

06 May 2021

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

Dear Ryan and Yusuf,

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

The details of management actions implemented to date is summarised in **Appendix A** to this letter. Supporting figures, 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 Development – Commonwealth Vegetation Management Plan Compliance



A.1. Purpose

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

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 ha 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 DAWE (then DoEE) and was determined as a controlled action (EPBC 2014/7119) due to its likely impacts upon 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 of approval 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 conditions of approval 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

A.4.1. Precinct Status

A.4.1.1. Precinct F and Precinct G

To date, precinct specific VMPs have not been prepared for Precinct F and Precinct G. Therefore, no management works have commenced within these two precincts.

A.4.1.2. Precinct I

Precinct I was sold to a separate developer, Yuantong, by the then Consent holder, Celestino Developments, in 2016. Due to their previous involvement in the ecological assessments for the overall Gables development, Cumberland Ecology was commissioned by Yuantong, (the Precinct I landholder) to prepare a precinct specific VMP for Precinct I (the Precinct I VMP) in accordance with local Council and Commonwealth consent conditions.

The overall development of Precinct I is divided into three main stages with the areas subject to the Commonwealth VMP being contained within the Stage 1 and Stage 2 developments. The Precinct I VMP prepared by Cumberland Ecology was approved by Council in conjunction with the issue of construction certificates for Stage 1 works on 1 June 2018 and Stage 2 works on 6 July 2018.

As per the Precinct I VMP the layout/extent of MNES Zone 1, as outlined in Figure 3.1 of the Commonwealth VMP remained unchanged in the Precinct I VMP. Due to constraints associated with locations of drainage basins and detailed road layout designs, the layout of MNES Zone 3 was modified for the Precinct I VMP. The modified alignment not only allowed the minimum requirement for planting of an area of 1.06 ha for MNES Zone 3 to be exceeded, but allowed for minor additional areas of retention for MNES Zone 1. The corresponding Precinct I and Commonwealth VMP management zones and management zone areas are summarised in **Table 2**.

Table 2: Precinct I Vegetation Management Zones

Commonwealth VMP		Precinct I VMP	
Management Zone	Required area of MNES (CPW) (ha)	Management Zone	Management Zone area (ha)
MNES Zone 1	1.49	Zone 1a	1.51
MNES Zone 3	1.06	Zone 1	2.28

Ownership of The Gables Development (excluding Precinct I) was transferred from Celestino Developments to Stockland (the current approval holder) in May 2020. It is understood that the current approval holder Stockland has subsequently acquired ownership of Stage 3 of Precinct I while Stage 1 and Stage 2 remain in the ownership of Yuantong.

Although Cumberland Ecology prepared the precinct specific VMP for Precinct I, implementation of the management actions in accordance with the approved Precinct I VMP has been conducted by a separate contractor. Based on prior correspondence in February and March 2020 (as allowed/approved by relevant landowners), it is understood that implementation of vegetation management in accordance with the Council approved Precinct I VMP commenced in February 2019, as reported in the 2020 annual report prepared by Cumberland Ecology (REF: 15062-Let 37, dated 20 March 2020).

Verbal correspondence from Yuantong representatives, as received by Cumberland Ecology in early May 2021 confirmed that the following works had been conducted in accordance with the Precinct I VMP in the 2020 - 2021 reporting period:

- Ongoing weed management in accordance with the Precinct I VMP;
- Additional supplementary seeding for trees/shrubs as required; and
- Annual monitoring.

It is understood that revegetation works in the 2020-2021 period have been highly successful with >90% established native groundcover, no indications of high threat/noxious weeds and general weed cover at <5% in revegetation areas. Tree and shrub species have established and are regenerating, both naturally from areas of retained vegetation and from additional assistive revegetation works. Details of the implemented works are provided in the annual report that is to be submitted to Council in accordance with the approved Precinct I VMP.

A.4.1.3. Precinct E

A VMP was prepared for Precinct E by Cumberland Ecology and was approved by Council in March 2020. As no areas of MNES vegetation are to be retained or planted within Precinct E under the Commonwealth VMP (see **Table 1** above), the 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.4.2. 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 along the northern boundary of Precinct E, immediately adjacent to Precinct G on 20 August 2020. The pre-clearing assessment 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 or significant weed infestations were recorded within Precinct E during the current 2020 – 2021 reporting period.

