

Our Ref: A14195AiBr

8 January 2016

Alex Taylor
Assistant Director
Compliance Monitoring Team
Environment Assessment and Compliance Division
Department of the Environment
E: alex.taylor@environment.gov.au



Cc Theo Posumah – Renewal / Land and Housing Corporation
Paul Jones, Urban Growth NSW

Attention: Alex Taylor

**Re: Airds Bradbury Renewal Project - EPBC 2011/6169
Compliance Report**

Dear Alex,

The following is a compliance report as set out in the conditions of the approval set out by the then Department of Environment.

Travers bushfire & ecology has been appointed as the Project Ecologist to assess compliance with the conditions of approval and to monitor the progress of works for the Airds Bradbury Renewal Project - EPBC 2011/6169

This compliance report states the conditions of approval, whether compliance has been achieved or not, and identifies actions or recommendations to address matters on non-compliance (Refer to attached conditions of approval for the Airds Bradbury Renewal Project - EPBC 2011/6169).

1.0 Commencement of Action and Works Completed

The EPBC approval was enacted on 4th July 2014 with an effective date to 1st July 2064. The first annual compliance report is required to be submitted by 8th January 2016 (12 months from the dates of commencement) and posted on the website for Renewal / Land and Housing Corporation, NSW Department of Family & Community Services.

The Airds Bradbury Renewal Project required the removal of vegetation listed under the EPBC Act, being Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest and Shale-Sandstone Transition Forest. In accordance with the submitted Biodiversity Offset Plan the approval required the protection of onsite conservation areas and the establishment of two offsite biodiversity 'offset lands' (Figures 1 and 2).

As per figure 1 vegetation clearing for stages 1 & 2 have been completed. A separate report has been prepared identifying the extent of clearing works and the restoration works undertaken within BC1 Smiths Creek Corridor. In addition 0.14ha of clearing has been undertaken for a 66KV underground electrical mains within BC2 Kevin Wheatley VC Reserve that was not previously considered in the approval (Attachment 2). However this has been compensated by ensuring that

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an additional 0.16ha of the same vegetation has been protected within the same reserve (Attachment 2).

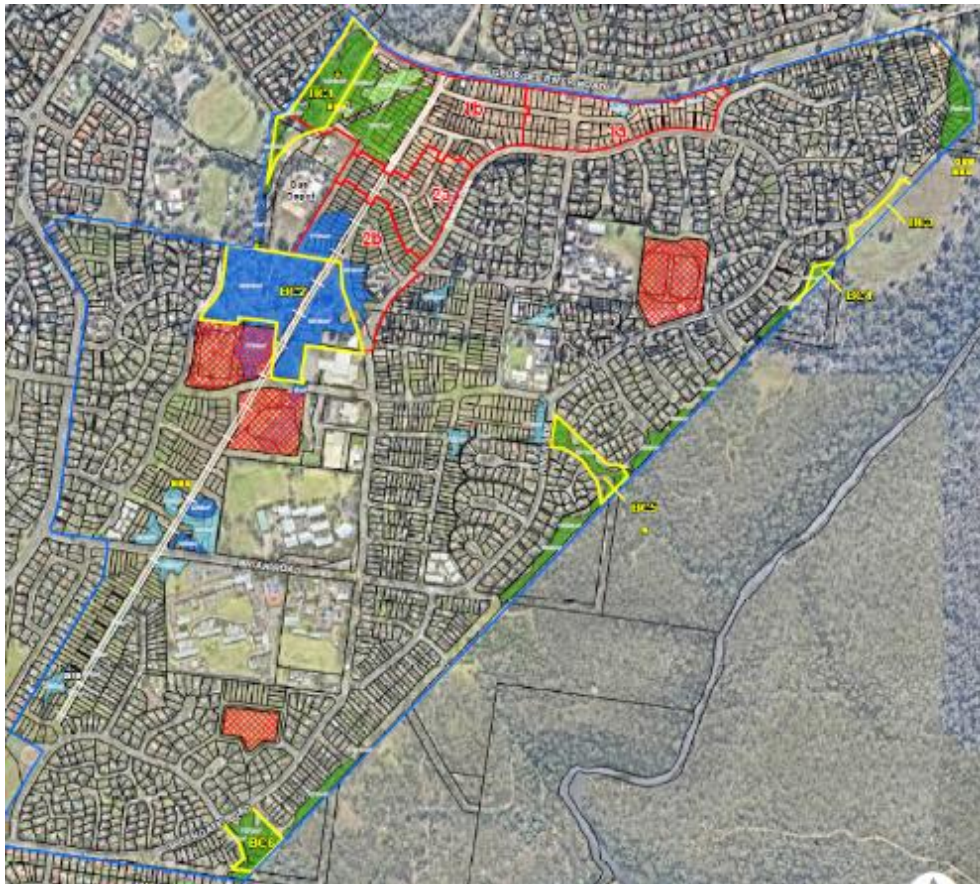


Figure 1 – Onsite conservation areas (BC1 to BC6)



Figure 2 – Offset lands at Gilead and St Helens Park

2.0 Compliance with Conditions of Consent

In accordance with the works completed to date and correspondence issued to the Department of Environment to date, Table 1 details the level of compliance with each of the conditions of approval under the EPBC Act.

Table 1 - Compliance table

Condition of consent	Compliance/Non Compliance	Comments/ Recommendations
<p>1. The approval holder must not clear more than 3.46 hectares (ha) of ecological community (CPW) and 4.80 ha of Shale Sandstone Transition Forest (SSTF) within the project area as identified at Annexure A of these conditions.</p>	<p>Compliant</p>	<p>Clearing works have been completed for Stage 1 and 2 redevelopment. The extent of the clearing is in accordance with condition 1. An additional 0.14ha Cumberland Plain Shale Woodlands Shale Gravel Transition Forest was required to be removed for a 66kV line through BC2 (Kevin Wheatley VC Reserve). As a consequence, an additional 0.16ha was added to a part of the southern end of this reserve such that clearing limits were not exceeded within stage 1 & 2. The amended bushland management plan for BC2 is attached to this report. "A" on the figure represents the recent clearing works required for the 66kV line and the "B" shows the area where BC2 was extended to the south to compensate for that loss.</p>
<p>2. The approval holder must protect the onsite conservation lands identified in Annexure B by a legal instrument. The legal instrument must be submitted to the Department for approval within six months of commencement of the action. The legal instrument must:</p> <p>a. contain a specific reference to the <i>Environment Protection and Biodiversity Conservation Act 1999</i>, CPW, SSTF and the requirements of these conditions;</p> <p>a. be registered on title of the onsite conservation lands;</p> <p>b. provide for the protection of the onsite conservation lands in perpetuity;</p> <p>c. prevent any future development activities on the onsite conservation lands;</p> <p>d. contain specific timing, management measures and financing until the expiry of the approval; and</p> <p>e. include a provision stipulating that the Minister must approve amendment(s) to, or termination of, the legal instrument that will result in a detrimental impact to or</p>	<p>Not Compliant (alternative approach proposed)</p>	<p>Urban Growth NSW and Land and Housing Corporation are still negotiating with Council as the owner of onsite conservation land as to an acceptable approach to ensure the ongoing protection of the BC areas in lieu of a legal instrument.</p> <p>Campbelltown Council have not supported the establishment of a separate legal instrument but have supported to transfer the lands under the existing Deed of Agreement with NSW land and Housing Corporation. This Deed of Agreement requires NSW Land and Housing to carry out the required restoration works and to maintain for five years before land is handed over in a similar condition to the existing bushland under Council Control. Campbelltown Council also state that they are not in a position to enter into a separate legal instrument as required under the EPBC Approval.</p> <p>Consequently we request that the Department of Environment consider amending the approval to allow the existing Deed of Agreement to be the mechanism of protection coupled with the</p>

