

21 May 2024

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

Dear Jerome,

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 then Commonwealth Department of Environment and Energy (DoEE) (now the Department of Climate Change, Energy, the Environment and Water).

The details of management actions implemented to date are summarised in **Appendix A** to this letter. Supporting figures are 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,



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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 then Commonwealth Department of Environment and Energy (DoEE), now the Department of Climate Change, Energy, the Environment and Water (DCCEEW) for the Gables Development at Box Hill, NSW.

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 approved Gables Masterplan project is divided into nine separate development 'Precincts', namely Precincts A – I (**Figure 1**).

The Gables project was referred to the (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 VMP for the management and conservation of GHFF habitat and CPW and SSTF to be retained or revegetated, in Precincts E, F, G and I, excluding the Biobank sites.

As the conditions of consent issued by Hills Shire Council (Council) 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 of the approval issued by DoEE (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 identify 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 requirements and are to ensure that the minimum areas of CPW/SSTF (MNES) to be retained/planted are maintained within the respective precincts. VMPs have been prepared for Precincts E, F and I, although not for Precinct G at this stage. Further details of the status of each VMP are provided below in **Section A.4**.

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.

**Section A.4** provides the details required by Section 7.3 of the Commonwealth VMP.

## A.4. Implemented Management Actions

### A.4.1. Precinct Status

#### A.4.1.1. Precinct E

A VMP was prepared for Precinct E by Cumberland Ecology and was approved by Council in March 2020. Due to changes in non-ecological requirements, several amendments were required to the Precinct E VMP and several versions of the Precinct E VMP have been submitted since the March 2020 version. The most recent VMP for Precinct E was submitted to Council for approval in November 2023. As the amended documentation for Precinct E, and therefore the VMP, are yet to be assessed and approved by Council, no management works have commenced within this precinct.

However, it should be noted that as no areas of MNES vegetation are to be retained or planted within Precinct E under the Commonwealth VMP (see **Table 1** above), the management and reporting requirements outlined in Chapters 5 – 7 of the Commonwealth VMP do not apply to Precinct E.

#### A.4.1.2. Precinct F

A development application (DA) for development of a road network within Precinct F as well as adjacent road upgrades was submitted to Council in October 2022 and was approved by Council on 23 February 2024. The submitted documentation, as approved or endorsed by Council, included a VMP for Precinct F (dated 23 April 2023). As per the Precinct F VMP, a total of ~2.26 ha of SSTF and ~0.67ha of Riparian vegetation is to be planted within Precinct F. Thus, the proposed planting areas exceed the minimum areas required as listed in the Commonwealth VMP (see **Table 1** above).

As the DA has only recently been approved by Council, implementation of the VMP management works has not yet commenced within this precinct.

#### A.4.1.3. Precinct G

To date, a precinct specific VMP has not been prepared for Precinct G. Therefore, no management works have commenced within this precinct.

#### A.4.1.4. 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.

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.

As per the VMP prepared for Precinct I, a total of ~1.51 ha of CPW was retained while a total of ~1.07 ha of CPW was to be replanted within the precinct. Thus, the proposed planting areas slightly exceed the minimum areas required as listed in the Commonwealth VMP (see **Table 1** above).

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. As management actions in Precinct I are reaching the end of the five-year implementation period of the VMP, as approved by Council, Cumberland Ecology conducted a supporting final year inspection of the CPW areas within Precinct I on 25 March 2024.

The inspections confirmed that both the retained and replanted CPW areas met the following VMP criteria:

- Noxious weeds to be less than 2% cover; and
- Species diversity or density for various strata is as per the criteria listed in the VMP.

The retained areas of CPW also met the following VMP criteria:

- Non-noxious weeds to be less than 4% cover.

As replanted areas of CPW had some patches of non-noxious weed outbreaks, it was recommended that additional weeding was conducted to ensure the replanted CPW areas achieved the <4% weed cover criteria.

While both the retained and replanted areas of CPW did not achieve the required 100% survival of plantings listed in the VMP, natural recruitment was observed and both zones were determined to be in good ecological health, with a young native tree, shrub layer, and ground layer emerging. Example photographs of the two zones are provided below.



**Photograph 1 Vegetation present within Commonwealth VMP Zone 1 – Existing Cumberland Plain Woodland**



**Photograph 2 Vegetation present within Commonwealth VMP Zone 3 – Cumberland Plain Woodland Reconstruction after major earthworks**



Details of the implemented works are provided in the annual reports submitted to Council in accordance with the approved Precinct I VMP.

### **A.4.2. Vegetation Clearing Protocols**

The 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. Nonetheless clearing works are to be 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.

No vegetation clearing works within Precincts E, F, G and I have occurred in the current reporting period.

### **A.4.3. Vegetation Clearing Limits**

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*'.

No CPW or SSTF has been cleared in the current reporting period.

Prior desktop analysis for the 2019 – 2023 reporting periods determined that approximately 8.31 ha of CPW has been cleared across Precincts E, G and I which is within the limits of Condition 1. The aerial imagery also confirmed that all areas of CPW to be retained within Stage 1 and Stage 2 of Precinct I have been retained with vegetation removal limited to weed removal as part of vegetation management works under the approved Precinct I VMP.

Prior desktop analysis for the 2019 – 2023 reporting periods determined that a total area of 1.43 ha of SSTF has been cleared across Precincts E and G which is within the limits of Condition 1. No SSTF has been cleared to date within Precinct F. The aerial imagery also confirmed that all areas of SSTF to be retained within Precinct G have been retained.

