conservation reserves	During all site works
Erosion and sediment controls as per SWMP	Construction has not commenced	Ensure water quality and quantity entering reserves from Site is at baseline levels	At the commencement of site works and ongoing until end of development
Shrouds on boundary lighting	Construction has not commenced		
Weed Control	No works to date other than under scrubbing.	As per CHBDMP pending suitable access to facilitate contractor engagement	During all Site works
Post Construction			
All track closures, signage and educational material distributed	No works to date	Ensure barricades and signage installed on all informal tracks and appropriate interface with NPWS estate; Ensure educational material distributed and on title	Prior to occupation certificates

Attachment 4 – Commencement of Action Letter



Australian Government
Department of Climate Change, Energy,
the Environment and Water

Ref: **EPBC 2008/4419**

Email: EPBCmonitoring@dcceew.gov.au

Matt Doherty
Director, MJD Environmental
Scape Properties Pty Ltd
Nords Wharf Development Company Pty Ltd
Wallalong Land Developments Pty Ltd
115 Broadmeadow Road, Broadmeadow
PO Box 360, Waratah NSW 2298

Dear Mr. Doherty,

**Commencement of the Action – Coal & Allied residential subdivision - Annexure 2:
Catherine Hill Bay developable area, Wallarah Peninsula, NSW, EPBC 2008/4419**

Thank you for your correspondence dated 23 February 2024 notifying the Department of Climate Change, Energy, the Environment and Water (the department) of commencement of the action reference EPBC 2008/4419, in accordance with *the Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval.

I note that the project commenced on 19 February 2024.

Condition B6 of the approval requires the approval holders to prepare an Annual Compliance Report for each 12 month period following the commencement of the action. The approval holders¹ must continue to publish Annual Compliance Reports and notify the department of publication until the expiry of the EPBC Act approval. The reports must be published within 3 months.

Please notify the department of publication of the reports by email, including the link to where the report is publicly available, to EPBCmonitoring@dcceew.gov.au.

Please note the first Annual Compliance Report is due to the department by 19 May 2025.

When preparing the Annual Compliance Report please refer to the department's Annual Compliance Report Guidelines available on the department's website at [Annual Compliance Report Guidelines - DCCEEW](#).

Please note that the conditions of approval require you, as the approval holder, to maintain accurate records of all activities associated with, or relevant to, the approval. This includes maintaining records associated with implementing any management plan/s specified and/or approved as part of the conditions of approval. If the conditions of approval specify requirements that must be met prior to commencement of the action, it is incumbent upon you as the approval holder to ensure those conditions are met, recorded and documented for reporting and auditing purposes.

1. Approval Holder refers to the listed approval holders for EPBC Approval 2008/4419; Scape Properties Pty Ltd, Nords Wharf Development Pty Ltd, and Wallalong Land Developments Pty Ltd.

More information about the department's Monitoring and Audit program is available on the department's website at [Compliance audits - DCCEEW](#). Section 142 of the Act requires approval holders to comply with conditions attached to an approval. Penalties may apply to approval holders who contravene conditions.

Please be aware that the EPBC Act places a duty upon persons to provide accurate information in response to a request made by a person performing a duty or carrying out a function under the EPBC Act, and that to knowingly provide information that is false or misleading is an offence.

If you would like to discuss this matter further, please contact the Approvals Compliance Section via EPBCmonitoring@dcceew.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Richards', written in a cursive style.

Karina Richards
Assistant Director
Approvals Compliance Section
12 April 2024

Attachment 5 – Pre-clearance Compliance Letter

Our Ref: 19061 Ecological Pre-clearance – 1A Flowers Drive, Catherine Hill Bay
Via: email

Date: 20 May 2024

Attn: Greg Williams
Development Manager
Development Estate Management Australia Pty Ltd,
DEMA NSW

Dear Greg,

RE: ECOLOGICAL PRE-CLEARANCE– 1A FLOWERS DRIVE, CATHERINE HILL BAY

MJD Environmental was engaged by Monteath & Powys Pty Ltd on behalf of DEMA NSW to provide ecological pre-clearance and compliance to their civil contractor Wallalong Land Developments Pty Ltd for tree removal works as part of ongoing residential subdivision at Catherine Hill Bay.

Pre-clearance

Pre-clearance surveys of the area were undertaken by MJD Ecologists on the 19th, 20th, 23rd, 26th, 29th of February 2024 and on the 1st of March 2024. All habitat trees to be removed were flagged with pink flagging tape, marked with three large 'H's in pink spray paint (where tree trunk girth allowed) and recorded on a handheld GPS to allow for easy identification during vegetation removal works (refer to **Attachment 1**).

The site boundary was observed to be demarcated using bright pink flagging tape and star pickets, indicating the extent of works (refer to **Attachment 2**).