Condition of consent	Compliance/Non Compliance	Comments/ Recommendations
<p>perverse outcome for matters of national environmental significance, until the expiry of the approval.</p>		<p>statutory restrictions of the existing open space classification and zoning to achieve the objectives of the EPBC Approval.</p>
<p>3. The approval holder must submit for the Minister's approval a management plan for the onsite conservation lands outlining the conservation management of CPW and SSTF.</p> <p>The plan must:</p> <p>a. detail the methods and location of all conservation activities and works proposed; and</p> <p>b. include a commitment to carry out the activities referred to in Condition 3a until the expiry of the approval;</p> <p>The Plan must be submitted to the Department for approval within 12 months of the date of this approval. The approved plan must be implemented.</p>	<p>Compliant</p>	<p>A bushland management plan has been submitted that details the required works for onsite conservation lands including the proposed restoration activities, the methodology to be incorporated and the monitoring involved. The bushland management plans for the onsite conservation lands and the offsite offset lands were submitted on 6th May 2015.</p> <p>An updated bushland management plan for the onsite conservation lands has been submitted and is currently being reviewed by the Department of Environment. Comments have been received 17th of November 2015 and a response is currently being prepared.</p> <p>The updated Bushland Management plan for the onsite conservation areas included an amendment to compensate for the clearing of vegetation caused by the 66Kv line through BC2. The proposed sports field has been moved south allowing for 0.16ha of Cumberland Plain Woodland to be protected. The net change is a slight reduction on the proposed clearing within Keven Wheatley VC Reserve of 200m².</p> <p>The clearing does not breach the clearing limits as approved and is consistent with the objectives and performance targets of the bushland management plan. It was advised by Alex Taylor of DoE on 13th of November 2015 that condition 3 is currently in compliance. As the plan has been submitted, commencement of works relating to the proposed 66KV line, and as described in the submitted Bushland Management Plan, are not prohibited under condition 3.</p>
<p>4. The approval holder must protect the offset lands containing 19.21 ha of CPW and 9.09 ha of SSTF as identified in Annexure C <u>by a legal instrument within 12 months of commencement</u>. The legal instrument must be submitted to the Department for approval prior to signing. The legal instrument must:</p> <p>a. comply with the EPBC Offsets Policy;</p>	<p>Not Compliant</p>	<p>The CPW offset is located at Gilead over a 20.99 ha site whilst the SSTF is located at the St Helens Park offset site which is 20.45 ha in total. Both sites contain the required areas of each, stipulated in condition 4.</p> <p>Urban Growth NSW on behalf of NSW Land and Housing Corporation, have met with the land owners of the 'offset lands', NSW Office of Strategic Lands (OSL), to make arrangements for securing the land via a proposed covenant consistent with the EPBC Act approval EPBC 2011/6169. The offset lands will be registered on title and afforded</p>

Condition of consent	Compliance/Non Compliance	Comments/ Recommendations
<p>b. contain a specific reference to the <i>Environment Protection and Biodiversity Conservation Act 1999</i>, CPW, SSTF and the requirements of these conditions;</p> <p>c. be registered on title of the offset lands;</p> <p>d. include a provision requiring the approval holder to ensure that the offset lands are zoned under appropriate conservation zoning, or as otherwise agreed by the Department, within 24 months of this approval;</p> <p>e. provide for the protection of the offset lands in perpetuity;</p> <p>f. prevent any future development activities on the offset lands;</p> <p>g. include a provision stipulating the Minister must be notified, in writing of any proposed amendment(s) to or termination of the legal instrument. Prior to any amendment(s) to, or termination, of the legal instrument occurring, the proposed amendment(s) to, or termination, must be submitted to the Minister for approval. The approval holder must not amend or terminate the legal instrument without the prior written approval of the Minister;</p> <p>h. in order for the Minister to approve a request submitted under Condition 4g, the approval holder must demonstrate to the satisfaction of the Minister that the proposed amendment(s) or termination of the legal instrument will not result in a detrimental impact to or perverse outcome for matters of national environmental significance.</p> <p>i. if Condition 4h cannot be satisfied, the approval holder must submit to the Minister for approval an additional offset of equal or better value that offsets the residual impacts of the action to CPW and SSTF. This offset must be approved prior to any amendment(s) or termination of the legal instrument referred to in Condition 4; and</p> <p>j. include a provision to ensure the active management of the land, which contains specific timing, management measures and financing in accordance with the approved management plans referred to in Condition 5.</p>		<p>appropriate conservation zoning such that they provide the mechanism for protecting the offset lands in perpetuity.</p> <p>OSL have agreed to the establishment of a covenant on the lands and it is currently being drafted and we expect can be supplied in near future. An extension has been requested with the proposed new date for submission is 13th of May 2016 with a possible extension of another 6 months.</p>