A total of five habitat items, such as hollow-bearing trees, stags and hollow logs were identified within the proposed clearing limits, which extended partially into Precinct G.

The pre-clearance assessments noted that part of the proposed clearing limit extended into an area of Shale Sandstone Transition Forest (SSTF) zoned as 'Retained' in the Species Impact Statement (SIS) prepared for the Gables development, an area that comprises Management Zone 5 of the Commonwealth VMP. Although assessed as 'Retained', the ecological assessments, as approved by Council, OEH and DoEE, acknowledged that some impacts would nonetheless occur to vegetation within these areas due to requisite works for drainage and amenities within RE1 – Public Recreation zoned land (see *Section 1.2.2* of the approved Commonwealth VMP) and offsets, in the form of appropriate Biobanking credits (HN556) were retired to account for impacts to retained vegetation within RE1 zoned land.

Under the allowances made within the SIS, some native groundcover, shrubs and midstorey/small trees/saplings could be removed to facilitate requisite drainage works within the 'Retained' zone where avoidance was not feasible but removal of large canopy trees had to be avoided. All vegetation was cleared under ecological supervision on 24 August 2020 in accordance with the protocols of the Fauna Action Plan as approved by Council. Clearing within the 'Retained' zone (See Figure 2) was limited to removal of young saplings and understorey as per the allowances of the SIS and did not entail removal of any mature trees. These areas are to be revegetated following approval of a precinct specific VMP for Precinct G.

Vegetation removal works commenced after dawn and ceased before dusk to minimise the potential risk of impacts to foraging GHFF. No items were identified as salvageable and therefore no items were retained for future reuse in rehabilitation and retained areas. No fauna were observed or captured within any of the five trees felled 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.4.3. Vegetation Clearing Limits

The vegetation cleared within Precinct E comprised the MNES Shale Sandstone Transition Forest (SSTF) while that within Precinct I comprised the MNES Cumberland Plain Woodland (CPW). 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 1.32 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 largely been avoided (**Figure 2**), with the exception of allowed understorey clearing for drainage and amenity works.

The desktop analysis for Precinct I (**Figure 3**) determined that approximately 8.24 ha of CPW has been cleared which is within the limits of Condition 1. The aerial imagery also confirmed that all areas to be retained, as outlined in Section 3.2 of the Commonwealth VMP, (MNES Zone 1) have been retained (**Figure 3**), with vegetation removal limited to weed removal as part of vegetation management works under the approved Precinct I VMP.

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.

As no precinct specific VMPs have been prepared to date for Precinct F or Precinct G, no management actions and corresponding reporting requirements under the Commonwealth VMP apply to these precincts for the current reporting period.

The minimum areas MNES vegetation to be retained and revegetated within Stage 1 and Stage 2 of Precinct I, as outlined in the Commonwealth VMP have been exceeded, resulting in a larger area of retained/revegetated MNES vegetation within Precinct I than required under the Commonwealth VMP. Ongoing management works in accordance with the Precinct I VMP have resulted in successful establishment of groundcover layers and successful regeneration of tree and shrub layers.

