

Our Ref: A16130AiBr

Tuesday 26th of March 2019

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



Cc Luis Valarezo, Land and Housing Corporation
Paul Neville, Landcom

Attention: Alex Taylor

**Re: Airds Bradbury Renewal Project - EPBC 2011/6169
Compliance Report 2017-2018**

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.

1.0 Commencement of Action and Works Completed

The *Environment Protection and Biodiversity Conservation (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.

This project has been progressively implemented and staged development applications have progressed at variable pace. Access to sites for restoration and commencement of works has been limited by individual site constraints and consequently have been implemented as site limitations allowed. The urban location of the onsite conservation sites are high profile and access to each site and public interactions are a significant inhibitor to progress of works. Despite this works have progressed and greater control is being achieved as neighbouring residents become comfortable with a conservation management regime for these sites.

Access to the Gilead Offset Site has now been granted and the works can now commence subject to engagement of contractors. St Helens Park Offset site has been granted but asbestos and waste removal operations are currently in progress and once clear will be released for restoration. All other sites have full access, but revegetation works are progressing on the most significant sites to ensure the key conservation outcomes are achieved.

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).

The Airds Bradbury Renewal Project required the removal of vegetation listed under the *EPBC Act* (1999), being Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest (CPW), and Shale-Sandstone Transition Forest (SSTF). 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, 2b and 3 have been completed. Subdivision applications on stage 6 is approved and under assessment on stage 4.



Figure 1 – Onsite conservation areas (BC1 to BC6)



Figure 2 – Offset lands at Gilead and St Helens Park

1.1 Amendments to BC2 – Kevin Wheatly VC Reserve

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 4). However, this has been compensated by ensuring that an additional 0.16ha of the same vegetation has been protected within the same reserve (Attachment 4 A & B).

A portion of the BC2 Kevin Wheatley VC Reserve, is under the ownership of Airds Bradbury Shopping Centre. However, the vegetation present is not proposed to be removed and support from the owners is given in principle to incorporate the land into the long-term reserve BC2 reserve. This land may be transferred in ownership when a DA is proposed for the Airds Bradbury Shopping Centre. Restoration works have commenced, and Urban Growth NSW will continue to negotiate a consistent outcome with the approval. There is currently no change to the reserve boundary, but the ownership of this land is recognised.

Stage 3 DA application incorporates the provision of sporting facilities and removal/rectification of existing stormwater and services within the southern portion of BC2 reserve. This has enabled an adjustment to the southern boundary and the incorporation of currently disturbed lands to expand the current edge of the CPW bushland further south integrating with the proposed sporting facilities.

The reserve area has maintained its original reserve size of 5.42ha and compensatory protection has occurred to account for unexpected works. Additional detailed aboriginal heritage studies have been undertaken and further aboriginal artefacts have been located for protection. Cumberland Plain Land Snail has been detected within the reserve in significant numbers and works have been undertaken and refocus to support this threatened species and the expansion

of its habitat into the eastern portions of the reserve. Restoration works have been commenced and infrastructure plans are approved by Campbelltown Council. Progressive vegetation clearing works have commenced in areas approved to date.

1.2 Progress of Onsite Conservation Works

Works were initially strategically commenced with onsite conservation reserves to make progress on those sites requiring either significant primary weed control and revegetation works. However significant progress is now being made on all sites now that access and control has been handed over to the restoration contractors.

The following is a summary of works completed at each reserve: -

- **BC1 Smiths Creek Corridor** - Bush regeneration works are significantly progressed, practical completion of primary restoration works has been completed and is currently under a maintenance regime. This site is also audited by Campbelltown Council as part of the conditions of consent. This site has been transformed and is in a good stable condition. The current focus of maintenance works is within the stream itself to remove aquatic weeds and replace with emergent macrophytes.
- **BC2 – Kevin Wheatley VC Reserve** - Bush regeneration works have commenced, including closure of redundant pathway, waste removal, habitat enrichment in progress for Cumberland Plain Land Snail and regeneration works. The site has now been secured restricting access to unauthorised waste dumping. The new pathways throughout the reserve are currently on hold pending the completion of aboriginal heritage consultation and approval of works associated with Stage 3. Monitoring plots installed
- **BC3 – Peppin Crescent North** - Revegetation works include site preparation have commenced.
- **BC4 – Peppin Crescent South** - Bush regeneration and revegetation works completed, contingency planting required. Regeneration ongoing and monitoring plots.
- **BC5 Riverside Drive** - Bush regeneration and revegetation work commenced works.
- **BC6 – Green Gate Road** - Primary restoration works are nearing completion in, all primary weed control works and 90% of revegetation works have been completed. Recent slashing of site by lawn mower operator has caused the implementation of contingency revegetation works. Creek stabilisation works recommended.

1.3 Progress of Offset Conservation Works

Offsite restoration works have commenced as follows:-

- St Helens Park Offset Conservation area - bush regeneration contract has been awarded, fencing & track closures in progress, asbestos and waste removal in progress.
- Gilead Restoration Works Offset Conservation area – contract not awarded due to restricted access to site with existing tenant refusing access. Tenant has now been vacated and access to site has been granted and an extension to the existing restoration contracts are being organised.

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
1. The approval holder must not clear more than 3.46 hectares (ha) of Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest (CPW) and 4.80 ha of Shale Sandstone Transition Forest (SSTF) within the project area as identified at Annexure A of these conditions.	Compliant	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 of CPW 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. BC2 has been extended to the south and the additional clearing has been compensated in that boundary adjustment by conserving a greater area of CPW. The bushland management plan for BC2 was also amended to reflect changes in the stage 3 infrastructure and open space works (Attachment 4B). No further vegetation clearance works have been undertaken to date which is subject to Stage 3 DA approval.
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 <i>Environment Protection and Biodiversity Conservation Act 1999</i> , 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	Compliant (alternative approach approved)	Variation approved relying on the existing Deed of Agreement with NSW Land and Housing Corporation on the basis that Campbelltown Council also state that they are not in a position to enter into a separate legal instrument as required under the <i>EPBC</i> Approval. 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.