Condition of consent	Compliance/Non Compliance	Comments/ Recommendations
<p>The Department must be notified, in writing within 10 days of compliance with Condition 4.</p>		
<p>5. The approval holder must submit for the Minister's approval a management plan(s) for each of the offset lands to support the conservation management of CPW and SSTF. The plan(s) must be submitted to the Department for approval within six months of the date of this approval. As soon as the plan(s) are approved, they must be implemented. The plan(s) must include:</p> <p>a. measures to protect, conserve and manage CPW and SSTF in the offset lands. These measures must be clear, measurable, auditable and time bound;</p> <p>b. measures to discourage unauthorised human access to offset lands;</p> <p>c. clear objectives and performance indicators for the measures referred to in Condition 5a and 5b;</p> <p>d. costing of the management and monitoring measures required;</p> <p>e. details of the Environmental Trust and the associated Environmental Trust Agreement to be established to ensure the sufficient funding of the measures referred to in 5a and 5b and demonstration that these will be funded in perpetuity;</p> <p>f. details of the monitoring and reporting to be undertaken to demonstrate the effectiveness of the measures referred to in Condition 5a and 5b, including the parameters to be monitored, methods, timing, frequency and location of monitoring;</p> <p>g. specific and measurable trigger levels that will result in corrective actions being implemented to prevent the objectives referred to in Condition 5e being compromised;</p> <p>h. corrective actions to be taken should the trigger levels referred to in Condition 5g be exceeded. These must be clear, measurable, auditable and time bound;</p> <p>i. measures to report to the Department on any exceedance(s) of identified trigger thresholds, the</p>	<p>Compliant</p>	<p>It is the position of the NSW Office of Strategic Lands (the land owners) that NSW Land and Housing Corporation is responsible under the approval for implementation the required restoration works in accordance with the approved bushland management plans, maintaining for five years and returning it to NSW Office of Strategic Lands to be managed as a conservation area. It is the position of NSW Office of Strategic Lands that management responsibility in perpetuity falls to the NSW Office of Strategic Lands and it will be secured by way of covenants that refer back to the EPBC approval. We have requested correspondence from Office of Strategic Lands confirming this position but it has not been received to date.</p> <p>Subject to confirmation from the Office of Strategic Lands, I recommend that the EPBC approval be amended to allow the covenant be the primary long term protection. NSW Land and Housing Corporation is responsible under the approval for implementing the required restoration works in accordance with the approved bushland management plans, maintaining for five years and then returning management responsibility back to the Office of Strategic Lands in a condition that will allow then to protection and management of both offset sites in perpetuity in accordance with the covenant and the approval.</p> <ul style="list-style-type: none"> • Condition 5a, 5b and 5c are defined in the bushland management plans for the Gilead and St Helens Park offset lands. • Condition 5d costings are currently excluded. These will be provided once the mechanisms are in place, and works for bushland management can be competitively tendered for and managed by the project ecologist. • Condition 5e is not included in the bushland management plans. These will be provided once the mechanisms are in place to commence bushland works. • Condition 5f is defined in the bushland management plan.

Condition of consent	Compliance/Non Compliance	Comments/ Recommendations
<p>implementation of corrective actions, and the outcome of these;</p> <p>j. a commitment that the management of offset lands will be undertaken for the life of the impact;</p> <p>k. the person(s) responsible for the management actions for the life of the impact;</p> <p>l. a commitment that the monitoring plan will be undertaken by a suitably qualified person; and</p> <p>m. a detailed description of how the protection mechanism in Condition 4 has been addressed.</p>		<ul style="list-style-type: none"> • Condition 5g is in the performance targets section of the bushland management plan. • Condition 5h and 5i is subject to the auditing outcomes. • Condition 5j and 5k will be provided separately when all the mechanisms are in place. • Condition 5l is within the bushland management plans. Condition 5m is to be provided in a draft instrument from OSL. • Condition 5m will be addressed once the offset sites are registered on title and have been afforded appropriate conservation zoning.
<p>6. Any survey data collected for the project must be collected and recorded so as to conform to a reasonable standard such that it can be readily used by a third party or to data standards notified from time to time by the Department. When requested by the Department, the proponent must provide to the Department all species and ecological survey data and related survey information from ecological surveys undertaken for matters of national environmental significance. This survey data must be provided within 30 business days of request, or in a timeframe agreed to by the Department in writing. The Department may use the survey data for other purposes.</p>	Compliant	<p>Original quadrat data lists have been kept on file from 2012. Any new data collected for auditing purposes will be retained on file also. Species lists have been published within the ecological report for Stage 1 and 2 and may have been used in part or in full in consequent bushland management plans.</p> <p>Observed species lists are within section 3 of the flora and fauna assessment of 2012 for Stage 1 and 2 of the Airs Bradbury urban renewal project.</p> <p>Future auditing works of restoration sites will set up a baseline study with permanent plot points such that quadrats and photos may be repeated over the years of monitoring.</p> <p>If the original data is requested, it can be supplied within the timeframe required.</p>
<p>7. Within 14 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.</p>	Not compliant but completed	<p>Alex Taylor of DoE was advised on 6th May 2015 by NSW Family & Community Services that the commencement date was 8th of October 2014. The delay in notification was an administrative oversight due to the complexity of the project and third party involvement. NSW Land and Housing Corporation and Urban Growth NSW have taken internal steps to ensure future notifications and dates of compliance are adhered to in accordance with the EPBC approval.</p>
<p>8. Within three months of every 12 month anniversary of the commencement of the action, the approval holder must publish a report on its website addressing compliance</p>	Compliant	Satisfied with submission of this compliance report.

Condition of consent	Compliance/Non Compliance	Comments/ Recommendations
<p>with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published. The approval holder must continue to publish the report until such time as agreed in writing by the Minister.</p>		
<p>9. Upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of this approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.</p>	Compliant	<p><i>Travers bushfire & ecology</i> has been engaged by Renewal / Land and Housing Corporation to monitor the progress of all works in accordance with the EPBC approval.</p>
<p>10. If the approval holder wishes to carry out any activity otherwise than in accordance with the plans or agreements, as specified in the conditions of this approval, the approval holder must submit to the Department for the Minister's written approval a revised version of those plans or agreements. The varied activity shall not commence until the Minister has approved the revised plan or agreement in writing. The Minister will not approve a revised plan or agreement, unless the revised plan or agreement would result in an equivalent or improved environmental outcome. If the Minister approves the revised plan or agreement that plan or agreement must be implemented in place of the plan or agreement originally approved.</p>	Compliant	<p>An amended bushland management plan has been submitted to account for recent clearing works with BC2 required for the approved 66kV line.</p>
<p>11. If the Minister believes that it is necessary or convenient for the better protection of listed threatened species or communities to do so, the Minister may request that the approval holder make specified revisions to the management plans specified in the conditions and submit the revised management plans for the Minister's written approval. The approval holder must comply with any such</p>	Compliant	<p>Acknowledged.</p>

Condition of consent	Compliance/Non Compliance	Comments/ Recommendations
request. The revised approved management plans must be implemented. Unless the Minister has approved the revised management plans, then the approval holder must continue to implement the management plans originally approved, as specified in the conditions.		
12. If, at any time after 5 years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister .	Compliant	The approved action has been commenced as part of the Stage 1 & 2 subdivision works.
13. The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of this approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the Department . Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	Compliant	Relevant emails and correspondence has been maintained. It is acknowledged that the department may request particular items be audited under section 458 of the EPBC Act and summarised on the department's website.
14. Unless otherwise agreed to in writing by the Minister , the approval holder must publish all management plans referred to in these conditions of approval on its website. Each management plan must be published on the website within 1 month of being approved.	In progress	All copies of the existing bushland management plans will be published on the Renewal / Land and Housing Corporation website along with this compliance report

3.0 Non - Compliant Items

Condition 2. The approval holder must protect the onsite conservation lands identified in Annexure B by a legal instrument. The legal instrument must be submitted to the Department for approval within six months of commencement of the action.

