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**Compliance with Commonwealth Conditions of Consent for EPBC 2014/7119 within
Precinct E of the Gables Development**

Dear Jacqui

The purpose of this letter is to provide a status update regarding the management actions implemented within Precinct E of the Gables development as required under the Vegetation Management Plan (VMP) approved by the Commonwealth Department of Environment and Energy (DoEE).

The details of management actions implemented to date is summarised in **Appendix A** to this letter. A supporting figure, showing areas where works have been implemented is provided at the end of this letter.

If any further information is required, or if you have any questions, please do not hesitate to call me at our Sydney office on (02) 9868 1933.


Yours sincerely,



Gitanjali Katrak
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APPENDIX A :

Gables Precinct E – Commonwealth Vegetation Management Plan Compliance



A.1. Purpose

The purpose of this letter report is to document the management actions implemented within Precinct E of the Gables development as required under the Vegetation Management Plan (VMP) approved by the Commonwealth Department of Environment and Energy (DoEE).

The objective of the VMP is to provide overarching guidance for the management and restoration of Matters of National Environmental Significance (MNES) that occur outside of the established BioBank sites (now referred to as Stewardship sites under the *NSW Biodiversity Conservation Act 2016*) within the relevant development precincts of the wider Gables development.

A.2. Background

The Gables is a 339 hectare parcel of land ('the Gables project') at Box Hill North, NSW that is to be developed to accommodate residential dwellings, community centres, town centre, schools, roads and associated infrastructure. The Gables project is divided into nine separate development 'Precincts', namely Precincts A – I (**Figure 1**).

The Gables project was referred to the Commonwealth Department of Environment and Energy (DoEE) and was determined as a controlled action (EPBC 2014/7119) due to its likely impacts upon Matters of National Environmental Significance (MNES), namely endangered ecological communities and threatened species. The affected MNES include:

- Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest (CPW);
- Shale Sandstone Transition Forest of the Sydney Basin Bioregion (SSTF); and
- Grey-headed Flying Fox (GHFF).

The MNES and MNES habitats are restricted to Precincts E, F, G and I and the DoEE conditions of approval, as issued on 19 July 2016, are limited to these four precincts. Following discussions with DoEE, two variations to the conditions were approved on 23 June 2017 and 19 March 2018 to accommodate amendments to the action in accordance with consent conditions by local (Hills Shire Council) and state government.

Condition 6 of the consent conditions issued by DoEE, as per the 23 June 2017 variation, required the preparation and implementation of a Vegetation Management Plan for the management and conservation of GHFF habitat, CPW and SSTF to be retained or revegetated, at Precincts E, F, G and I, excluding the Biobank Sites.

As the conditions of consent issued by Hills Shire Council (Council), issued on 9 February 2016 also required the preparation of an overarching 'Masterplan VMP' for the entire Gables development as well as precinct specific VMPs based on detailed landscaping and design plans for the respective development precincts, the VMP required under Condition 6 (the 'Commonwealth VMP'), was prepared with due consideration to the Masterplan VMP and precinct specific VMPs prepared to date. The Commonwealth VMP was approved by DoEE on 1 August 2017.

A.3. Commonwealth Management Areas

The areas of MNES and MNES habitat to be managed under the approved Commonwealth VMP were summarised in **Table 3.2** of the VMP. Table 3.2 of the Commonwealth VMP is reproduced as **Table 1** below.

Table 1: Areas of managed vegetation within the Gables development

Precinct	Area (ha) of CPW retained (Zone 1)	Area (ha) of CPW planted (Zone 3)*	Area (ha) of SSTF retained (Zone 5)	Area (ha) of SSTF planted (Zones 6 &7)*	Area of Riparian Planting (non-MNES)*
Precinct E					
Precinct F				2.18	0.47
Precinct G			7.10	3.14	1.35
Precinct I	1.49	1.06			
Total	1.49	1.06	7.10	5.33	1.82

Although the Masterplan VMP and Section 3.1 of the Commonwealth VMP provide the broad, overarching management zones, further precinct specific management zones are required to be established in each precinct based on more detailed landscaping designs before management of vegetated areas can commence. The precinct specific management zones are to be detailed in the precinct specific VMPs prepared to satisfy Council considerations and are to ensure that the minimum areas of CPW/SSTF (MNES) to be retained/planted are maintained within the respective precincts.

As per Section 7.3 of the approved Commonwealth VMP, a brief and concise report recording the implementation of each precinct specific VMP is to be submitted every 12 months from the commencement of management works for the life of the VMP and is required to:

- Describe the reconstruction/revegetation works undertaken;
- State the findings of the monitoring activities including results and analysis of the performance criteria;
- Discuss any problems encountered in implementing the VMP; and
- Recommend any adaptations or additions to the VMP.

