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Annual Compliance Report 2019-2020 Residential and Recreational Development on Raby Road, Gledswood Hills NSW (EPBC 2013/6979)

Prepared for SH Camden Lakeside Pty Ltd

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1. Introduction

1.1 Project background

El Caballo Blanco, Gledswood, Lakeside (ECBGL; the site) is an urban and recreational development within the south-western Sydney region of NSW. The site (incorporating both development and conservation areas) has an area of approximately 144.6 ha.

The project was originally approved by the then Department of the Environment and Energy (DotEE, now the Department of Agriculture, Water and the Environment (DAWE)) on the 13th July 2016 with conditions and subsequently amended on 25 May 2017 and 3 April 2018.

The development comprises residential precincts set within a remodelled Camden Lakeside golf course and residential precincts set within a new 9 hole golf course, public parks and areas set aside for riparian and woodland conservation. The majority of the development areas are cleared of vegetation, having been previously used for golf course, tourist attractions, rural and cattle grazing purposes, with some stands of the EPBC listed critically endangered ecological community Cumberland Plain Woodland and Shale Gravel Transition Forest (herein referred to as CPW) remaining.

Eco Logical Australia has prepared this Compliance Report on behalf of the Approval Holder, SH Camden Lakeside Pty Limited, to assess compliance with the conditions for the period **1 July 2019 – 30 June 2020** as set out in the approved action 'Construction of a residential and recreational development on Raby Road, Gledswood Hills, NSW (*Environment Protection and Biodiversity Conservation Act 1999* (EPBC) 2013/6979) approval signed 13 July 2016 (the Approval).

1.2 Project status

1.2.1 Condition 3 Credit retirement

All 243 biobanking credits were secured and retired in June 2018 under the then NSW BioBanking scheme (**Appendix A** and **Appendix B**).

1.2.2 Commencement of works

The project commenced with Stage 0 – Golf Course on the 14th July 2016 (**Figure 1**). Works in Stage 1, 2 and 4 are in progress (**Table 1**).

Table 1: Staging and offsets at ECBGL

Stage	Impact (ha)	Noorumba liability (ha)	offset	Alternative BioBanking site offset liability (credits)	Status at 31 July 2020
Golf Course	0.0	0.0		0.0	Complete/Ongoing
1	2.1	4.92		49.2	Vegetation clearance, road construction, utilities
2	4.4	10.22		102.2	Clearing of vegetation and bulk earthworks
3	1.3	3.13		31.3	No works have commenced
4	1.2	2.82		28.2	Clearing of vegetation and bulk earthworks

Stage	Impact (ha)	Noorumba liability (ha)	offset	Alternative BioBanking site liability (credits)	Status at 31 July 2020
5	1.4	3.16		31.6	No works have commenced
Total	10.1	24.3		243	-

1.2.3 Implementation of on-site works

The following works have also continued within the on-site conservation area;

- exclusion of livestock
- installation of fencing
- primary weed control
- maintenance weed control
- grassland weed control
- follow up weed control
- reintroduction of woody debris
- seed collection
- hand direct seeding
- hand planting to supplement natural regeneration of native grasses
- spreading recovered topsoil
- supervision of habitat tree removal
- nest box installation
- brush matting.

These undertakings are guided by the site-specific vegetation management plan under a Voluntary Planning Agreement with Council.