Consequently the Department of Environment has been requested to amend the approval to allow the existing Deed of Agreement to be the mechanism of protection coupled with the statutory restrictions of the existing open space classification and zoning to achieve the objectives of the EPBC Approval.

Condition 4. The approval holder must protect the offset lands containing 19.21 ha of CPW and 9.09 ha of SSTF as identified in Annexure C by a legal instrument within 12 months of commencement. The legal instrument must be submitted to the Department for approval prior to signing.

It is the intent the Gilead and St Helens Park offset lands will be registered on title and be managed by NSW Office of Strategic Lands in accordance with the EPBC approval under their general land portfolios. An extension has been requested to allow the legal instrument to be registered on title.

Items Requiring Priority Action

- Register offset sites at St Helens Park and Gilead on title.
- Commence restoration works in accordance with the approved bushland management plans at the St Helens Park and Gilead offset lands.

Recommendations

It is recommended that the restoration works on the offset sites at St Helens Park and Gilead be commenced shortly including engagement of contractors, installation of protective fencing, track closures, primary weed control and preparation for revegetation works as per the approved management plans.

Please do not hesitate to contact the undersigned, if you require any further information

Regards



Michael Sheather-Reid
Senior Ecologist
Travers Bushfire & Ecology

Attachments:

1. Approval for Airs Bradbury Renewal Project, South Western Sydney NSW, EPBC 2011/6169
2. Updated BC2 plan showing the 66kV line impact area and approximate location of additional area added to BC2 to compensate for the impact
3. Restoration works audit – BC1 Smiths Creek

ATTACHMENTS

ATTACHMENT 1



Australian Government
Department of the Environment

Approval

Airds Bradbury Renewal Project, South Western Sydney, NSW, EPBC 2011/6169

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted New South Wales Land and Housing Corporation

proponent's ABN 24 960 729 253

proposed action The renewal of the existing Airds Bradbury public housing estate in south western Sydney, near Campbelltown, NSW (see EPBC Act referral 2011/6169).

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 1 July 2064.

Decision-maker

name and position James Tregurtha
Assistant Secretary
South-Eastern Australia Environment Assessments

signature

date of decision

4 June 2014

Airds Bradbury Renewal Project (EPBC 2011/6169)

Protecting ecological communities

1. The **approval holder** must not **clear** more than 3.46 hectares (ha) of Cumberland Plain Shale Woodlands Shale Gravel Transition Forest ecological community (CPW) and 4.80 ha of Shale Sandstone Transition Forest (SSTF) within the **project area** as identified at Annexure A of these conditions.

Avoidance and mitigation

2. The **approval holder** must protect the **onsite conservation lands** identified in Annexure B by a legal instrument. The legal instrument must be submitted to the **Department** for approval within six months of **commencement** of the action. The legal instrument must:
 - a. contain a specific reference to the *Environment Protection and Biodiversity Conservation Act 1999*, CPW, SSTF and the requirements of these conditions;
 - a. be registered on title of the **onsite conservation lands**;
 - b. provide for the protection of the **onsite conservation lands** in perpetuity;
 - c. prevent any future development activities on the **onsite conservation lands**;
 - d. contain specific timing, management measures and financing until the expiry of the approval; and
 - e. include a provision stipulating that the **Minister** must approve amendment(s) to, or termination of, the legal instrument that will result in a detrimental impact to or perverse outcome for matters of national environmental significance, until the expiry of the approval.
3. The **approval holder** must submit for the **Minister's** approval a management plan for the **onsite conservation lands** outlining the conservation management of CPW and SSTF. The plan must:
 - a. detail the methods and location of all **conservation activities** and **works** proposed; and
 - b. include a commitment to carry out the **activities** referred to in Condition 3a until the expiry of the approval;

The Plan must be submitted to the **Department** for approval within 12 months of the date of this approval. The approved plan must be implemented.

Offsetting of residual impacts

4. The **approval holder** must protect the **offset lands** containing 19.21 ha of CPW and 9.09 ha of SSTF as identified in Annexure C by a legal instrument within 12 months of **commencement**. The legal instrument must be submitted to the **Department** for approval prior to signing. The legal instrument must:
 - a. comply with the **EPBC Offsets Policy**;
 - b. contain a specific reference to the *Environment Protection and Biodiversity Conservation Act 1999*, CPW, SSTF and the requirements of these conditions;
 - c. be registered on title of the **offset lands**;

- d. include a provision requiring the **approval holder** to ensure that the **offset lands** are zoned under appropriate **conservation zoning**, or as otherwise agreed by the **Department**, within 24 months of this approval;
- e. provide for the protection of the **offset lands** in perpetuity;
- f. prevent any future development activities on the **offset lands**;
- g. include a provision stipulating the **Minister** must be notified, in writing of any proposed amendment(s) to or termination of the legal instrument. Prior to any amendment(s) to, or termination, of the legal instrument occurring, the proposed amendment(s) to, or termination, must be submitted to the **Minister** for approval. The **approval holder** must not amend or terminate the legal instrument without the prior written approval of the **Minister**;
- h. in order for the **Minister** to approve a request submitted under Condition 4g, the **approval holder** must demonstrate to the satisfaction of the **Minister** that the proposed amendment(s) or termination of the legal instrument will not result in a detrimental impact to or perverse outcome for matters of national environmental significance.
- i. if Condition 4h cannot be satisfied, the **approval holder** must submit to the **Minister** for approval an additional offset of equal or better value that offsets the residual impacts of the action to CPW and SSTF. This offset must be approved prior to any amendment(s) or termination of the legal instrument referred to in Condition 4; and
- j. include a provision to ensure the active management of the land, which contains specific timing, management measures and financing in accordance with the approved management plans referred to in Condition 5.

The **Department** must be notified, in writing within 10 days of compliance with Condition 4.