On the 9th of April 2024, areas known to contain records of Black-eyed Susan (*Tetratheca Juncea*) adjacent to the site boundaries in the West and Northwest were flagged with orange flagging tape to minimise potential impact during vegetation clearance (refer to **Attachment 3**). Care must be taken during clearance works in these areas to ensure populations of *T. Juncea* are not damaged or compromised.

Contractor Inductions

An Environmental Induction Record was created on the 19th of February 2024 to highlight and ensure compliance with relevant management plan matters, including:

- Equipment hygiene
- Erosion control
- How clearing boundaries are demarcated
- Location of the VMP/Conservation Area
- Clearing boundary and demarcation by flicker tape (i.e., Go / No-Go zones)
- Staged clearing protocols
- Felling of non-habitat trees – away from retained vegetation off site; away from retained habitat trees
- Contacts to be called if an animal is found on site and is injured or requires assistance

02 4054 9539

info@mjdenvironmental.com.au

PO Box 360 Waratah NSW 2298

MJDenvironmental.com.au

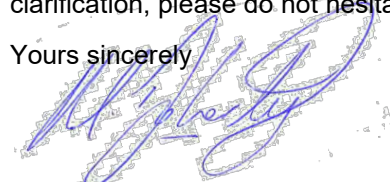


- Clearing methods – climbing arborist to sectionally dismantle trees and/or soft felling by machinery

A copy of the Environmental Induction Record has been provided as **Attachment 4**.

We trust this is sufficient for your purposes, however, should you require any further information or clarification, please do not hesitate to contact Mathew Grassi (Ecologist).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'MJD', is written over a faint, light blue grid pattern.

Matt Doherty
Director
MJD Environmental

Attachment 1 – Pre-Clearance Survey Results
Attachment 2 – Site Demarcation
Attachment 3 – Tetratheca Juncea flagging markup.
Attachment 4 – Signed Environmental Induction Record
Attachment 5 – Environmental Induction Record Sheet