Condition of consent	Compliance/Non Compliance	Comments/ Recommendations
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.		
<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>	Compliant	<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.</p> <p>An 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 had been moved south allowing for 0.16ha of CPW to be protected. The nett change is a slight reduction on the proposed clearing within Keven Wheatley VC Reserve of 200m².</p> <p>The clearing for the 66Kv line 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>Updated bushland management schedule as been provided for BC2 Kevin Wheatley in accordance with remediation of existing stormwater infrastructure and batter works associated with the proposed for the adjoining ovals. No additional vegetation removed but any disturbance areas are to be revegetated to fully structured CPW.</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>	Not Compliant (variation request submitted)	<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>OSL have clarified that they are not willing to enter into an additional covenant on the lands as the existing department agreement provides a protection.</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>A variation request has been submitted requesting the lifting of this requirement and instead to rely on a Deed of Agreement to protect the offset lands in perpetuity.</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> <ul style="list-style-type: none"> 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 5e 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 	<p>Compliant</p>	<p>Bushland management plans have been submitted for approval. At the request of the Department amended bushland management plans are being prepared for submission and approval in support of the variation request.</p> <p>Contract restoration works at St Helens Park Offset have commenced on fencing works.</p> <p>Contract restoration works at Gilead offset are being commissioned and subject to contract approval.</p>

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>		
<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. Contracts awarded to restoration contractors include the establishment of monitoring plots.</p> <p>The appointed restoration contractors ECOHORT have established monitoring plots with BC1 to BC6, in accordance with the submitted and approved bushland management plans. All data will be collected to ensure appropriate standards are being maintained.</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 <i>EPBC</i> 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 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</p>	Compliant	<p>Satisfied with submission of this compliance report.</p>

Condition of consent	Compliance/Non Compliance	Comments/ Recommendations
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 .	Compliant	<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 <i>EPBC</i> approval.
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.	Compliant	<p>The bushland management plan was submitted and approved by the Department.</p> <p>A revised management plan is being prepared to account for infrastructure remediation and southern boundary adjustments to BC2 reserve as a result of stage 3 infrastructure and open space works to the south of BC2 as illustrated on Attachment 4B.</p> <p>Updated bushland management plans are to be submitted and approved by the Department for St Helens park and Gilead Offset sites.</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 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.	Compliant	Acknowledged.

Condition of consent	Compliance/Non Compliance	Comments/ Recommendations
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. Stage 3 & 4 development applications have been submitted and awaiting approval from Campbelltown Council.
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 <i>EPBC Act</i> , 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, some of which forms the attachments of this report. It is acknowledged that the department may request particular items be audited under section 458 of the <i>EPBC Act</i> 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.	Complaint	All copies of the existing bushland management plans have been published on the Renewal / Land and Housing Corporation website

3.0 Non - Compliant Items

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.

A legal instrument which consists of a departmental agreement is proposed under the submitted variation as the means to protect Gilead and St Helens Park offset lands and be managed by NSW Office of Strategic Lands in accordance with the *EPBC* approval under their general land portfolios.

Items Requiring Priority Action

- As per variation request, deed of agreements to be established as legal protection mechanism at St Helens Park and Gilead.
- Commission restoration works contract at Gilead offset lands – have tenders submitted and contract awarded.
- Submission of amended bushland management plans for St Helens Park (subject to completion of Waste removal and asbestos decontamination works) and Gilead Offset sites (subject to engagement of contract works).
- Submission of updated BMP for onsite conservation lands due to infrastructure demolition works associated with Stage 3 and 4 DA adjoining and partially with BC2 – Kevin Wheatley VC Reserve
- Priority restoration works in BC1-BC6 as per the attached site audits

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

Regards

A handwritten signature in black ink, appearing to read 'Michael SR', with a stylized flourish at the end.

Michael Sheather-Reid
Managing Director
(Appointed Project Ecologist to Airds Bradbury Project)
Travers Bushfire & Ecology

Attachments:

1. Approval for Airds Bradbury Renewal Project, South Western Sydney NSW, *EPBC* 2011/6169
2. Correspondence to Post Approvals Section dated 28th of October and response from NSW Urban Growth dated 6th May 2015 – Ref CAS2116
3. Correspondence from Campbelltown Council – 11th November 2015
4. (A) Approved and (B) Updated BC2 bushland management plan showing the 66kV line impact area works demolition works as proposed for Stage 3 & 4 infrastructure demolition works and ovals
5. Correspondence dated 7th December 2015 from NSW Land and Housing regarding compliance matters
6. Restoration works audit – BC1 to BC6 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 A: The Airs Bradbury Renewal Project Area





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 Banded-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 and on a general view of planning the process of all mapped features are to be confirmed by a registered surveyor.

Annexure C: Gilead and St Helens Park Offset Sites



ATTACHMENT 2



Australian Government
Department of the Environment

Contact Officer: Alanna Moyes
Telephone: (02) 6274 1166
Email: EPBCmonitoring@environment.gov.au

Our reference: CAS2116

Theo Posumah
Project Director
NSW Land and Housing Corporation
NSW Department of Finance and Services
Level 10, 234 Sussex Street
SYDNEY NSW 2000



Dear Mr Posumah

Airds Bradbury Renewal Project; Request for additional information

As you are aware, the Department of the Environment (the Department) have been conducting inquiries into an alleged contravention of Section 142 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC); specifically an alleged breach of condition 2, 5 and 7 attached to the Airds Bradbury Renewal Project, NSW (EPBC 2011/6169).

On 2 April 2015, the Department wrote to you requesting further information in relation to the allegations. You responded to the Department's letter on 6 May 2015.

In your letter you propose a positive covenant on the land once created referencing the Bushland Management Plan. In order for the Department to consider your proposal, I request that you please provide details of the anticipated timeframe that would be required for such a mechanism to be established.

Should you have any questions please contact Alanna Moyes (details above).

Alex Taylor
Assistant Director
Compliance Monitoring Section
Compliance & Enforcement Branch

14 September 2015



**Family &
Community Services**
Land & Housing Corporation

Level 1, 223-239 Liverpool Rd
Ashfield NSW 2131
Locked Bag 4009 Ashfield BC 1800
Tel: 02 8753 9000 Fax: 02 8753 8888
ABN: 24 960 729 253
www.facs.nsw.gov.au

6 May 2015

Alex Taylor
Post Approvals Section
Compliance and Enforcement Branch
Environment Assessment and Compliance Division
Department of the Environment
GPO Box 787
Canberra ACT 2601

CC: Humfrey Whitaker, UrbanGrowth NSW

Dear Alex,

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

I am writing in response to your letter dated 4 July 2014 regarding the consent conditions on the above project, and recently received letter dated 2 April 2015 regarding alleged breach of conditions.

It is noted that UrbanGrowth NSW is managing this project on behalf of the approval holder, NSW Land and Housing Corporation (LAHC), and through the undersigned LAHC provide consent for the Department of the Environment to liaise directly with UrbanGrowth NSW on this matter.

Over the past 8 months since the above approval, UrbanGrowth NSW have undertaken significant work with LAHC and the land holders, namely Campbelltown City Council, and NSW Department of Planning & Environment, to meet the conditions of the approval.

It is noted that Humfrey Whitaker from UrbanGrowth NSW spoke with Renu Shama (Post Approvals Section contact) on the 18th March 2015 to provide an update on the progress and challenges of achieving the conditions and advised that a letter of response was being prepared.

Since this time, we have received your letter of 2 April 2015 regarding the alleged breach of conditions and in response provide the below as an update on the status of the project and the relevant approval conditions.

Condition 1 & 7

- Stage 1 Clearing works onsite commenced on 08/10/2014 with approximately 0.2ha of low condition CPW and 2.6 ha of SSTF (1.95ha moderate condition and 0.64ha low condition) vegetation cleared to date.
- The first revegetation works in the Smiths Creek area (Area BC1 of the onsite conservation lands) will commence in May 2015.

Condition 3 & 5

- Please find attached Bushland Management Plans for the Onsite Conservation lands, and Offsite conservation lands (Gilead and St Helens Park) prepared by Travers Environmental

Page 1 of 2

Bushfire & Ecology which have been amended to reflect the conditions of approval where appropriate.