- 5. The **approval holder** must submit for the **Minister's** approval a management plan(s) for each of the **offset lands** to support the conservation management of CPW and SSTF. The plan(s) must be submitted to the **Department** for approval within six months of the date of this approval. As soon as the plan(s) are approved, they must be implemented. The plan(s) must include:
 - a. measures to protect, conserve and manage CPW and SSTF in the **offset lands**. These measures must be clear, measurable, auditable and time bound;
 - b. measures to discourage unauthorised human access to **offset lands**;
 - c. clear objectives and performance indicators for the measures referred to in Condition 5a and 5b;
 - d. costing of the management and monitoring measures required;
 - e. details of the Environmental Trust and the associated Environmental Trust Agreement to be established to ensure the sufficient funding of the measures referred to in 5a and 5b and demonstration that these will be funded in perpetuity;
 - f. details of the monitoring and reporting to be undertaken to demonstrate the effectiveness of the measures referred to in Condition 5a and 5b, including the parameters to be monitored, methods, timing, frequency and location of monitoring;
 - g. specific and measurable trigger levels that will result in **corrective actions** being implemented to prevent the objectives referred to in Condition 5c being compromised;

- h. **corrective actions** to be taken should the trigger levels referred to in Condition 5g be exceeded. These must be clear, measurable, auditable and time bound;
- i. measures to report to the **Department** on any exceedance(s) of identified trigger thresholds, the implementation of **corrective actions**, and the outcome of these;
- j. a commitment that the management of **offset lands** will be undertaken for the life of the impact;
- k. the person(s) responsible for the management actions for the life of the impact;
- l. a commitment that the monitoring plan will be undertaken by a **suitably qualified person**; and
- m. a detailed description of how the protection mechanism in Condition 4 has been addressed.

Reporting and auditing

- 6. Any survey data collected for the project must be collected and recorded so as to conform to a reasonable standard such that it can be readily used by a third party or to data standards notified from time to time by the **Department**. When requested by the **Department**, the proponent must provide to the **Department** all species and ecological survey data and related survey information from ecological surveys undertaken for matters of national environmental significance. This survey data must be provided within 30 business days of request, or in a timeframe agreed to by the **Department** in writing. The **Department** may use the survey data for other purposes.
- 7. Within 14 days after the **commencement of the action**, the **approval holder** must advise the **Department** in writing of the actual date of **commencement**.
- 8. Within three months of every 12 month anniversary of the **commencement** of the action, the **approval holder** must publish a report on its website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published. The **approval holder** must continue to publish the report until such time as agreed in writing by the **Minister**.
- 9. Upon the direction of the **Minister**, the **approval holder** must ensure that an independent audit of compliance with the conditions of this approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the **commencement** of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.

Revisions

- 10. If the **approval holder** wishes to carry out any activity otherwise than in accordance with the plans or agreements, as specified in the conditions of this approval, the **approval holder** must submit to the **Department** for the **Minister's** written approval a revised version of those plans or agreements. The varied activity shall not commence until the **Minister** has approved the revised plan or agreement in writing. The **Minister** will not approve a revised plan or agreement, unless the revised plan or agreement would result in an equivalent or improved environmental outcome. If the **Minister** approves the revised plan or agreement

that plan or agreement must be implemented in place of the plan or agreement originally approved.

11. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species or communities to do so, the **Minister** may request that the **approval holder** make specified revisions to the management plans specified in the conditions and submit the revised management plans for the **Minister's** written approval. The **approval holder** must comply with any such request. The revised approved management plans must be implemented. Unless the **Minister** has approved the revised management plans, then the **approval holder** must continue to implement the management plans originally approved, as specified in the conditions.
12. If, at any time after 5 years from the date of this approval, the **approval holder** has not substantially commenced the action, then the **approval holder** must not substantially commence the action without the written agreement of the **Minister**.

Publication of plans

13. The **approval holder** must maintain accurate records substantiating all activities associated with or relevant to the conditions of this approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
14. Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must publish all management plans referred to in these conditions of approval on its website. Each management plan must be published on the website within 1 month of being approved.

Definitions

Approval holder – means the person to whom the approval is granted (New South Wales Land and Housing Corporation (ABN 24 960 729 253)), or to whom the approval is transferred under s145B of the *Environment Protection and Biodiversity Conservation Act 1999*.

Clearance of native vegetation - means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, slashing, weeding, ringbarking, uprooting or burning in any stratum (understorey, midstorey, canopy) of CPW and SSTF in the **project area**.

Conservation activities – means weed control, supplementary planting, revegetation, fire management for conservation, management of human disturbance, erosion control, nutrient control, pest control, rubbish removal, removal of dead timber and monitoring.

Conservation zoning – E1 National Parks and Nature Reserves or E2 Environmental Conservation.

Commencement - means any works, including preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures, demolition and the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure.

Corrective action – means actions taken in response to objectives and performance criteria

not being met.

Department - the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

EPBC Offsets Policy – means the **Department's** *Environmental Protection and Biodiversity Conservation Act 1999 Environmental Offset Policy and Offsets assessment guide (2012)*, available at: www.environment.gov.au/resource/epbc-act-environmental-offsets-policy.

Minister – the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the **Minister**.

Works – means any activity that is not a **conservation activity**, including asset protection zones, hazard reduction burns, fire trails, fencing, paths and corridors for human access, upgrades to park facilities, community participation and coordination as outlined in the **preliminary documentation**.

Offset lands – means the 20.45 ha St Helens Park Offset and the 20.99 ha Gilead Offset identified in the **preliminary documentation**. A map of the **offset lands** is provided at [Annexure C](#).

Onsite conservation lands – means the BC1 Smiths Creek, BC2 Kevin Wheatly Reserve Bushland Site, BC3 Peppin Park North, BC4 Peppin Park South, BC5 Georges River Reserve Bushland Site and BC6 Hagan Reserve Bushland Conservation Areas. A map of the **onsite conservation lands** provided at [Annexure B](#) and these areas are described as 'Bushland Conservation Zones' in the legend.

Project area – means the area proposed for development as defined in the **preliminary documentation**. A map of the **project area** is provided at [Annexure A](#).

Preliminary documentation – means all documentation provided to the **Department** for EPBC 2011/6169.

Suitably qualified person – means a qualified ecologist with appropriate training and at least five years of experience in undertaking surveys in relation to the relevant EPBC Act listed ecological community.

Attached to these Conditions:

Annexure A: The Airds Bradbury Renewal Project Area.

Annexure B: The BC1, BC2, BC3, BC4, BC5 and BC6 onsite conservation lands within the project area.

