



Mr Robert Black
Executive Director
NSW Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Black

Variation of Edmondson Park Precinct Conservation Agreement (August 2009) made under the *Environment Protection and Biodiversity Conservation Act 1999*

I refer to your letter, received 10 August 2012 (your reference 09/00781) seeking a variation to the above Conservation Agreement. The Conservation Agreement was entered into in August 2009 pursuant to the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) by the Commonwealth Government and Government of New South Wales.

Pursuant to section 308 of the EPBC Act and clause 7 of the Conservation Agreement, the Conservation Agreement can be varied by written agreement of the Parties. I note that NSW has agreed in writing to the variations that are the subject of this letter (your letter referenced above). I am a delegate of the Minister for Sustainability, Environment, Water, Population and Communities, the Hon Tony Burke MP, authorised to make decisions under the EPBC Act.

I advise that this letter will operate as a variation agreement for the purposes of the EPBC Act and will vary the terms of the Conservation Agreement as agreed between the Parties. Any terms not defined herein will have the meaning given to them in the Conservation Agreement or the EPBC Act, as appropriate.

The variations that are the subject of this letter are for extensions in time for commitments in the Conservation Agreement in regard to the transfer of land to the Office of Environment and Heritage, preparation of a Plan of Management for Open Space by relevant Councils, and the protection of 72 hectares of Cumberland Plain Woodland.

The transfer of land was intended to be completed within one year of the sale of the Defence land (31 August 2012), but has been delayed due to factors beyond the control of the Parties. This includes delays in the required remediation works that must be completed prior to transfer of the land. The requirement for relevant Councils to prepare a Plan of Management within two years of the sale of the Defence land has also been delayed and can only be undertaken once the land is transferred to Council ownership. While the requirement to secure 72 hectares of Cumberland Plain Woodland within three years from the signing of the Conservation Agreement (20 August 2012) is progressing (with 62.9 hectares secured as of the date of this letter) the timing for completion is dependent on landowners and other factors.

The extensions in time do not affect the intent of the Conservation Agreement, including establishment of the required regional park and protection of Cumberland Plain Woodland and other native vegetation of significance.

I confirm, as delegate for the Minister, that I am satisfied that this written agreement to amend the Conservation Agreement satisfies the requirements of sections 305, 306 and 308 of the EPBC Act as relevant.

I confirm that the Parties have agreed to the following changes to the Conservation Agreement:

1. The timing for Item 3 of Table 1 at Schedule 4 (Transfer of proposed Regional Park areas to DECC [Office of the Environment and Heritage]) is now within two years of Action 1 or 31 August 2013.
2. The timing for Item 2 of Table 2 at Schedule 4 (Preparation of Plans of Management) is now one year from when the Open Space has been transferred to relevant Councils.
3. The timing for the third item of Table 3 at Schedule 4 (Identification, acquisition and securing of lands within priority areas) is now within 4 years from the signing of the Conservation Agreement.

The terms of the Conservation Agreement continue in full force and effect, except to the extent they are varied by the terms of this letter agreement. The variations have effect from the date of signature of this letter.

Yours sincerely



Carolyn Cameron
Assistant Secretary
Strategic Approaches Branch

18 August 2012