- Further details on conformance with the detailed points under conditions 3 & 5 are listed in the attached correspondence by Travers Bushfire & Ecology.

Condition 2

As per discussions with the Department prior to the approval it was deemed that the preferred Legal Instrument for protecting the onsite conservation lands was in the form of a Planning Agreement that could be registered on title. In keeping with this, draft planning agreements were prepared for both the onsite offsets (with Campbelltown City Council) and the offsite areas (with the Minister administering the EP&A Act 1979).

The documents were presented in draft form to the two parties and subsequent meetings held to discuss acceptance of the agreements. To date, both parties have strongly rejected the need to enter a Planning Agreement citing the exhibition and approval process required causes difficulties for them. We have requested letters from both parties reflecting this position and will send copies of these letters to the Department as soon as received.

Given the above position, we wish to present an alternative form of legal instrument to protect the lands. A positive covenant on the land once created referencing the proposed Bushland Management Plans and relevant conditions of approval will provide the required security, and is expected to be acceptable to the parties. Further to this Campbelltown City Council are reviewing options to secure financing for the management of the land in perpetuity and again we will provide this detail to the Department as soon as we receive it. In the interim we request the Departments feedback on the proposed positive covenant for conservation area BC1 (Smiths Creek) as attached. It is proposed that this would become the template for all the conservation areas, and would be registered on title as soon as the land is created.

It is again noted that Land & Housing Corporation (LAHC) and UrbanGrowth NSW remain dedicated to protecting and rehabilitating the offset areas as set out in the EPBC approval. As noted in pre-approval correspondence, meeting the conditions of approval as set out by the Department requires the co-operation of other government agencies, namely the Minister administering the EP&A Act and Campbelltown City Council who LAHC have no powers of enforcement over. The entire parties involved wish to see the protection and conservation of the offset lands, but agreeing on the detail of how this is achieved has not been possible within the timeframes set by the department.

We request that the Department provides leniency in these circumstances and in good faith allows the parties the further time required to resolve these agreements and structures which will ensure the long term conservation of these lands.

If you require further information, please do not hesitate to contact myself or Humfrey Whitaker.

Yours sincerely,

Theo Posumah
Project Director - Land and Housing Corporation

Attachments

1. Compliance Statement from Project Ecologist – Travers bushfire & ecology
2. Draft Positive Covenant for BC1
3. Bushland Management Plans – Onsite and Offsite areas (CD-Rom)



Australian Government
Department of the Environment

Contact Officer: Alanna Moyes
Telephone: (02) 6274 1168
Email: alanna.moyes@environment.gov.au

Our reference: CAS2116

Theo Posumah
Project Director
NSW Land and Housing Corporation
NSW Department of Finance and Services
Level 10, 234 Sussex Street
SYDNEY NSW 2000

Dear Mr Posumah

NSW Land and Housing Corporation
ALLEGED BREACH OF CONDITIONS ATTACHED TO EPBC 2011/6169

I am writing to you in relation to the renewal of the existing Airds Bradbury public housing estate in south western Sydney, near Campbelltown NSW. As you would be aware, on 4 July 2014, NSW Land and Housing Corporation (the approval holder) received approval under the *Environment Protection and Biodiversity Conservation Act 1999*¹ (EPBC approval 2011/6169) to undertake this project. The approval has 14 conditions attached to it.

Section 142 of the EPBC Act requires a proponent to comply with conditions attached to an approval, with penalties for contravening conditions of approval up to \$1,700,000. As an alternative to prosecution, the department may, for minor or technical contraventions of conditions, choose to issue Infringement Notices of up to \$10,200 for each contravention.

The Department of the Environment (the Department) has received information suggesting that clearing works started on 17 September 2014. As defined in your approval conditions, 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.

The Department notes that condition 2 of your approval requires the approval holder to 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 6 months of commencement of the action. Therefore, the legal instrument should have been submitted to the Department for approval by no later than 17 March 2015. To date, the Department has no record of the legal instrument being submitted for approval.

Additionally, condition 5 requires the approval holder to submit for the Ministers approval a management plan for each of the offset lands to support the conservation management of Cumberland Plain Shale Woodlands Shale Gravel Transition Forest ecological community and Shale Sandstone Transition Forest. The plan(s) must be submitted to the Department for approval within 6 months of the date of approval of the action. Therefore, the management plan should have been submitted to the Department for the Ministers approval by no later than 4 January 2015. To date, the Department has no record of the legal instrument being submitted for approval.

¹ The EPBC Act is available on line at: <http://www.environment.gov.au/epbc/about/index.html>.

Furthermore, condition 7 of the approval states that within 14 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.

The Department is concerned that there could be a breach of EPBC approval 2011/6169 in that;

- a. The Department has no record of the legal instrument being submitted to the Department within 6 months of commencement of the action as required under condition 2; and
- b. The Department has no record of the management plan for each offset lands being submitted to the Department for approval within 6 months of the approval as required under condition 5; and
- c. The Department has no record of the approval holder advising the Department in writing of the actual date of commencement as required under condition 7.

Consistent with the department's *EPBC Act Compliance & Enforcement Policy*², we request that you, as the approval holder, provide advice about these allegations. Any information supplied will be used to assist the department in determining the applicability (or otherwise) of sections 142 or 142B of the EPBC Act to this action. Please be aware that the EPBC Act places a duty upon persons to provide accurate information in response to a requirement attached to an approval condition (section 490) or to an authorised officer performing a function under the EPBC Act (section 491).

Please note that if an offence is likely to have been committed, any information supplied may be used as evidence. You may choose not to supply information.

I encourage you to obtain independent legal advice in relation to any concerns you may have relating to alleged breaches of national environmental law.

As the Department has a responsibility to respond to alleged breaches of the EPBC Act in a timely manner it would be appreciated if you could provide a written response to the matters raised in this letter to the undersigned by 5pm on Friday 17 April 2015.

Should you wish to discuss this matter please contact Alanna Moyes (details above).

Yours sincerely



Alex Taylor
Assistant Director
EPBC Compliance Monitoring Section

2 April 2015

² The policy is available at <http://www.environment.gov.au/resource/compliance-and-enforcement-policy-environment-protection-and-biodiversity-conservation-act>



Australian Government
Department of the Environment

Contact Officer: Dylan Home
Telephone: (02) 6274 9944 Facsimile: (02) 6274 1878
Email: post.approvals@environment.gov.au

Our reference: 2011/6169



Theo Posumah
Project Director
NSW Land and Housing Corporation
NSW Department of Finance and Services
Level 10, 234 Sussex Street
SYDNEY NSW 2000

Dear Mr Posumah

Airds and Bradbury Renewal Project (EPBC 2011/6169)

The Post Approvals Section of the Department of the Environment (the Department) is responsible for managing projects that have received approval under the national environment law, the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Department has an active monitoring program for projects that have received approval under the EPBC Act. This program includes monitoring inspections, desk top document reviews and audits. As part of this program we regularly review our records to ascertain the present status of projects in relation to their conditions of approval.