Annexure C: Gilead and St Helens Park Offset Sites.



Annexure B: The onsite conservation lands within the project area



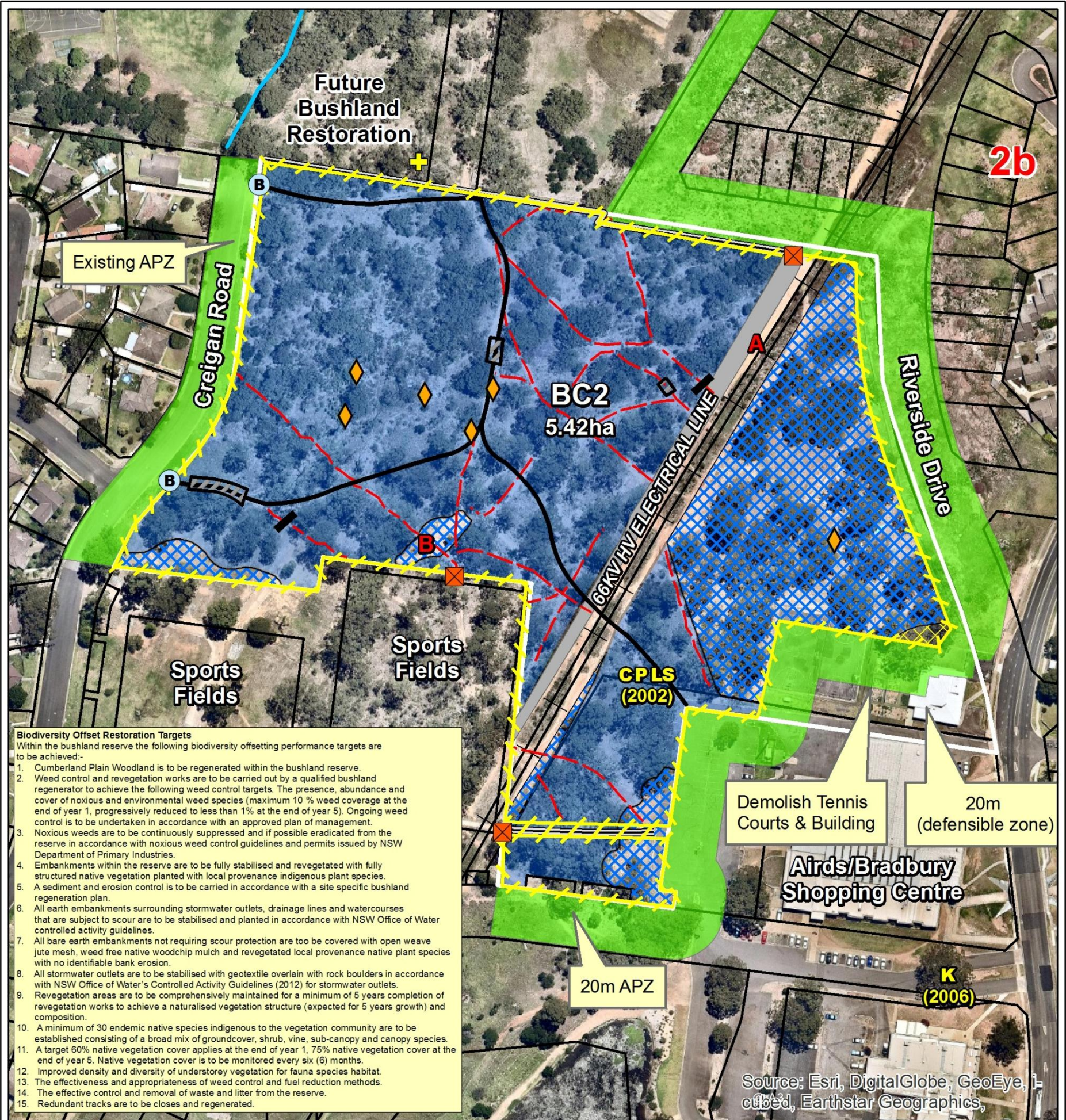
Legend

- | | | |
|---------------------------------|--|-----------------------------|
| Urban Renewal Boundary | Flora Survey Results | Bushland Conservation Zones |
| Stage Boundaries (subject site) | EEC - Shale-Sandstone Transition Forest | Active Open Space |
| Fauna Survey Results | Moderate - Good Condition | Electrical Easement |
| Greater Broad-necked Bat | Low Condition | |
| Eastern Banking-bat | EEC - Cumberland Plain Woodland | |
| Koala | Moderate - Good Condition | |
| Significant Habitat Tree | Low Condition | |



Disclaimer: The mapping is indicative of available space and location of features which may prove critical in assessing the viability of the proposed works. Mapping has been produced on a best effort basis with an inherent level of uncertainty. The accuracy of all mapped features are to be confirmed by a registered surveyor.

ATTACHMENT 2

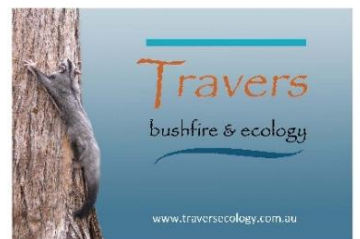


- Biodiversity Offset Restoration Targets**
 Within the bushland reserve the following biodiversity offsetting performance targets are to be achieved:-
1. Cumberland Plain Woodland is to be regenerated within the bushland reserve.
 2. Weed control and revegetation works are to be carried out by a qualified bushland regenerator to achieve the following weed control targets. The presence, abundance and cover of noxious and environmental weed species (maximum 10 % weed coverage at the end of year 1, progressively reduced to less than 1% at the end of year 5). Ongoing weed control is to be undertaken in accordance with an approved plan of management.
 3. Noxious weeds are to be continuously suppressed and if possible eradicated from the reserve in accordance with noxious weed control guidelines and permits issued by NSW Department of Primary Industries.
 4. Embankments within the reserve are to be fully stabilised and revegetated with fully structured native vegetation planted with local provenance indigenous plant species.
 5. A sediment and erosion control is to be carried in accordance with a site specific bushland regeneration plan.
 6. All earth embankments surrounding stormwater outlets, drainage lines and watercourses that are subject to scour are to be stabilised and planted in accordance with NSW Office of Water controlled activity guidelines.
 7. All bare earth embankments not requiring scour protection are to be covered with open weave jute mesh, weed free native woodchip mulch and revegetated local provenance native plant species with no identifiable bank erosion.
 8. All stormwater outlets are to be stabilised with geotextile overlain with rock boulders in accordance with NSW Office of Water's Controlled Activity Guidelines (2012) for stormwater outlets.
 9. Revegetation areas are to be comprehensively maintained for a minimum of 5 years completion of revegetation works to achieve a naturalised vegetation structure (expected for 5 years growth) and composition.
 10. A minimum of 30 endemic native species indigenous to the vegetation community are to be established consisting of a broad mix of groundcover, shrub, vine, sub-canopy and canopy species.
 11. A target 60% native vegetation cover applies at the end of year 1, 75% native vegetation cover at the end of year 5. Native vegetation cover is to be monitored every six (6) months.
 12. Improved density and diversity of understorey vegetation for fauna species habitat.
 13. The effectiveness and appropriateness of weed control and fuel reduction methods.
 14. The effective control and removal of waste and litter from the reserve.
 15. Redundant tracks are to be closed and regenerated.