## **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 VMP has been prepared to date for Precinct G, no management actions and corresponding reporting requirements under the Commonwealth VMP apply to this precinct for the current reporting period. The DA and associated VMP for Precinct F was approved by Council in February 2024 and therefore implementation of works under this VMP has not yet commenced. While a VMP was previously approved for Precinct E, amendments to non-ecological deliverables have resulted in the requirement of several variations to the VMP, the most recent being submitted in November 2023. As the most recent version of the VMP is yet to be approved by Council, management works are yet to commence within this precinct.

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 met or exceeded, resulting in a larger area of retained/revegetated MNES vegetation within Precinct I than required under the Commonwealth VMP.



Implementation of 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.

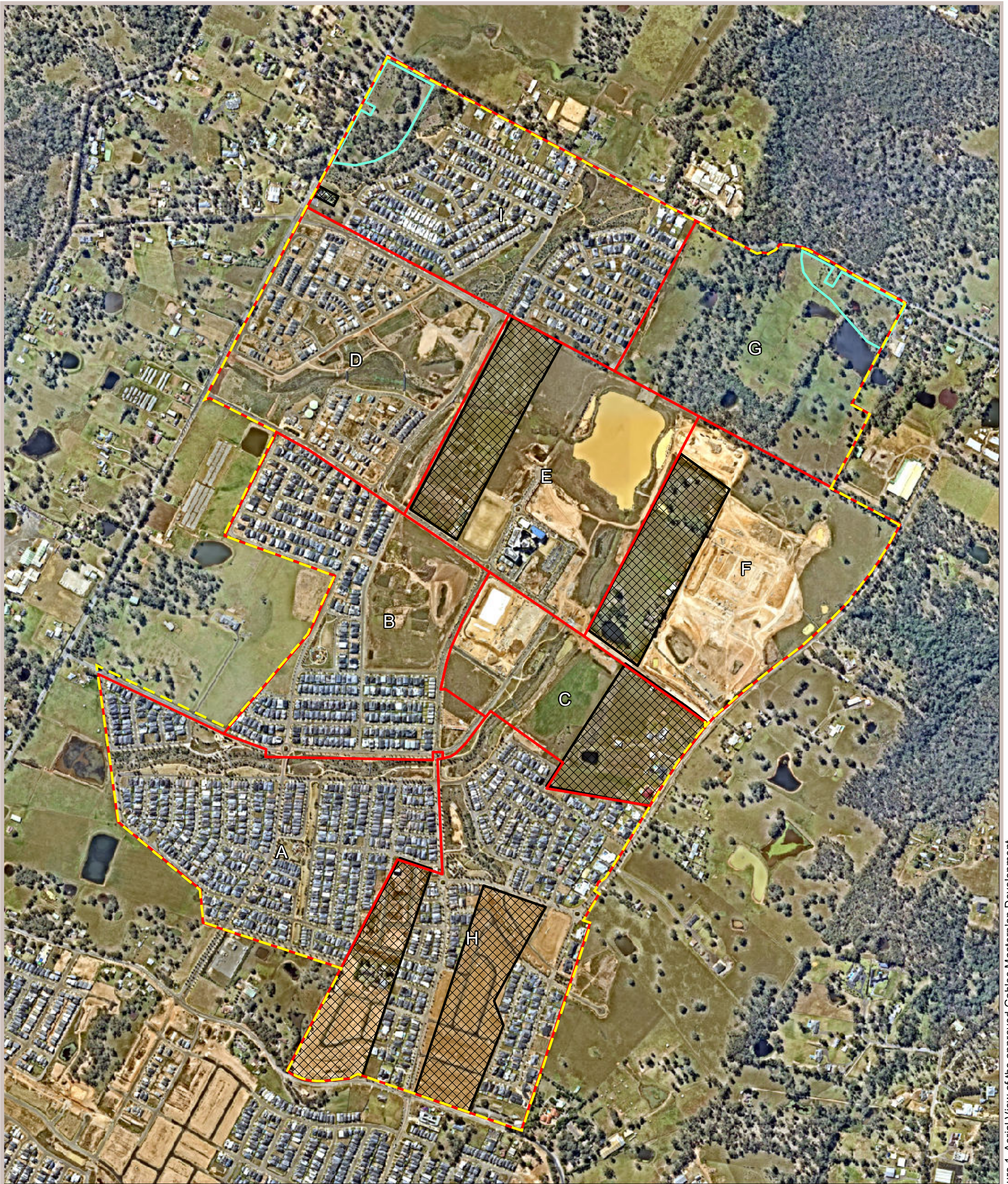
All vegetation removed from Precincts E, F and I (including boundaries with Precinct G) was cleared in accordance with the protocols outlined in Chapter 4 of the Commonwealth VMP and relevant Council management plans (Precinct I VMP and Fauna Action Plan). Vegetation to be removed was clearly demarcated 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.

With consideration of the above, it is concluded that the development of Precincts E, F, G and I are compliant with the requirements of the Commonwealth VMP for the current reporting period.

# FIGURES







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

Coordinate System: MGA Zone 56 (GDA 94)

Image Source:  
Image © NearMap (2024)  
Dated: 30/03/2024



**Figure 1. Aerial View of the approved Gables Masterplan Development**