1.3 Variations

In 2019, SH Camden Lakeside submitted Development Applications (DAs) to Camden Council for the residential development of EPBC Stages 3, 4 and 5 (SH Camden Lakeside Stages 42, 43, 44, 45 & 46), and a minor reconfiguration of the Lakeside Golf Course. Due to changes to NSW Planning requirements in relation to Planning for Bushfire Protection (residential developments are now required to comply with PBP 2018 instead of PBP 2006) and the DAs have thus had to increase the Bushfire Asset Protection Zones from 10m (as calculated in ELA's original 2016 assessment) to 14 m. These changes, as well as minor changes to the 'batters' required to construct the connecting roads and building platforms, will result in impacts to an additional 0.276 ha of EPBC condition Cumberland Plain Woodland, which includes 0.086 ha of Cumberland Plain Woodland required to be retained as per Annexure B of the 3 April 2018 variation. Accordingly, in September 2019, SH Camden Lakeside submitted a request for a minor variation to the EPBC Act Approval (EPBC 2013/6979) under Part 9 section 143, for these additional impacts. To compensate for these minor additional impacts, SH Camden Lakeside will be implementing a new Vegetation Management Plan along Riley's Creek to enhance and restore 1.99 ha of Cumberland Plain Woodland to EPBC Act condition and retire an additional 6 Cumberland Plain Woodland biobanking credits (**Appendix C**). The variation is yet to be approved.

1.4 Reason for this report

This report has been prepared in compliance with condition 8 of the ECBGL EPBC Approval which states:

Within three months of every 12 month anniversary of the commencement of action, the person taking the action must publish a report on their 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.

This compliance report is for the period **1 July 2019 – 30 June 2020**.

Eco Logical Australia has prepared this compliance report on behalf of SH Camden Lakeside Pty Ltd, examining compliance of the conditions set out by DoTEE in 2018. As the works commenced July 2016, the annual reporting is accordingly due October 2020 (i.e. within 3 months of the 12-month anniversary). The following sub-sections discuss the conditions which required detail or where variations were sought and approved by DoTEE. **Section 2** illustrates the compliance relative to each condition.