Legend

Boundary of Bushland Conservation Reserve	Significant habitat tree	Domestic waste
Available Asset Protection Zone	5 wire strand fence with timber top rail	Locked gate
Atlas Database Records	Upgrade pedestrian pathways	Track erosion to be stabilised
Koala	Track closure (865m)	10m managed understorey (Slashed inclusive of canopy only)
Cumberland Plain Land Snail	Retain existing concrete path	66KV HV electrical line (0.14ha)
Restoration Areas	Water diversion bars	
Cumberland Plain Woodland Regeneration Area (3.35ha)	Bollard	
Cumberland Plain Woodland revegetation area (1.14ha)		

Scale: 0 25 50 75 100 m
 1:1,500



Disclaimer: The mapping is indicative of available space and location of features which may prove critical in assessing the viability of the proposed works. Mapping has been produced on a map base with an inherent level of inaccuracy, the location of all mapped features are to be confirmed by a registered surveyor.

PROJECT Airds Bradbury Urban Renewal Project	RESERVE NAME Kevin Wheatley VC Reserve
REFERENCE A14195	DATE (ISSUE) 12.11.15
	TITLE Bushland Management Works (BC2)

ATTACHMENT 3

Our Ref: A14195

8 January 2016

Theo Posumah
Project Director
Renewal / Land and Housing Corporation
Department of Family & Community Services
E: Theo.Posumah@fac.s.nsw.gov.au



Attention: Theo Posumah

Re: Restoration works Audit for BC1 (Smiths Creek Riparian Corridor) Airds – Bradbury Urban Renewal Project

Travers bushfire & ecology have undertaken a restoration audit for works BC1 - Smiths Creek riparian corridor which is part of the Airds – Bradbury Urban Renewal Project.

An inspection of the site works was undertaken by Mr Lindsay Holmes (Senior Botanist) on the 4th January 2016.

This audit was undertaken to assess the progress of works and which or the performance targets have been achieved as stated in Attachment 2 of the BMP produced for the site (*Travers bushfire and ecology*, updated November 2015, Ref: A12105BMP).

Travers bushfire & ecology notes that the restoration works are in progress and not all performance targets will have been met, largely due to the project being undertaken over approximately 5 years and this being the first main audit.

1. Works completed to date

The following works have been completed onsite to date since commencement of works:

- Primary weed control 90 % complete.
- Secondary weed control 50% complete.
- Revegetation works 90% complete.

Maintenance weed control will continue over the next 4 years approximately once all primary weed control and revegetation works have been completed.

- Access to work areas has been undertaken through a combination of permanent three-wire strand fencing, and temporary fencing along the western boundary of the revegetation works. Gates have also been installed to limit vehicular access.
- Stormwater and embankment stabilisation works have been completed by a combination of jute mesh / planting, or placement of boulders around the outlets to dissipate the water with some macrophyte planting.

- Revegetation works and management of bushland areas for asset protection purposes have also been undertaken adequately.

2. Works not completed to date

The following works based on the site inspection have not been completed:

- Stabilisation of all embankment areas – 95% complete. There is a small issue near College Road, northern side of road, western side of creek.
- Maintenance works for the duration of the project.

3. Observed restoration management issues

The following restoration problems were observed onsite and are required to be addressed as part of the sites ongoing management:

- Madiera Vine on embankments, mostly in northern portion of the reserve (refer to photo 11 and 12)
- Wandering Jew along lower embankments (refer to photo 10)
- Minor erosion control adjacent to College Road (refer to photo 1)

4. Overall performance of restoration works onsite

The overall performance of the restoration works to date has been of a high standard. As plantings are still very young, they have not begun to spread as yet, however the density of plantings is above the recommended minimum of 4 plants per m². The success of plantings appears to be very high, around 97-98%.

Fencing and gates have been adequately installed as both temporary and permanent measures.

All stormwater outlets have been adequately stabilised with rocks and plantings to a high standard. The embankments have been largely stabilised with one small issue remaining on the northern side of College Road.

The progress of the works is good and it is expected that primary weed control works will be continued in coming weeks to remove the remaining areas of Madeira Vine. Maintenance works will be commencing shortly that will target remaining areas of Wandering Jew.

5. Achievement of restoration performance targets

Table 1 lists the performance targets as stated in Attachment 2 of the BMP. This table then states if the targets have been met and provides notes as to how the targets have or have not been met.

Table 1 – Compliance Audit of Performance Targets – BC1

Performance Targets	Status	Comments
1 - Shale Sandstone Transition Forest is to be regenerated within the bushland reserve.	90% Complete	<p>There has been a significant improvement in the density and coverage of native species across the reserve. Removal of Privets from the core riparian area towards the northern half of the reserve has been undertaken successfully with regrowth but under control. There are some remnant areas of Madeira Vine which were being treated at the time of inspection by hand removal which are expected to be completed within a few weeks.</p> <p>The eastern side of the creek in the northern portion of BC1 has shown to have had a high level of resilience, and there are very few weeds and good growth of native groundcovers, in particular Kangaroo Grass.</p>
2 - Weed control and revegetation works are to be carried out by a qualified bushland regenerator to achieve the following weed control targets. The presence, abundance and cover of noxious and environmental weed species (maximum 10 % weed coverage at the end of year 1, progressively reduced to less than 1% at the end of year 5). Ongoing weed control is to be undertaken in accordance with an approved plan of management.	Compliant	Weed control has been undertaken throughout the entire BC1 area. There are some remaining areas of Madeira Vine and Wandering Jew, otherwise all other areas have been treated very well with only annual weed species present. It is estimated that approximately 10% of the site is covered by weeds overall.
3 - Noxious weeds are to be continuously suppressed and if possible eradicated from the reserve in accordance with noxious weed control guidelines and permits issued by NSW Department of Primary Industries.	Compliant and ongoing	The main noxious weeds present include Madeira Vine, Wandering Jew and Moth Vine. These weeds are being suppressed.
4 - Embankments within the reserve are to be fully stabilised and revegetated with fully structured native vegetation planted with local provenance indigenous plant species.	95% Compliant - minor remediation required	<p>There is only one small part of the embankment that requires more work and minor stabilisation works around the stormwater outlet on the northern side of College road, and western side of the creek.</p> <p>The area affected require some jute mat and establishment of ground covers or shrubs over approximately 5x2m.</p>