Attachment 1. Pre-Clearance Survey Results

**FIGURE 1:
HBT CLEARANCE MAP**

Legend

- Survey Area
- HBT Locations
- Survey Tracks



Metres
1:1750

MJDEnvironmental

**FIGURE 1:
HBT CLEARANCE MAP**

Legend

- Survey Area
- HBT Locations
- Survey Tracks



0 30 60 90 120

Metres
1:1750

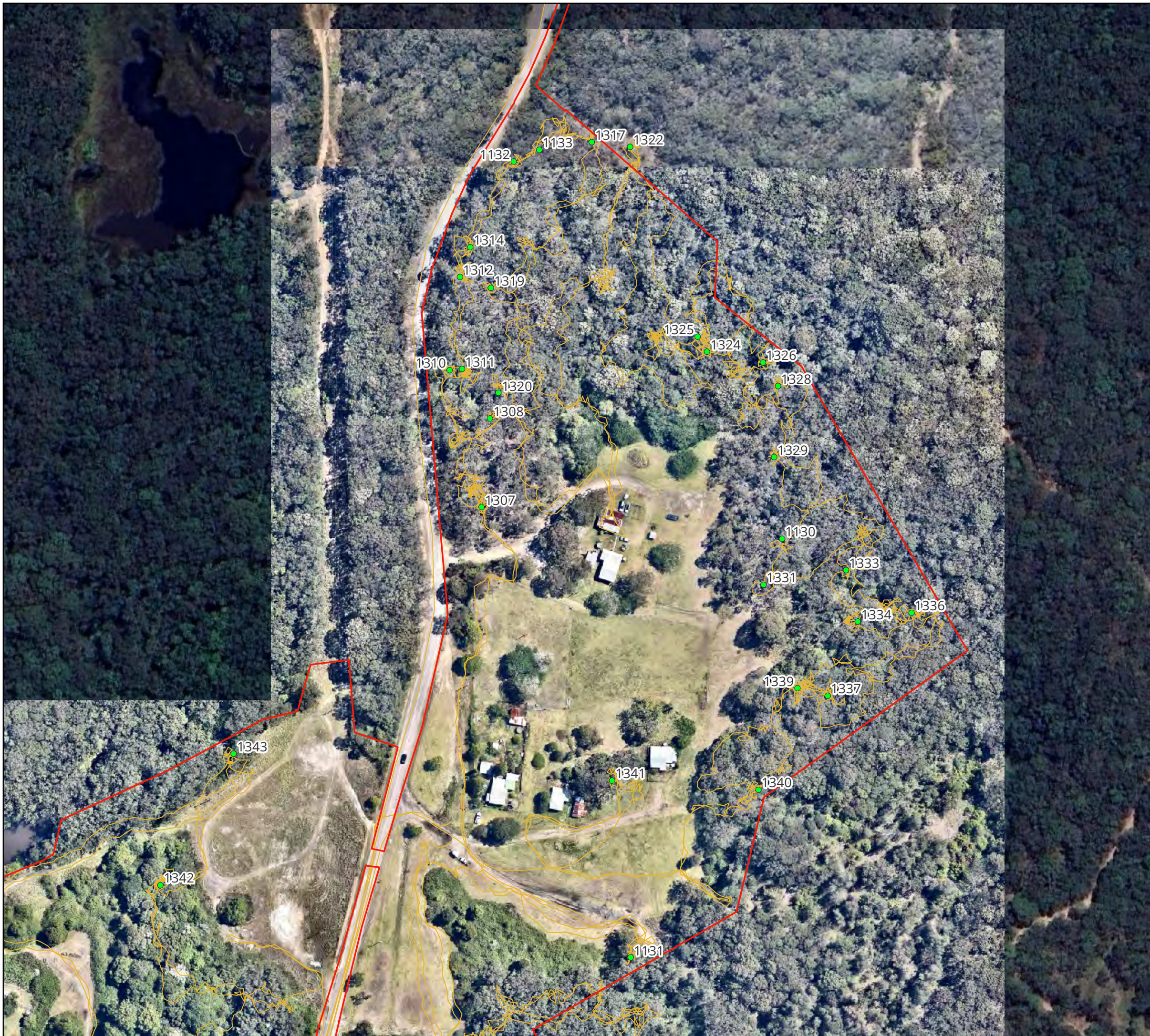
MJDEnvironmental

Aerial: Nearmap (2023) | Data: MJD Environmental, NSW Spatial Services (2023) | Datum/Projection: GDA2020 / MGA zone 56 | Date: 29/02/2024 | Version: 1 | Z:\19061 - 1A Flowers Drive, Catherine Hill Bay | This plan should not be relied upon for critical design dimension.

**FIGURE 1:
HBT CLEARANCE MAP**

Legend

- ▭ Survey Area
- HBT Locations
- Survey Tracks



0 30 60 90 120

Metres
1:1755

MJDEnvironmental

Aerial: Nearmap (2023) | Data: MJD Environmental, NSW Spatial Services (2023) | Datum/Projection: GDA2020 / MGA zone 56 | Date: 29/02/2024 | Version: 1 | Z:\19061 - 1A Flowers Drive, Catherine Hill Bay | This plan should not be relied upon for critical design dimension.

Attachment 2. Site Demarcation.



Attachment 3. Tetratheca juncea flagging markup.

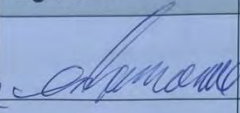
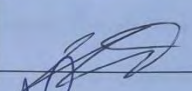
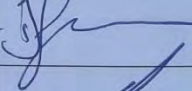
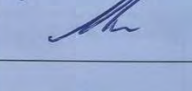
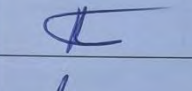
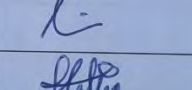
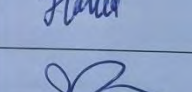
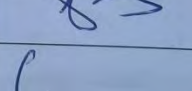



Attachment 4. Signed Environmental Induction Record

Environmental Induction Record: 19061 Catherine Hill Bay Hamlet A and Hamlet B

Site personnel please sign this record to acknowledge receiving an environmental induction prior to commencement of works for the Catherine Hill Bay – Clearing and construction works.

By signing you accept that all works must be completed in accordance with the overarching environmental approvals for the project as explained during the induction briefing. Unless explicitly assigned to other parties, the responsibility for adhering to the protocols outlined within the approval documentation lies with the Contractor carrying out the works.

Company	Name	Signature	Date
Alrama	Steven Lawrence		19/2/24
Arlam	Alendergast		19/2/24
Dig Right	Dean Jenner		19/2/24
Dig Right	JAMIE ROSS		19/2/24
Rabek	Andy Nibbelk		19/2
Rabek	Nhara Tuma		19/2
Rabek	Samin Taliq		19/2
Rabek	Jasen Buris		19/2
Rabek	Lewis Winkle		19/2

Attachment 5. Environmental Induction Record Sheet: 19061 Catherine Hill Bay Hamlet A and Hamlet B

Site personnel please sign this record to acknowledge receiving an environmental induction prior to commencement of works for the Catherine Hill Bay – Clearing and construction works.

By signing you accept that all works must be completed in accordance with the overarching environmental approvals for the project as explained during the induction briefing. Unless explicitly assigned to other parties, the responsibility for adhering to the protocols outlined within the approval documentation lies with the Contractor carrying out the works.

Company	Name	Signature	Date