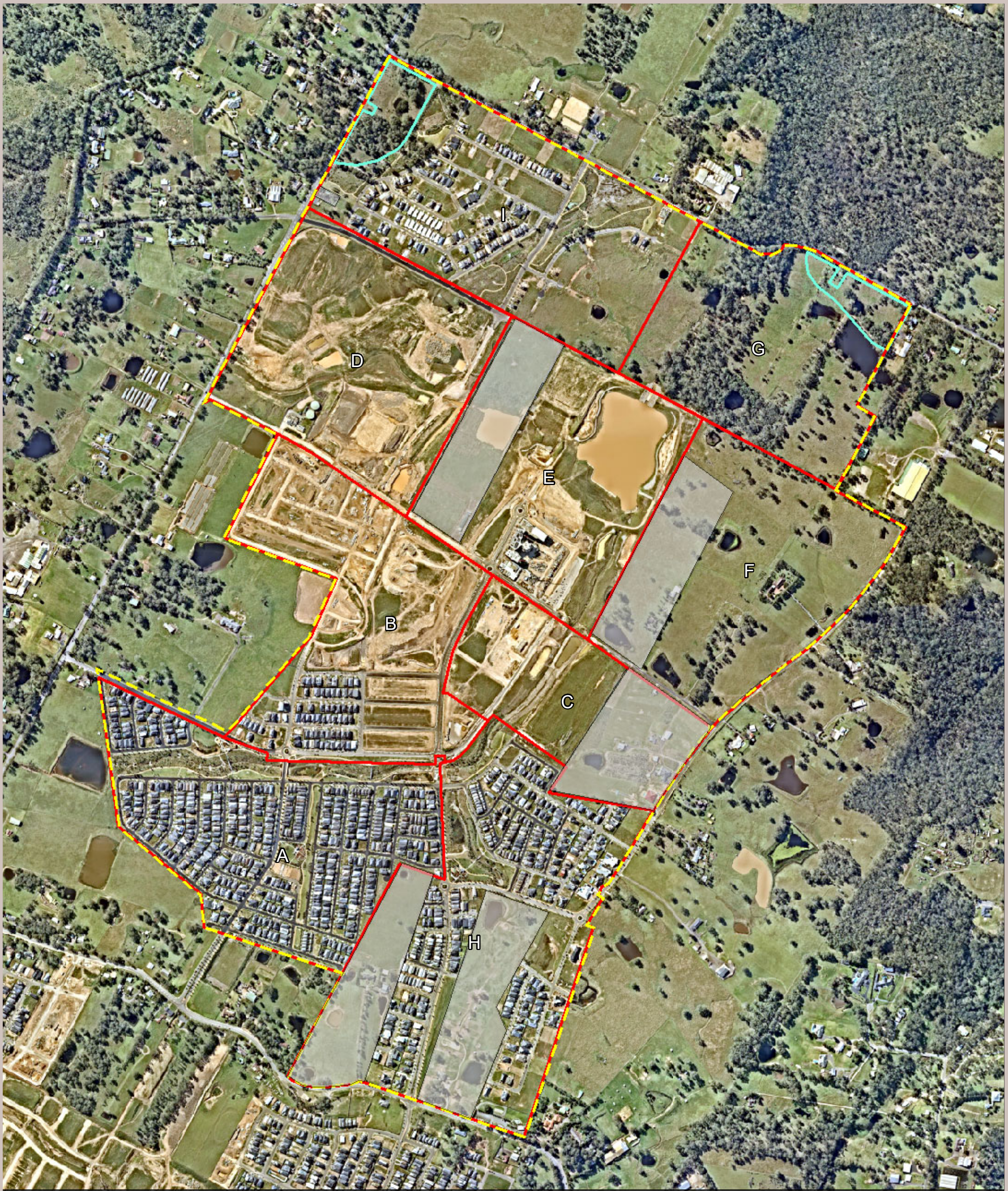
To date no clearing works have occurred within Stage 3 of Precinct I which is in the ownership of the approval holder (Stockland).

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 and the boundary areas with Precinct G 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.