A.4. Implemented Management Actions

To date, precinct specific VMPs have not been prepared for Precinct F and Precinct G and no clearing works have commenced within these two precincts. Therefore, no management works have commenced within these two precincts. A VMP for Precinct I has been approved by Council and the implementation report is detailed in a separate document to this letter.

A VMP has been prepared for Precinct E and is currently pending approval by Council. It is noted that no areas of MNES vegetation are to be retained or planted within Precinct E (see **Table 1** above) and therefore

Commonwealth VMP management and reporting requirements outlined in Chapters 5 – 7 do not apply to Precinct E.

However, vegetation within Precinct E has been cleared following receipt of relevant Council approvals. Although reporting requirements, as outlined in Section 7.3 of the Commonwealth VMP, focus on areas to be managed for retention and revegetation (**Table 1**) and do not specify any reporting requirements for clearing works, a summary of clearing works has nonetheless been provided below as clearing works were conducted in accordance with the Vegetation Clearing Protocols outlined in Chapter 4 of the Commonwealth VMP and Chapter 4 of the Masterplan VMP as well the Council approved Fauna Action Plan.

A.4.1. Vegetation Clearing Protocols

As per the requirements of the Masterplan VMP and the Commonwealth VMP, the following protocols are to be followed to minimise the impacts on native flora and fauna, including MNES, during clearing:

- Hygiene Protocols;
- Marking Limits of Vegetation Clearing/Fencing of Vegetation to be Retained;
- Pre-clearing surveys and Clearing supervision;
- Salvage of habitat items; and
- Seed Collection/Harvest.

Pre-clearing surveys were undertaken by ecologists from Cumberland Ecology in the various sectioned work sites within Precinct E on 18 April 2019, 15 May 2019 and 4 July 2019. The pre-clearing assessments focused on determining the presence of the following:

- Locations of threatened flora;
- Locations of significant weed infestations;
- Identification of habitat features for native fauna, including the Grey-headed Flying Fox (GHFF); and
- Identification of habitat features for salvage.

No threatened flora species were recorded within Precinct E. A large infestation of the priority weed *Rubus fruticosus* (Blackberry) was recorded in the south to south-eastern parts of Precinct E (**Photograph 1 of Appendix B**). The entirety of the plant, including as much root material as possible was bagged and removed from the site for disposal in accordance with the guidelines identified in the Greater Sydney Regional Strategic Weed Management Plan 2017 - 2022 (LLS: Greater Sydney, 2017).

A total of nine habitat items, such as hollow-bearing trees, stags and hollow logs were identified within Precinct E. All vegetation to be removed was clearly demarcated (see example in **Photograph 2 of Appendix B**) and all trees were felled under ecological supervision on 3 May 2019, 22-31 May 2019 and 11 July 2019 in accordance with the protocols of the Fauna Action Plan as approved by Council. Vegetation removal works commenced after dawn and ceased before dusk to minimise the potential risk of impacts to foraging GHFF.

A total of two trees identified as salvageable items had limbs trimmed and were retained in a designated area for future reuse in rehabilitation and retained areas (**Photograph 3** of **Appendix B**). All native fauna encountered during clearing works were either encouraged to self-relocate or were captured and relocated to designated relocation points as approved by Council. No threatened fauna species were encountered during clearing works.

Although seed collection was not specifically conducted within Precinct E prior to clearing, ongoing seed collection has been conducted by bush regeneration contractors across the wider Gables development area, as required, for ongoing revegetation works across all development precincts.

As the pre-clearance surveys did not detect any incidences of die-back or other stressors that would indicate the presence of *Phytophthora cinnamomi* within Precinct E, specific disinfectants targeting *Phytophthora cinnamomi* were not utilised. Nonetheless, standard construction and work site hygiene protocols such as regular cleaning of equipment, machinery and clothing were implemented prior to commencement of clearing works and upon completion of clearing works.

A.4.2. Vegetation Clearing Limits

The vegetation cleared within Precinct E comprised the MNES Shale Sandstone Transition Forest (SSTF). As per Condition 1 of the consent conditions issued by DoEE, as per the 19 March 2018 variation, states that '*The approval holder must not clear, at the impact site, more than: 8.87 hectares of CPW and 5.85 hectares of SSTF*'.

Desktop analysis of recent aerial imagery for Precinct E (**Figure 2**) determined that a total area of 1.23 ha of SSTF has been cleared which is within the limits of Condition 1. The aerial imagery also confirmed that adjacent areas to be retained have been avoided (**Figure 2**).

A.5. Conclusions

The objective of the Commonwealth VMP is to guide the restoration of Precincts E, F, G and I of the Gables development in relation to MNES.