As you would be aware, the Airds and Bradbury Renewal Project (EPBC 2011/6169) is subject to 14 conditions of approval. Among other requirements, the conditions require the approval holder to protect both the onsite conservation lands and offset lands with legal instruments, and develop management plans for both the onsite conservation lands and offset lands. Please be aware there are also requirements to notify the Department of the date of commencement and provide annual compliance reports.

Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the Department on request. Such documents may be subject to audit and used to verify compliance. Summaries of results of audits may be published by the Department. Information about the monitoring and audit program can be found on the Department's website at www.environment.gov.au/epbc/compliance/auditing.html.

Please be aware that any transfer of this approval to another person must have the consent of the Minister under section 145B of the EPBC Act.

To avoid any potential delays in responding to future requests of the Department relating to the above project please refer all correspondence to:

Post Approvals Section
Compliance and Enforcement Branch
Environment Assessment and Compliance Division
Department of the Environment
GPO Box 787
CANBERRA ACT 2601

If you have any questions, or wish to discuss this matter further, please contact me (02) 6275 9944 or by email at dylan.horne@environment.gov.au.

Yours sincerely



Dylan Horne
Senior Project Officer
Post Approvals Section

5 August 2014



Australian Government
Department of the Environment



EPBC Ref: 2011/6169

Theo Posumah
Project Director
NSW Land and Housing Corporation
NSW Department of Finance and Services
Level 10, 234 Sussex St
Sydney NSW 2000

Dear Mr Posumah

Decision on Approval
Airds Bradbury Renewal Project, South Western Sydney, NSW

I am writing to you in relation to a proposal to renew the existing Airds Bradbury public housing estate in south western Sydney, near Campbelltown, New South Wales (NSW).

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to New South Wales Land and Housing Corporation (ABN 24 960 729 253). The details of my decision are attached. The proposal must be undertaken in accordance with the conditions specified in the approval.

I would appreciate your assistance by informing me when you will start the action, provide the information specified in the conditions and who will be the contact person responsible for the administration of the approval decision.

Please note that any plans required as conditions of approval will be regarded as public documents unless you provide sufficient justification to warrant commercial-in-confidence status.

You should also note that this EPBC Act approval does not affect obligations to comply with any other laws of the Commonwealth, state or territory that are applicable to the action. Neither does this approval confer any right, title or interest that may be required to access land or waters to take the action.

The Department has an active audit program for proposals that have been referred or approved under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned and that there is a high degree of compliance with any associated conditions. Please note that your project may be selected for audit by the Department at any time and all related records and documents may be subject to scrutiny. Information about the Department's compliance monitoring and auditing program is enclosed.

The Department has recently published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines the Department's commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at:

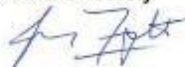
GPO Box 787 Canberra ACT 2601 • Telephone 02 6274 1111 • Facsimile 02 6274 1656

www.environment.gov.au

<http://www.environment.gov.au/epbc/publications/index.html>. Should you have any feedback on the environmental impact assessment process, please send them through to ElAclientfeedback@environment.gov.au.

If you have any questions about this decision, please contact the project manager, Colette Boraso, by email to Colette.Boraso@environment.gov.au, or telephone 02 6274 2204 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



James Tregurtha
Assistant Secretary
South-Eastern Australia Environment Assessments
4 July 2014

CC: Humfrey Whitaker, Urban Growth NSW

ATTACHMENT 3



11 November 2015

Mr James Tregurtha
Assistant Secretary
South-Eastern Australia Environment Assessments
Department of the Environment
GPO Box 787
CANBERRA ACT 2601

Dear Sir

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

I refer to the approval associated with the renewal of the existing Airds Bradbury public housing estate in south western Sydney, near Campbelltown NSW (ref: EPBC Act Referral 2011/6169).

It has been identified to Council by NSW Land & Housing Corporation (NSWLHC) (to whom the approval was granted) that the Department of the Environment requires that the onsite conservation lands be identified in a legal instrument which provides for specific performance of conditions as identified in the EPBC approval.

In this respect it is advised that Council has an existing Deed of Agreement (Bushland Management -- Airds-Bradbury) with NSWLHC (which is attached for your information) which sets out the works required to be undertaken and the maintenance provisions for conservation of the identified bushland. On this basis Council intends to rely on this agreement to fulfil Councils obligations for the management of the bushland as specifically identified under the Deed.

It is also noted that the subject land is classified as 'community land' and zoned as open space which provides the appropriate statutory restrictions in respect to the ongoing use of the land. There are no intentions for Council to amend this classification, however if these uses were to be amended a public consultation would need to be undertaken which would provide the Department of the Environment the opportunity to make the appropriate submission.

Furthermore the existing Deed of Agreement (Bushland Management – Airds-Bradbury) provides the obligation for NSWLHC to maintain the bushland management sites for a period of five years commencing from the date of practical completion of the relevant primary restoration works and carryout any additional works considered necessary. It would be expected that through the performance of these works that NSWLHC would deliver the

bushland to a condition that matches a similar condition of existing bushland under Councils control.

In this respect Council has significant areas of existing bushland under its control which requires minimal maintenance.

Accordingly, it is advised that Council is not in a position to enter into a separate legal instrument as required under the EPBC approval. On this basis Council considers that the Department of the Environment should rely upon the existing Deed of Agreement (between Council and NSWLHC) and the statutory restrictions of the existing classification and zoning in order to achieve the objectives of the EPBC approval under which NSWLHC as the applicant would continue to be responsible for meeting the EPBC Act Referral conditions.