FIGURES



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

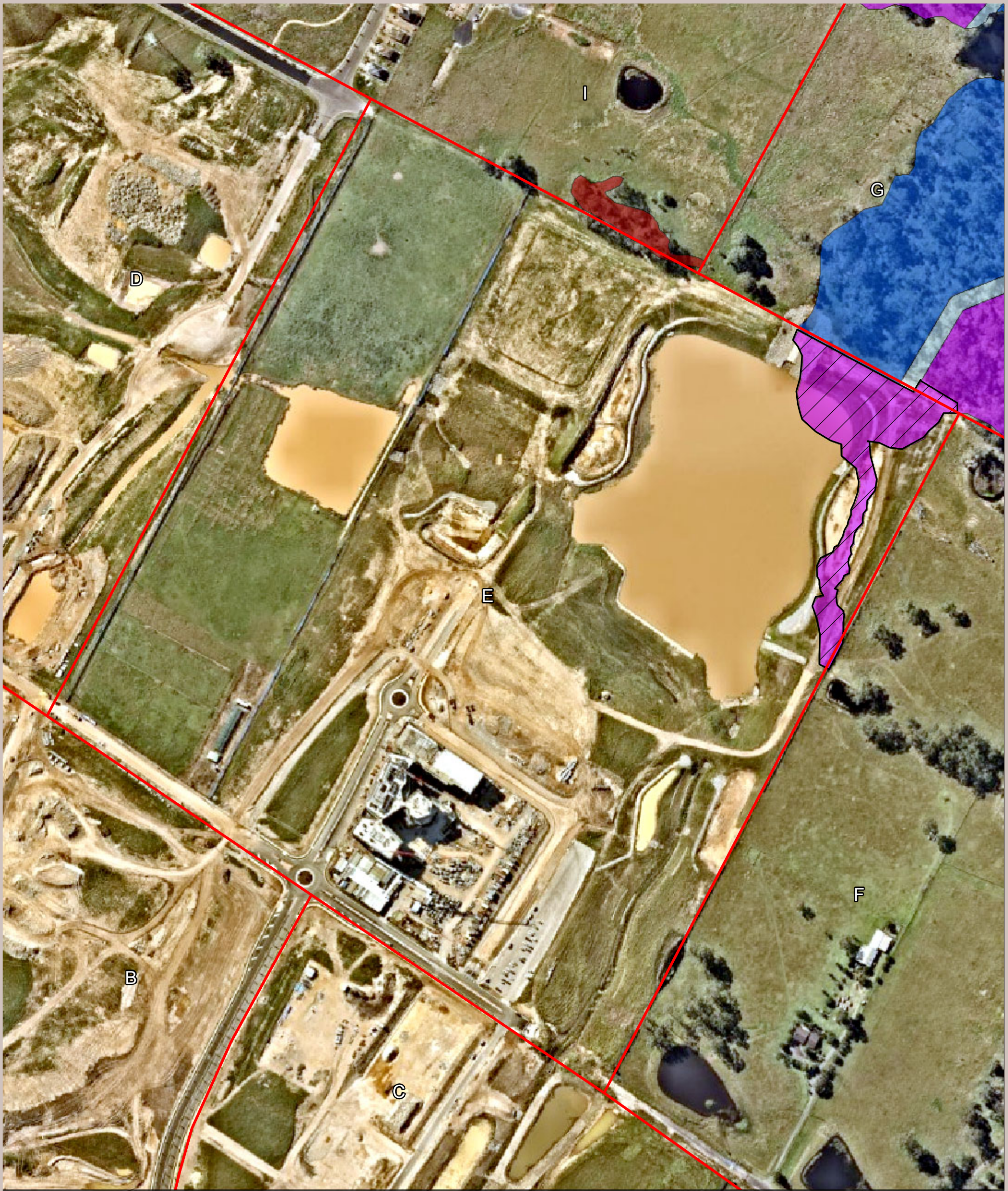
Coordinate System: MGA Zone 56 (GDA 94)

Image Source:
Image © NearMap (2021)
Dated: 10/04/2021



Figure 1. Aerial View of the Gables Development

0 100 200 300 400 m



Legend

Development Precincts

Cleared Vegetation

Vegetation Community (MNES)

Cumberland Plain Woodland (To be Removed)

Shale Sandstone Transition Forest (To be Retained)

Shale Sandstone Transition Forest (APZ)

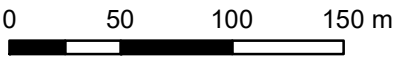
Shale Sandstone Transition Forest (To be Removed)