No areas of MNES vegetation are required to be retained or revegetated within Precinct E. Therefore, the vegetation management requirements under the Commonwealth VMP do not apply directly to Precinct E.

All vegetation removed from Precinct E was cleared in accordance with the protocols outlined in Chapter 4 of the Commonwealth VMP and relevant Council management plans (Masterplan VMP and Fauna Action Plan). Vegetation to be removed was clearly demarcated to avoid inadvertent clearing of any adjacent areas proposed for retention and clearing periods were adjusted to avoid potential overlap with Grey-headed Flying Fox foraging periods.

APPENDIX B :

Photographs

Photograph 1: Blackberry infestation within Precinct E (Note work site delineation in the background)



Photograph 2: Identified habitat tree on edge of clearing limits

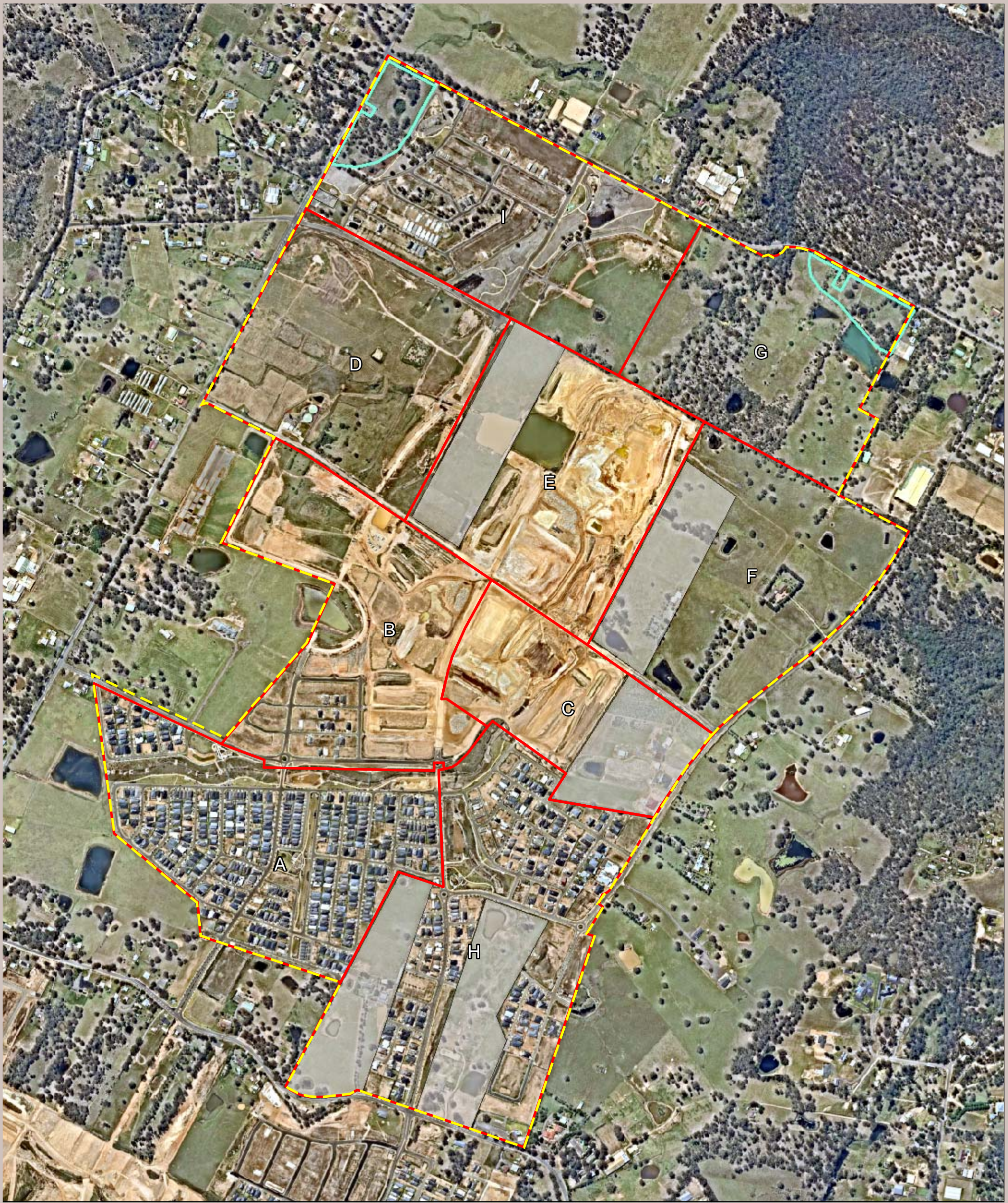


Photograph 3: Felled Salvage items for stockpiling/storage



FIGURES





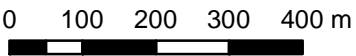
- Legend**
- Gables Development
 - Development Precincts
 - Properties excluded from the assessment
 - Approved Biobank Sites