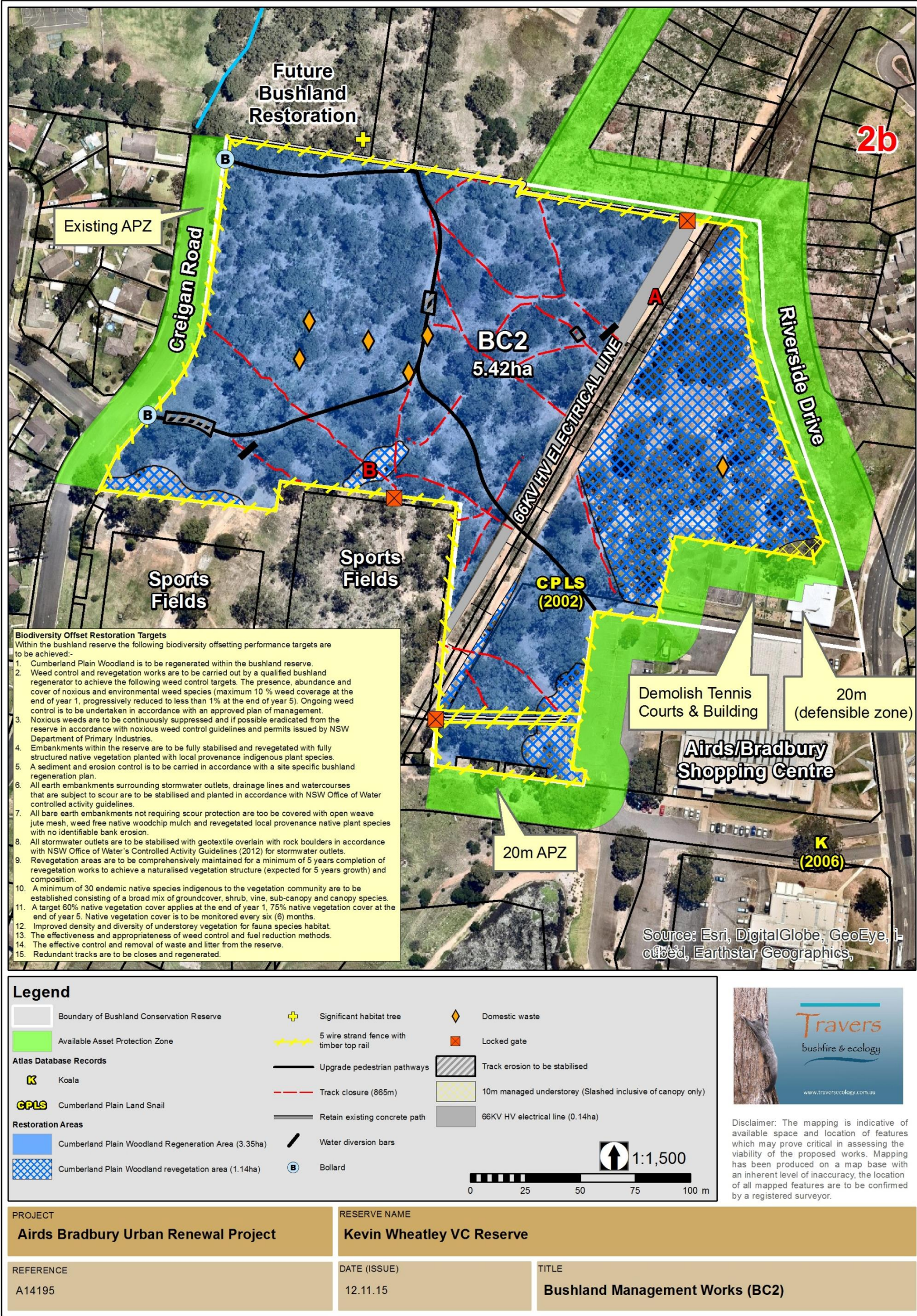
If you require any further information or wish to discuss this matter please contact the undersigned on 4645 4490.

Yours sincerely

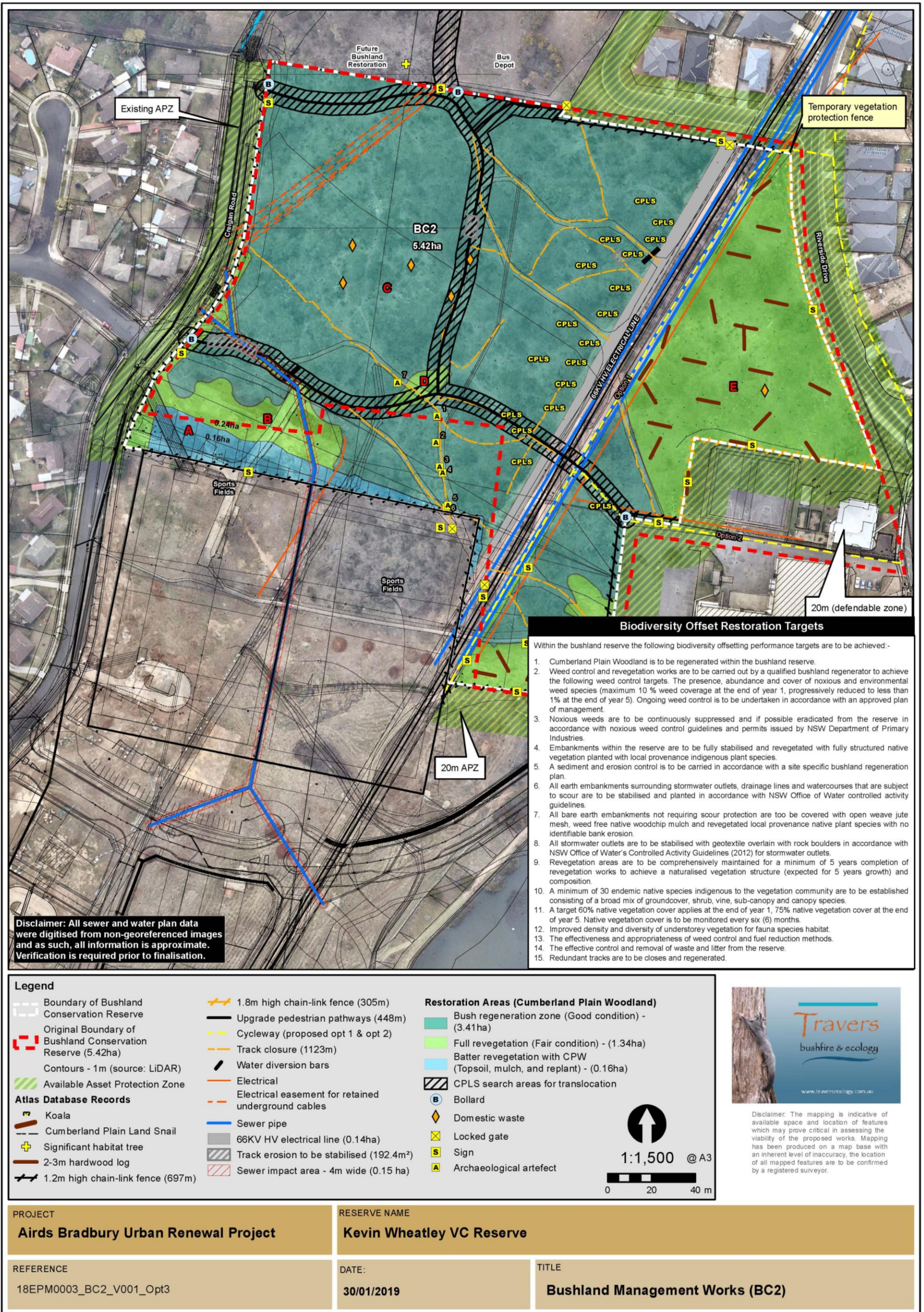


John Millicic
Manager Property

ATTACHMENT 4 (A & B)



Approved Bushland Management Plan for BC2 Kevin Wheatley VC Reserve



Ammended Bushland Management Plan for BC2 Kevin Wheatley VC Reserve

ATTACHMENT 5

ABN 64 083 086 677
PO Box 7138
Kariong NSW 2250

38A The Avenue
Mt Penang Parklands
Central Coast Highway
Kariong NSW 2250

t: 02 4340 5331
e: info@traverseecology.com.au
www.traverseecology.com.au



7 December 2015

Alex Taylor
Assistant Director – Compliance Monitoring Team
Environment Assessment and Compliance Division
Department of the Environment
GPO Box 787
CANBERRA ACT 2601

Dear Alex,

Airds Bradbury Renewal Project - EPBC 2011/6169 - Compliance Update

cc Paul Jones, UrbanGrowth NSW

I refer to your recent correspondences regarding the potential non-compliance with conditions 2, 5 & 7 of EPBC 2011/6169 for the Airds Bradbury Renewal Project. In your correspondence and subsequent discussions, you have raised the following matters:

- Condition 2 – Submission of the proposed mechanism to secure the conservation lands
- Condition 3 - Compliance with clearing limits
- Condition 4 – Compliance with requirements for the establishment of environmental trust arrangements and proposal of new dates to be incorporated into the approval
- Condition 5 – Compliance with requirements to establishment a covenant to protect the 'offset lands'
- Condition 7 – Compliance with Notification of commencement of works

In addressing the matters raised above, I refer you to the attached correspondence from our appointed Project Ecologist from Travers Bushfire & Ecology.