		Where Wandering Jew has been removed in large areas on embankments, these have been jute meshed or matted, and planted with native groundcovers and shrubs.
5 - Sediment and erosion control is to be carried out in accordance with a site specific plan.	Compliant	Continue to maintain the function of all sediment and erosion controls. Removal required once fully stabilised.
6 - All earth embankments surrounding stormwater outlets, drainage lines and watercourses that are subject to scour are to be stabilised and planted in accordance with NSW Office of Water controlled activity guidelines.	95% Compliant - minor remediation required	See comments for performance target 4.
7 - All bare earth embankments not requiring scour protection are to be covered with open weave jute mesh, weed free native woodchip mulch and revegetated local provenance native plant species with no identifiable bank erosion.	Compliant	Jute mesh has been placed at several locations along the creek embankment to assist in stabilisation after removal of Wandering Jew and other weeds. Woodchip has also been placed at a number of locations where the ground layer is vacant to suppress weeds and where revegetation has been undertaken, the density of planting is between 4 and 8 plants per m ² .
8 - All stormwater outlets are to be stabilised with geotextile overlain with rock boulders in accordance with NSW Office of Water's Controlled Activity Guidelines (2012) for stormwater outlets.	Compliant	All stormwater outlets have been adequately stabilised and planted as necessary with macrophytes and appropriate species.
9 - Revegetation areas are to be comprehensively maintained for a minimum of 5 years completion of revegetation works to achieve a naturalised vegetation structure (expected for 5 years growth) and composition.	Non-Compliant – Commenced but continues for a minimum of 5 years	Continue until 5 years of maintenance is completed.
10 - A minimum of 30 endemic native species indigenous to the vegetation community are to be established consisting of a broad mix of groundcover, shrub, vine, sub-canopy and canopy species.	Compliant	Lists of species have not been supplied to confirm exact numbers used in the plantings, however there is a broad mix of groundcover, shrub, vine, sub-canopy and canopy species. The species utilised in the plantings appear to be locally endemic and occur within the surrounding bushland.
11 - A target 60% native vegetation cover applies at the end of year 1, 90% native vegetation cover at the end of year 5. Native vegetation cover is to be monitored every six (6) months.	Non-compliant - Ongoing	Revegetated areas are very young and consequently grasses (in particular) have not spread out to provide a lot of cover, however the density of plantings is above the minimum required (4 per m ²) and should achieve the target percent native vegetation cover within the next 6 months. Areas of natural remnant vegetation generally exceed 80% cover.

12 - Improved density and diversity of understorey vegetation for fauna species habitat.	Compliant	<p>The understorey vegetation in the core riparian zone used to be denser, but dominated by Privet, a noxious weed species, and exotic vines. The removal all Privets and the majority of vines to date will see a marked improvement in understorey species diversity, coupled by natural regeneration and revegetation works.</p> <p>Increased species diversity of endemic plant species will improve the habitat for fauna species and likely usefulness by fauna. The lower density of the shrub or sub-canopy layer may see a reduction in shelter habitat short term only.</p>
13 - The effectiveness and appropriateness of weed control and fuel reduction methods.	Compliant	<p>The majority of the site has had adequate weed control. There is currently ongoing work to remove the remainder of Madeira Vine and Wandering Jew areas.</p> <p>APZ areas adjacent to future housing on the eastern boundary are planted generally with groundcovers only to ensure separation of canopy and limited mid-storey species. The western boundary is also to be managed as a slashed understorey amongst the existing trees. This is being maintained adequately.</p>
14 - The effective control and removal of waste and litter from the reserve.	Compliant	There were no notable piles of rubbish or outstanding litter within the reserve at the time of inspection.

3. Conclusion

Primary restoration works within BC1 are almost complete with only a small amount of weed control works remaining and planting works in the north-east corner. Planting densities and success of plantings are above minimal limits, and stormwater outlet areas and embankments are generally stabilised as per the performance targets.

There is one area adjacent to College Road that requires some additional stabilisation work with jute mesh and planting of approximately 5x2m.

Note that there are non-compliant matters but these will be resolved during the maintenance period and are not considered to be significant at this stage.

Thank you for allowing us the opportunity to provide our services. We hope that this information is useful and appropriate to your needs.

If you require any further information please do not hesitate to contact us on (02) 4340 5331 or at info@traverseecology.com.au

Yours faithfully

A handwritten signature in black ink that reads "Michael SR". The signature is written in a cursive style with a long horizontal stroke underneath the name.

Michael Sheather-Reid
Senior Ecologist
Travers bushfire & ecology

Attachments: Site photos BC1 – Smiths Creek Reserve

Photographs

All photographs taken on 4th January 2016



Photo 1 – Minor erosion occurring on north side of College Road on the western side of creek (red polygon). The eastern side of the creek is stable with jute mesh and planted tubestock



Photo 2 – Partially jute matted embankment. Planted with grasses, tussocky species and occasional shrubs. Planting density varies between 4 and 8 plants per m².



Photo 3 – Maintained understorey along western boundary, regularly slashed to APZ standards



Photo 4 – Stabilised outlet on western side of creek, between College Road and Georges River Road



Photo 5 – Stabilised stormwater outlets off the eastern boundary closer to College Road



Photo 6 – Stabilised stormwater outlets off the eastern boundary closer to Georges River Road



Photo 7 – Recently sprayed exotic vegetation in the north-east corner in preparation for further restoration works



Photo 8 – Planted vegetation averaging 7-8 plants per m² in the north-west corner



Photo 9 – Healthy natural regeneration of Kangaroo Grass and Wattles between the stormwater outlets on the eastern side of the reserve



Photo 10 – General riparian vegetation on eastern side of creek with some patchy areas of Wandering Jew remaining



Photo 11 – Madeira Vine on western embankment towards Georges River Road currently being controlled



Photo 12 – Looking from the same Madeira Vine area of Photo 11, across the creek to the stabilised stormwater outlet in Photo 6



Photo 13 – Controlled access and fencing installed around the southern portion of BC1, looking south from College Road



Photo 14 – Newly revegetated and mulched southern portion of BC1