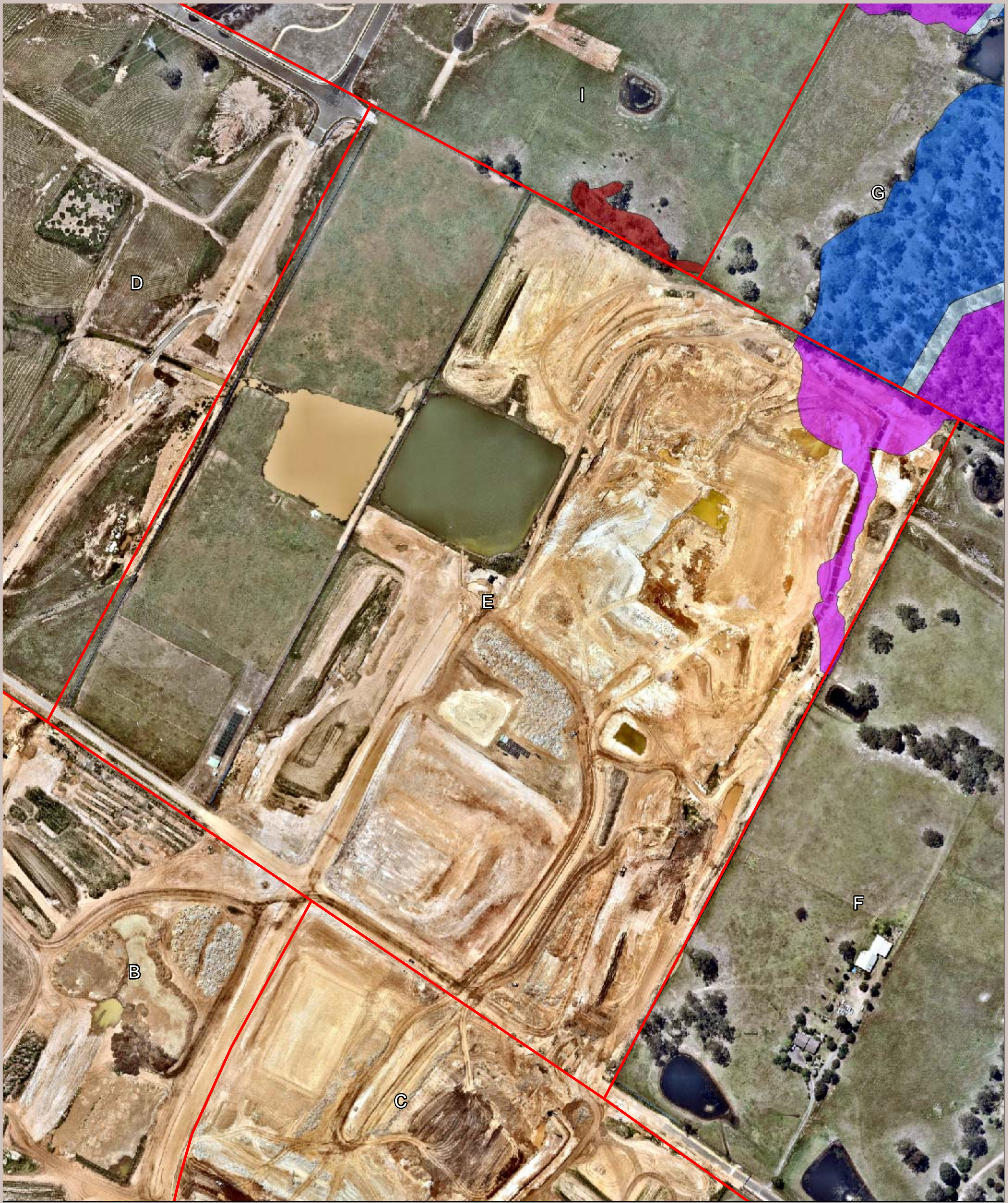
Coordinate System: MGA Zone 56 (GDA 94)

Image Source:
Image © NearMap (2020)
Dated: 29/10/2019



Figure 1. Aerial View of the Gables Development





Legend

Development Precincts

Vegetation Community (MNES)

Cumberland Plain Woodland (To be Removed)

Shale Sandstone Transition Forest (To be Retained)

Shale Sandstone Transition Forest (APZ)

Shale Sandstone Transition Forest (To be Removed)

Coordinate System: MGA Zone 56 (GDA 94)

Image Source:
Image © NearMap (2020)
Dated: 29/10/2019

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Figure 2. Vegetation Cleared within Precinct E

050100150 m