I note that you have confirmed that we are compliant with condition 3.

We have recently progressed on meeting the requirements of conditions 2, 4 and 5. However, we are still in the process of making the final arrangements and therefore we request an extension of 6 months with a possible extension of another 6 months to finalise these arrangements. Also attached is a recent correspondence from Campbelltown Council and further information as to current progress to address condition 2, 4 and 5.

With regards to the notification requirements of condition 7, the Department of Environment were advised on 6th May 2015 by NSW Land and Housing Corporation (LAHC) 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. LAHC and UrbanGrowth NSW have taken internal steps to ensure future notifications and dates of compliance are adhered to in accordance with the EPBC approval.

Please note that, whilst arrangements are being made for compliance with the conditions, we have commenced restoration works with the first 'conservation land' within stages 1 and 2 of the Airds Bradbury Renewal Project. Consequently, the works required for the 'conservation lands' in accordance with the Bushland Management Plan have commenced.

In relation to conditions 3 and 4, LAHC requests an amendment to allow for alternative arrangements to be made to secure the 'conservation land' and 'offset lands' in accordance with advice received from Campbelltown Council and the Office of Strategic Lands.

In relation to on site conservation land, LAHC requests that the Department of the Environment consider amending the approval to allow the existing Deed of Agreement to be the mechanism of protection for 'conservation lands' coupled with the statutory restrictions of the existing open space classification and zoning to achieve the objectives of the EPBC Approval.

Likewise, LAHC request that the EPBC Approval be amended to allow the covenant be the primary protection and management mechanism of the 'offset lands' and the lands managed be the Office of Strategic lands as per normal under their operation procedures of their land portfolios once the lands have been restored to an appropriate condition to allow minimal maintenance works.

It would be appreciated if you could confirm extension of the submission dates to enable the approval to remain compliant and provide a confirmed list of dates for completion of compliance actions.

Should you have any queries please do not hesitate to contact, Mr Paul Jones of UrbanGrowth NSW in the first instance as the development manager for this project.

Yours sincerely,



Theo Posumah
Development Director, Renewal
Land and Housing Corporation

ATTACHMENT 6

Our Ref: A14195

01 May, 2019

Project Director
Renewal / Land and Housing Corporation
Department of Family & Community Services



Attention: Paul Neville – Urban Growth NSW

Re: Compliance Audit of Bushland Management Plan for BC1-BC6 Airds – Bradbury Urban Renewal Project

Thank you for engaging *Travers bushfire & ecology* to undertake a compliance audit for the Bushland Management Plan (BMP) works regarding onsite conservation area BC1-BC6, which are located within the Airds – Bradbury urban renewal project.

Restoration works are yet to properly commence in the offsite offsets at St Helens Park and Gilead. Access and works restricted within St Helens park whilst asbestos waste has been removed and certified as removed, track closure works have commenced. Access has been granted at Gilead Offset Site, contractors being engaged to secure the site with fencing and to commence target weed control and regeneration works. These two sites will be audited upon official commencement.

An audit inspection of the site works was undertaken by Mr Michael Sheather-Reid (Managing Director/Senior Ecologist) on the 6th March 2019.

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

Results

Table 1-6 lists the performance criteria as stated in Attachment 2 of the BMP for each onsite conservation area. 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 – Smiths Creek Corridor

Performance Criteria	Status	Comments
1 - Shale Sandstone Transition Forest is to be regenerated within the bushland reserve.	All primary restoration works completed Year 1 & 2 of Maintenance works completed	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 well controlled regrowth. 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. 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, Kangaroo Grass. The latest January 2019 audit undertaken with Campbelltown Council, identified that ongoing removal of aquatic weeds is required including replacement with emergent native macrophytes.
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	Works are being carried out by Toolijooa who successfully tendered for the job and are a highly experienced and qualified regenerator. 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 less 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 are being continually suppressed by weed management in accordance with the guidelines.
4 - Embankments within the reserve are to be fully stabilised and revegetated with fully structured native vegetation planted with local provenance indigenous plant species.	Compliant and ongoing	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. The area affected require some jute mat and establishment of ground covers or shrubs over approximately 5x2m.

		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	There was no significant erosion or sediment erosion issues with the site at the date of inspection.
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.	Compliant	This is an overlap of item 4, as above
7 - All bare earth embankments not requiring scour protection are too 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 several locations where the ground layer is vacant to suppress weeds and where revegetation has been undertaken
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 similar species that like a higher level of moisture.
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.	Ongoing	Year 3 maintenance has commenced
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	Planting mix has been diverse and consistent with site needs. 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.	Compliant for year 1- 3 targets. Ongoing	Revegetated areas are well established and % native vegetation cover is estimated at 90% Areas of natural remnant vegetation generally exceed 90% cover.
12 - Improved density and diversity of understorey vegetation for fauna species habitat.	Compliant	There has been a significant improvement in the understorey diversity as a result of revegetation works
13 - The effectiveness and appropriateness of weed control and fuel reduction methods.	Compliant	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.
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.

Current Status

There has been a significant and marked improvement in the restoration of Smiths Creek Corridor, all new stormwater inlets have been fully stabilised and revegetation works have established to a high standard of restoration. Ongoing target weed control and regeneration required.

Works Required BC1

The following works are recommended to achieve compliance:

- Continue ongoing removal of **Madeira Vine and Wandering Jew** within the reserve, particularly in the northern portion – **This matter is to be closed out as a contractor priority.**
- Target aquatic weed control and revegetation with emergent native macrophytes– **This matter is to be closed out as a contractor priority.**

Photo record BC1



Photo 1 – BC1 - March 2019 – Creekline looking direct south from northern boundary



Photo 1 – BC1 - March 2019 – Western embankment looking due north



Photo 1 – BC1 - March 2019 – Typical infestation of Wandering Jew (Tradescantia)

Table 2 – Compliance Audit of Performance Targets – BC2 – Kevin Wheatly VC Reserve

Performance Criteria	Status	Comments
1 – Cumberland Plain Woodland is to be regenerated within the bushland reserve.	Bush regeneration in progress	The site was the last Onsite conservation area released for commencement due to ongoing stage 3 & 4 development application and the need to adjust the demolition of infrastructure and the sports fields to the south of the reserve. The interface boundary has now been confirmed and bush regeneration works are in progress. Progressive waste removal in progress and redundant tracks to are to be progressively closed over the coming year. Revegetation works are expected to commence in 2019
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	Site awarded to ECOHORT bush regeneration company. Weed control has been undertaken throughout the entire BC2 area. % weed cover is well under 5% of the site at commencement and achievement of the 5-year target is expected to be achieved.
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	No Significant noxious weeds present
4 - Embankments within the reserve are to be fully stabilised and revegetated with fully structured native vegetation planted with local provenance indigenous plant species.	Compliant	No embankments currently within the. Once The stage 3 earth works are commenced a revegetation batter will be present on the southernmost boundary of the reserve leading downslope to the oval. The batter will be revegetated using CPW species.
5 - Sediment and erosion control is to be carried out in accordance with a site specific plan.	Compliant	Minor track erosion works to be rectified with closure or redundant tracks and installation of new pathways.