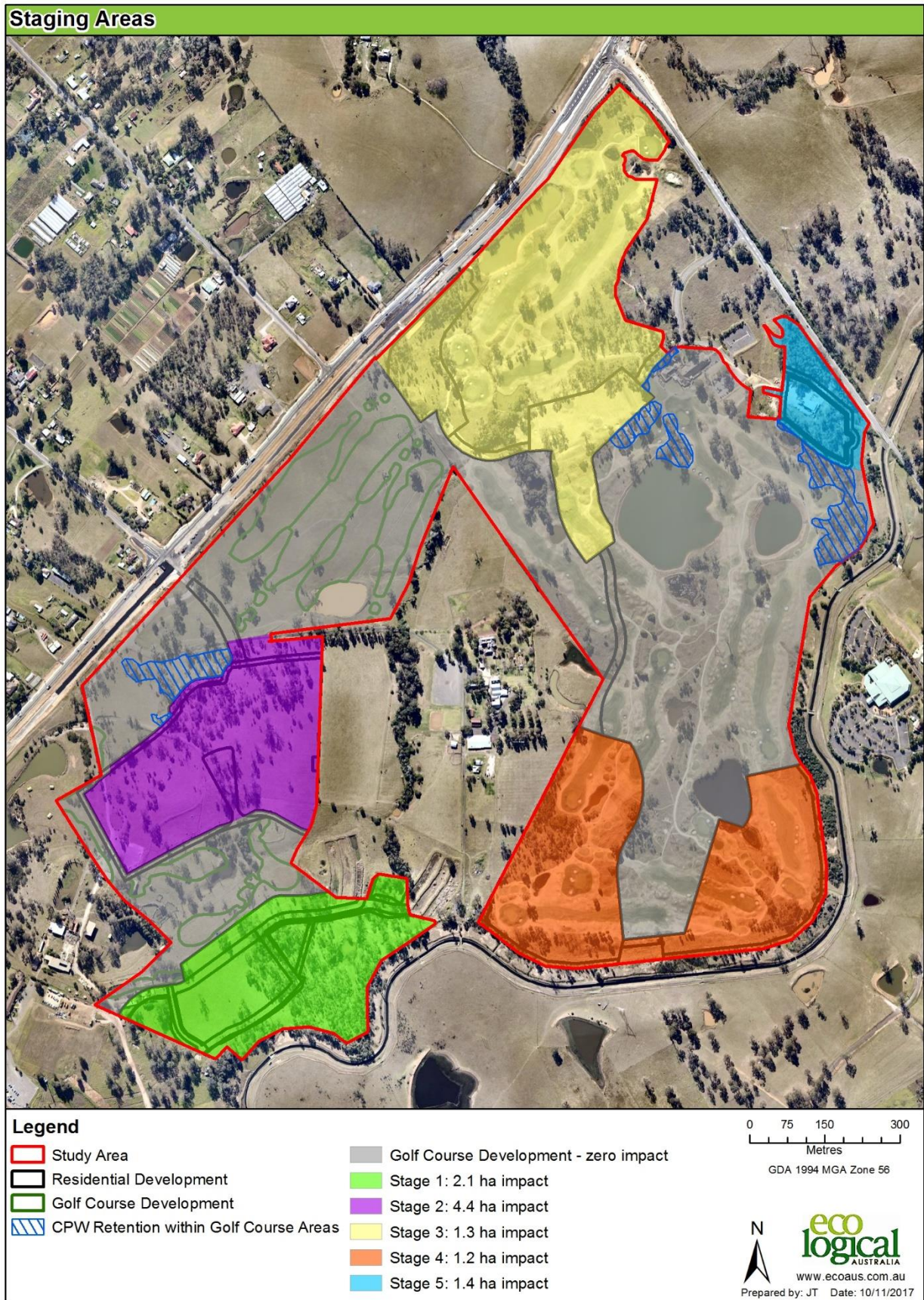


Figure 1: Staging map

2. Compliance reporting

A summary of the approved condition and their respective compliance status, outcomes achieved and whether further action is required is presented in Table 2. Additional information for some of the conditions of approval are presented in **Section 3**.

Table 2: Compliance with conditions of approval

Number	Condition	Compliance	Date due	Details
1	The approval holder must not impact on the Onsite Conservation Area specified in Annexure A except in accordance with plan described in condition 2.	Yes	Ongoing	All works on site undertaken as per approval.
2	Prior to commencement of construction the approval holder must develop a plan for the management of the onsite conservation area specified in Annexure A, to be adopted under the Local Government Act 1993 NSW, to prevent direct and indirect impacts to vegetation.	Yes	Project duration	Management plans consist of site specific Vegetation Management Plans approved by Council
3	<p>To compensate for the clearing of 10.4 ha of Cumberland Plain Shale Woodland, prior to the commencement of each stage of the action described in Annexure B, the approval holder must secure the corresponding quantity of direct offsets consisting of Cumberland Plain Woodland of equal or better quality</p> <ul style="list-style-type: none"> • within the Noorumba BioBanking Reserve shown at Annexure C; and. or • within an alternative registered BioBanking site. <p>Within one week of securing the required offsets for each stage, the approval holder must submit the signed BioBanking agreement and corresponding management plan or the signed BioBanking credit retirement report to the Department as evidence of compliance and retiring of BioBanking credits.</p>	Yes	Complete	50 credits retired on 30 June 2017 (Appendix A). Remaining 193 credits retired on 21 June 2018 (Appendix B).
4	The approval holder must ensure that a population of at least 100 <i>Pimelea spicata</i> (Spiked Rice-flower) remains intact on the site of the action at all times.	Yes	At all times	Records from 2020 monitoring survey provided in Section 3 indicating population of 258, up from 190 in 2019 count. More than 100 remain.
5	Prior to commencement of construction, the approval holder must provide to the Minister a construction environmental management plan, approved by Camden Council, describing measures to be taken to protect retained vegetation.	Yes	Provided June 2016	28 Sent to DoTEE 28 June 2016