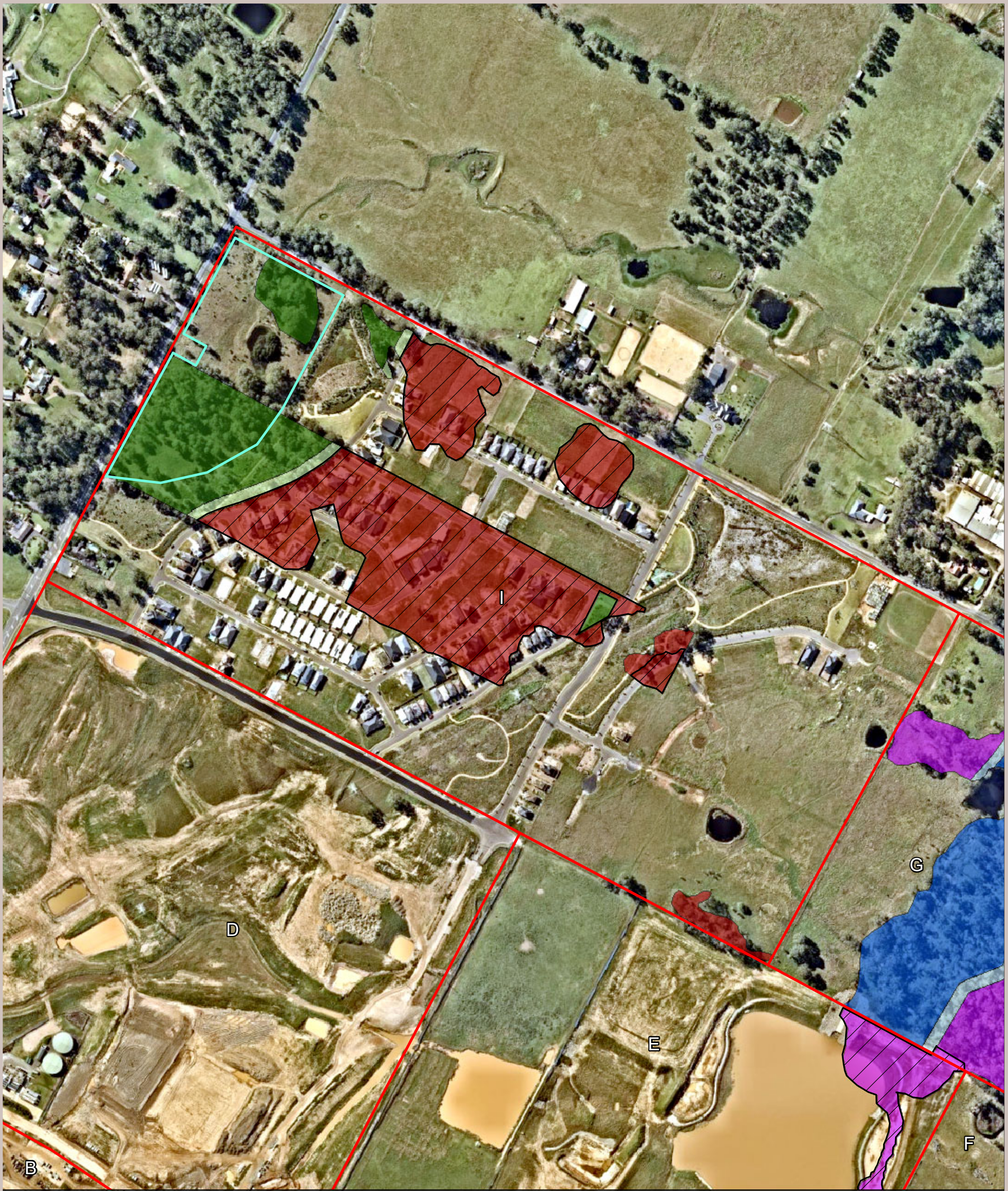
Coordinate System: MGA Zone 56 (GDA 94)

Image Source:
Image © NearMap (2021)
Dated: 10/04/2021

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Figure 2. Vegetation Cleared within Precinct E





Legend

Development Precincts

Approved Biobank Sites

Cleared Vegetation

Vegetation Community (MNES)

Cumberland Plain Woodland (To be Retained)

Cumberland Plain Woodland (APZ)

Cumberland Plain Woodland (To be Removed)

Shale Sandstone Transition Forest (To be Retained)

Shale Sandstone Transition Forest (APZ)

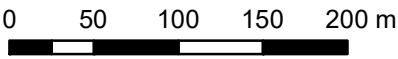
Shale Sandstone Transition Forest (To be Removed)

Coordinate System: MGA Zone 56 (GDA 94)

Image Source:
Image © NearMap (2021)
Dated: 10/04/2021

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Figure 3. Vegetation Cleared within Precinct I



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