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.	Compliant	No watercourses or stormwater outlets present within the reserve. Existing stormwater infrastructure to be demolished and bushland reinstated.
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	No embankments currently within the. Once The stage 3 earth works are commenced a revegetation batter will be present on the southernmost boundary of the reserve leading downslope to the oval. The batter will be revegetated using CPW species.
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	No watercourses or stormwater outlets present within the reserve. Existing stormwater infrastructure to be demolished and bushland reinstated
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	Primary restoration works commenced including bush regeneration and track closures, revegetation works yet to commence, 5 years of maintenance is required.
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.	Non-compliant	Revegetation works not yet commenced. Local provenance stock is being grown endemic to Cumberland Plain Woodland
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	Revegetation works not yet commenced.
12 - Improved density and diversity of understorey vegetation for fauna species habitat.	Non-compliant	Not assessed as revegetation works have not commenced.

13 - The effectiveness and appropriateness of weed control and fuel reduction methods.	Compliant	Most of the site has had adequate weed control. Eastern portion of site has been secured with large concrete blocks and fencing, regeneration now progressing allowing proper target weed control to be undertaken
14 - The effective control and removal of waste and litter from the reserve.	Compliant	Significant reduction in piles of domestic rubbish and construction waste within the reserve at the time of inspection. Eastern portion of site has been secured with large concrete blocks and fencing, thereby restricting vehicle access and dumping to the outer boundaries

Current status

The site has been secured by construction fencing on the southern, eastern and northern boundary. Concrete blocks now securing access on the southern eastern boundary adjoining Airds shopping centre. Large hardwood logs translocated into the eastern portion of the reserve to extend habitat for Cumberland Plain land snail. Significant improvement in regeneration of CPW vegetation as a result of securing the boundaries. Primary restoration works have commenced on this primary conservation outcome.

Works Required BC2

The following works are recommended to commence achieve practical completion of primary restoration works:

- Continue target weed control and regeneration
- Track closure, virgin CPW soil placement in bare areas, native brush matting and revegetation using shrub species
- Revegetate new embankment once constructed on the southern boundary.
- New pathways to be constructed by civil contractors
- Ongoing waste removal

Photo record BC2



Photo 1 – BC2 - March 2019 – Concrete boulder placement to secure boundary abutting Airds Shopping Center (Installed for 6 months) – significant natural regeneration now in progress



Photo 2 – BC2 - March 2019 – Eastern portion looking due north showing placed logs for Cumberland Plain Land Snail – further large logs are expected to be installed and revegetation of understory yet to commence.

Table 3 – Compliance Audit of Performance Targets – BC3 – Peppin North

Performance Criteria	Status	Comments
1 - Shale Sandstone Transition Forest is to be regenerated within the bushland reserve.	Non-Compliant ~30% Complete	This is a revegetation site and is long and linear. Light ripping has been undertaken and the area mulched. Groundcovers and grasses have been planted as a stage 1. An existing motor cross track runs through the site along the water mains route. This site will be progressively closed as revegetation works established
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	Works are being carried out by Ecohort who successfully tendered for the job and are qualified. Weed control has been undertaken throughout the entire BC3 area. 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	No Noxious weeds observed. Ongoing maintenance is continually suppressing weeds.
4 - Embankments within the reserve are to be fully stabilised and revegetated with fully structured native vegetation planted with local provenance indigenous plant species.	Compliant	No embankments present
5 - Sediment and erosion control is to be carried out in accordance with a site specific plan.	Compliant	No evidence of soil erosion

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.	Compliant	No embankments present
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	No embankments present
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	No stormwater outlets present
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	Revegetation works in progress but not completed. 5 years of maintenance is required.
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.	Non-compliant	Revegetation works in progress but not completed
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	Revegetation works in progress but not completed, approximately 30% cover at present.
12 - Improved density and diversity of understorey vegetation for fauna species habitat.	Non-compliant	Revegetation works in progress but not completed
13 - The effectiveness and appropriateness of weed control and fuel reduction methods.	Compliant	Most of the site has had adequate weed control.

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.
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Current status

Revegetation works in progress

Works Required BC3

The following works are recommended to achieve compliance:

- Fencing to secure the site
- Completion of primary revegetation works

Photo record – BC3



Photo 1 – BC3 - March 2019 – signage on bordered pine log road fence



Photo 2 – BC3 - March 2019 – Mulching and revegetation works in progress – infrastructure maintenance access shown on LHS

Table 4 – Compliance Audit of Performance Targets – BC4 – Peppin South

Performance Criteria	Status	Comments
1 - Shale Sandstone Transition Forest is to be regenerated within the bushland reserve.	Non-compliant ~80% Complete	Weed control and revegetation works completed, but additional plants of shrubs and groundcovers required in the stormwater channel. Contingency planting required.
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	Works are being carried out by Ecohort who successfully tendered for the job and are qualified. 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	Noxious weeds not observed. These are being continually suppressed by weed management.
4 - Embankments within the reserve are to be fully stabilised and revegetated with fully structured native vegetation planted with local provenance indigenous plant species.	Non- compliant	Partial revegetation completed – contingency planting is required to improve density and diversity of vegetation on the drainage outlet embankments
5 - Sediment and erosion control is to be carried out in accordance with a site specific plan.	Compliant	Soil erosion not observed

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.	Non-compliant	Partial revegetation completed – contingency planting is required to improve density and diversity of vegetation on the drainage outlet embankments
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 matting installed and generally weeds have been suppressed
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.	Non-compliant	All stormwater outlets have been adequately stabilised and partial planting completed. Further revegetation works required
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	5 years of maintenance is required.
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.	Non-compliant	Further revegetation works required
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	Further revegetation works and growth required Areas of natural remnant vegetation estimated at 60% cover.
12 - Improved density and diversity of understorey vegetation for fauna species habitat.	Compliant	Improvement observed within the site but is below target
13 - The effectiveness and appropriateness of weed control and fuel reduction methods.	Compliant	Most of the site has had adequate weed control.

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.
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Current status

The site has had extensive target weed control and revegetation works completed but as the plants have not been established for more than 6 months, they are yet to really dominate the groundlayer. The drainage outlet matted embankments have insufficient plantings and needs to be significantly improved in density and diversity. Once completed this site will have achieved practical completion and will be in a maintenance phase.