Number	Condition	Compliance	Date due	Details
6	Within 10 business days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.	Yes	10 business days after commencement	Commenced with Stage 0 (Golf Course) DoTEE Advised August 2016
7	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans and reports 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.	Yes	Ongoing	Ongoing records kept as per standard site record keeping
8	Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with 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.	Yes	October 2019	October 2019-2020 compliance report is the subject of this report. Previous reports available online at https://www.sekisuihouse.com.au/the-hermitage/news
9	Non-compliance with any of the conditions of this approval must be reported to the Department within 48 hours of the approval holder becoming aware of the non-compliance.	N/A	Ongoing	No non-compliances reported for 2019 / 2020.
10	Upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of 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.	Yes	Ongoing	No ministerial requests made for independent audit of compliance
11	Unless otherwise agreed to in writing by the Minister, the approval holder must publish all management plans and reports referred to in these conditions of approval on their website. Each management plan and report must be published on the website within 1 month of being approved by the Minister.	Yes	Ongoing	Available at https://www.sekisuihouse.com.au/the-hermitage/news

3. Additional information

3.1 *Pimelea spicata* survey

Condition 4 of the approval states:

The approval holder must ensure that a population of at least 100 Pimelea spicata (Spiked Rice-flower) remains intact on the site of the action at all times.

Targeted counts were conducted on 8 July 2020 by ELA ecologists Alex Gorey and Carolina Mora to ensure that the population of *Pimelea spicata* remains intact and was in a healthy condition. The survey traversed the area known to contain the population (Figure 2). Groundcover within the patch was moist and the species was in flower during survey (Figure 3). A total of 258 individuals were counted, previous counts are presented in Table 3.

Table 3: *Pimelea spicata* counts

Compliance period	Survey date	Surveyors	Count
2016/2017	25 November 2016	Andrew Norvill	164
2017/2018	24 August 2018	Alex Gorey	134
2018/2019	17 June 2019	Alex Gorey Andrew Norvill	190 (Appendix D)
2019/2020	8 July 2020	Alex Gorey Carolina Mora	258

Groundcover within the patch was dominated by *Themeda triandra* (Kangaroo grass), *Microlaena stipoides* (Weeping Grass), *Glycine tabacina* and *Dichondra repens* (Kidney Weed). *Araujia sericifera* (Moth Vine) and *Olea europaea* subsp. *cuspidata* (African Olive) was also identified.

As recommended in the previous compliance report, fencing and signage was erected around the *Pimelea spicata* population on 20 August 2020 to minimise indirect impacts from golf course operations (Figure 4). The location of the fence reflects the known extent of the population to be protected, rather than the area of Cumberland Plain Woodland that needs to be retained. The entire patch of Cumberland Plain Woodland, including areas outside of the *Pimelea spicata* fencing, will be retained.