Works Required BC4

The following works are recommended to achieve compliance:

- Contingency planting works in the jute matted embankments to a minimum density of 6 units per m² – **a matter of high priority**
- Fencing to be installed as a **matter of high priority**

Photo record – BC4



Photo 1 – BC4 - March 2019 – Overview of site from northern end with drainage outlet in mid-ground – revegetation works completed in most areas as seen by the tussock grass growth. Shrubs yet to show but have been planted



Photo 2 – BC4 - March 2019 – Planted jute matting – southern bank with insufficient density and poor growth – contingency planting required



Photo 2 – BC4 - March 2019 – Planted jute matting –northern bank with insufficient density and poor growth – contingency planting required



Photo 3 – BC4 - March 2019 – Southern portion within planting completed yet to dominate

Table 5 – Compliance Audit of Performance Targets – BC5 – Riverside Drive

Performance Criteria	Status	Comments
1 - Shale Sandstone Transition Forest is to be regenerated within the bushland reserve.	Non-compliant 30% Complete	Site of high public access. Progressive revegetation works being undertaken to ease residents into the new layout of the reserve, fencing yet to be installed but key pedestrian routes being retained, contract lawn mowing to be restricted
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	Works are being carried out by Ecohort who successfully tendered for the job and are qualified. Weed control has been undertaken throughout the entire BC5 area which was relatively weed free. 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 less than 5% of the site has weeds.
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	Woody weeds present at the eastern end adjoining the infrastructure enclosure. This area is being controlled by Ecohort.
4 - Embankments within the reserve are to be fully stabilised and revegetated with fully structured native vegetation planted with local provenance indigenous plant species.	Compliant	No embankments present
5 - Sediment and erosion control is to be carried out in accordance with a site specific plan.	Compliant	No evidence of soil erosion

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.	Compliant	No embankments present
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	No embankments present
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 present in far eastern end of the site, no stabilisation works required
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	Revegetation works in progress. Approximately 4 years of maintenance is required.
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.	Non-compliant	Revegetation works in progress.
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	Revegetation works in progress.
12 - Improved density and diversity of understorey vegetation for fauna species habitat.	Non-compliant	Revegetation works in progress.
13 - The effectiveness and appropriateness of weed control and fuel reduction methods.	Compliant	Most of the site is low in weed cover and has had adequate weed control.
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.

Current status of works

Revegetation works 30% completed. Progressive approach taken on site to gain the support of residents. This approach has resulted in good relations and Ecohort are complemented on the non-confrontative approach taken. Light ripping, mulching and planting being undertaken in stages to reduce the area of mowed lawns, lawn mowing contractors have been instructed to discontinue slashing.

Works Required BC5

The following works are recommended to achieve compliance:

- Continue progressive revegetation works to reduce extent of mowed lawns
- Target woody weeds in eastern portion of the site – **matter of high priority**
- Fencing to be installed progressively to define the planted edges of the revegetation beds

Photo record – BC5



Photo 1 – BC5 - March 2019 – 5% of reserve mulched (mid and background)



Photo 2 – BC5 - March 2019 – Groundlayer planting competed in mulched portions - key pedestrian tracks left open

Table 6 – Compliance Audit of Performance Targets – BC6 – Greengate Road

Performance Criteria	Status	Comments
1 - Shale Sandstone Transition Forest is to be regenerated within the bushland reserve.	Non-compliant 80% Complete	Site of motor cross activity. Significant progress has been made on this site and has been significantly transformed by the weed control works. Revegetation works in progress – contingency planting required due to recent over-slashing by lawnmowing contractors - now restricted
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	Works are being carried out by Ecohort who successfully tendered for the job and are qualified. Weed control has been undertaken throughout the entire BC6 area which was severely weed infested. There are some remaining areas of Madeira Vine, Vinca, Castor Oil and Privet regrowth typical of such a site but is well under control. Otherwise all other areas have been treated very well with only annual weed species present. It is estimated that less than 10% of the site has weeds.
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	Woody weed regrowth and castor oil present throughout the site. This area is being controlled by Ecohort.
4 - Embankments within the reserve are to be fully stabilised and revegetated with fully structured native vegetation planted with local provenance indigenous plant species.	Non - Compliant	Existing creek embankment not stable and subject to high flow events, revegetation works are required to stabilise in the long term. Progressive planting has been undertaken and further planting is likely to be required
5 - Sediment and erosion control is to be carried out in accordance with a site-specific plan.	Compliant	Generally compliant – creek embankments to be monitored and potentially jute matting to be installed where appropriate

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.	Non-compliant	Existing creek embankment not stable and subject to high flow events, revegetation works are required to stabilise in the long term. Progressive planting has been undertaken and further planting is likely to be required. Rock stabilisation works recommended for bed control.
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.	Non-compliant	Existing creek embankment not stable and subject to high flow events, revegetation works are required to stabilise in the long term. Progressive planting has been undertaken and further planting is likely to be required
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	No stabilisation works required at the stormwater outlet
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	Revegetation works in progress. Approximately 4 years of maintenance is required. Contingency works required where slashing has damaged planted trees and shrubs
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	Revegetation works in progress. Contingency works required where slashing has damaged planted trees and shrubs
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	Revegetation works in progress. Contingency works required where slashing has damaged planted trees and shrubs
12 - Improved density and diversity of understorey vegetation for fauna species habitat.	Non-compliant	Revegetation works in progress.
13 - The effectiveness and appropriateness of weed control and fuel reduction methods.	Compliant	Most of the site is low in weed cover and has had high quality weed control.
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.

Current status of works

Revegetation works 80% completed. Progressive approach taken on site to gain the support of residents. The primary, secondary weed control on this site have been completed beyond expectation and Ecohort are complemented on the quality of works. Lawn mowing contractors have been instructed to discontinue slashing.

Works Required BC5

The following works are recommended to achieve compliance:

- Undertake contingency revegetation within the slashed zones – **matter of high priority**
- Target regrowth weeds – castor oil, vines, woody weed regrowth and couch
- Fencing to be installed progressively to define the planted edges of the revegetation beds
- Installation of sandstone rock scour recommended for bed erosion control – **matter of high priority**

Photo record – BC6



Photo 1 – BC6 - March 2019 – recently slashed areas by local contractors (now excluded from work schedules), regrowth of grasses evident contingency planting of trees and shrubs required



Photo 2 – BC6 - March 2019 – Groundlayer planting competed in mulched portions - this area was previously completely choked with woody weeds and vines significant improvement achieved



Photo 3 – BC6 - March 2019 – Castor Oil Regrowth



Photo 4 – BC6 - March 2019 – Vine regrowth in creekline



Photo 5 – BC6 - March 2019 – Creekline requiring weed control and revegetation and partial stabilisation works



Photo 6 – BC6 - March 2019 – Creek Overflow requiring revegetation and partial stabilisation works



Photo 6 – BC6 - March 2019 – Overview of gully restoration area – significant progress made – further works required in the creekline.