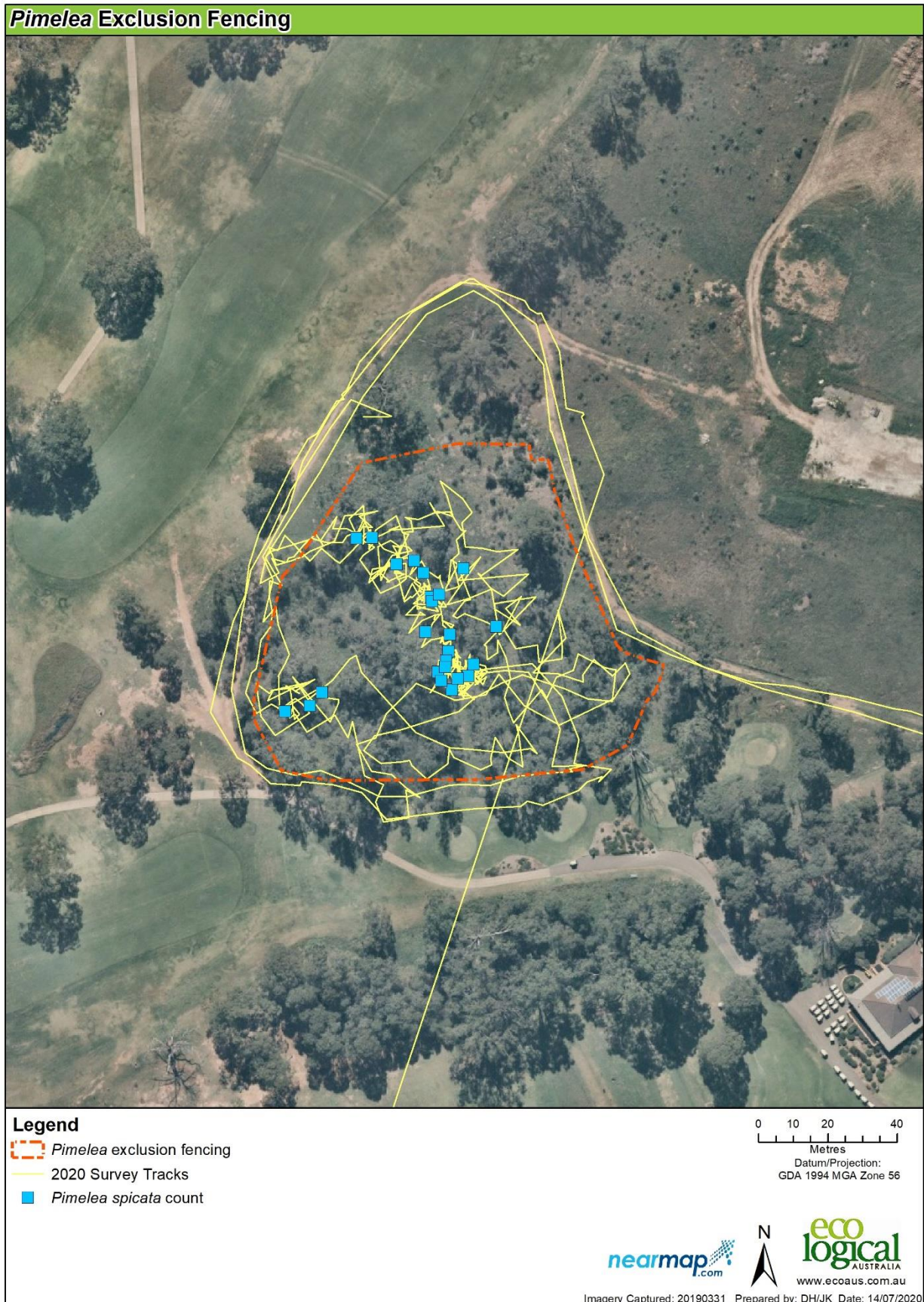


Figure 2: Exclusion fencing for the protection of *Pimelea spicata*. Records and tracks from 2020.



Figure 3: *Pimelea spicata* identified in the study area in July 2020



Figure 4: Exclusion fencing and signage surrounding *Pimelea spicata* population within larger patch of Cumberland Plain Woodland to be retained

4. Conclusion

Eco Logical Australia Pty Ltd on behalf of SH Camden Lakeside Pty Limited, has prepared this Compliance Report to fulfil condition 8, and in doing so, all conditions of the Approval (EPBC 2013/6979). Since the commencement of the action there has been no non-compliances nor any in the past year. The population of *Pimelea spicata* was found to be in good condition and contained 258 individuals at the time of survey.

Appendix A - BioBanking credit retirement report (June 2017)

Appendix B - BioBanking credit retirement report (June 2018)

Appendix C – Request for s143 Variation to Approval Conditions (September 2019)

Appendix D – 2019 *Pimelea spicata* records



Figure 5: *Pimelea spicata* (records and tracks from 2019 and 2018 (tracks only) within the Lakeside Golf Course. Note: fencing is indicative of the 1 ha of Cumberland Plain Woodland to be retained only

