

Emerald Hills Estate Residential Development Annual Compliance Report EPBC 2013/6999

Macarthur Developments



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1. Introduction

1.1 Project Background

Emerald Hills Estate (EHE) is a residential development within the Camden Local Government Area (LGA), in the southwest of the Greater Sydney region. The land is located immediately south of the South West Sydney Growth Centre Precinct of East Leppington and east of the Catherine Fields and Catherine Fields North Precincts. The site, incorporating both development and conservation areas, has an area of approximately 141 ha.

The overall development will be for residential landuse and is planned to consist of residential dwellings, associated infrastructure, parkland and open space, and environmental conservation

Eco Logical Australia has prepared this Compliance Report for the Commonwealth Department of Agriculture Water and the Environment (DAWE) on behalf of Macarthur Developments Pty Ltd to assess compliance with the conditions set out in the Emerald Hills Estate residential development *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) approval (the Approval) (EPBC 2013/6999) signed 3 August 2016.

1.2 Project status

The action commenced (27 January 2016) in accordance with the approvals and the Preliminary Documentation (PD) – as per correspondence (18 March 2016) between ELA and the post approvals section at DotEE. Work begun in Stage 1 with works complete in this stage at the end of 2016. The works have progressed into Stages 2 and 3. The completed on-ground works were associated with bulk earthworks, lot production, infrastructure provision such as roads and utilities and landscaping. Works have also been undertaken to permanently fence the EHE onsite offset (Biobank), with a large amount of assisted regeneration, weeding and management within. ELA has commenced the vegetation management works.

Conservation management has been underway at the EHE onsite offset (Biobank) since 30 November 2015 – prior to commencement of construction. Specifically, works have aimed to remove *Olea europaea* subsp. *Cuspidata* (African Olive) infestations across all management zones within the onsite Biobank whilst targeting secondary weed species post olive removal. Secondary weed species include *Senecio madagascariensis* (Fireweed), *Sida rhombifolia* (Paddy's Lucerne) and *Cirsium vulgare* (Spear Thistle).

Additionally, works within Management Zone 1 and Zone 2 have aimed at the isolation of native grass/forb species via brush cutting and herbicide application. Seed collected on site has been distributed in the treated exotic grass areas to increase floristic diversity and promote a structurally diverse native ground storey.

The Emerald Hills Estate BioBank site has been sold by Macarthur Developments to Shane and Katherine Green on 5 March 2018. Given that all conditions of approval have been met it is requested that Department cease the need for compliance reports from this date forward.

1.3 Reason for this report

This report has been prepared in compliance with condition 13 of the Emerald Hills Estate EPBC Approval which states:

*Within three months of every 12 month anniversary of the commencement of the action, the approval holder 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.*

2. Compliance reporting

Table 1: Conditions of approval

Condition No.	Condition	Compliance Y/N	Date Due	Completed	Details
1	The approval holder must not clear more than 20.5 hectares (ha) of CPW, as identified in Annexure A, Figure 1 as 'Development', from within the Emerald Hills Estate.	Y	Life of Project	Y	Clearing of vegetation for the project was undertaken according to Approval(s). All approved vegetation has been removed
2	Prior to commencement of the action, the approval holder must commence management of the Emerald Hills Estate Offset (including the installation of fencing and signage, removal of stock, weed management erosion control, ecological burns, rubbish removal, vertebrate pest management and revegetation of cleared areas) as per the NSW OEH approved management plan for the Emerald Hills Estate Offset required by Condition 7.	Y	Prior to commencement and life of the project	Y	Management commenced on 30/11/2015 in accordance with the Biobank Agreement management plan. Rubbish removal, vertebrate pest management and revegetation continues to be implemented (ELA 2019)
3	To compensate for the loss of CPW, prior to the commencement of any stage within stages 4 to 11 of the action or no later than the 31 December 2015 (whichever is earlier), the approval holder must retire all credits under the BioBanking agreement for the Emerald Hills Estate Offset, containing no less than 20.2 ha of CPW, as identified in Annexure A, Figure 1. The approval holder must provide written evidence to the Department of the retirement of these credits prior to the commencement of any stage within stages 4 to 11 of the action or no later than the 31 December 2015 (whichever is earlier).	Y	Prior to the commencement of any stage within stages 4 to 11 or no later than 31 December 2015	Y	Works have commenced in stage 4. Proof of retirement of credits for the EHE Biobank is included in Biobank Agreement 159 – pages 28-31 previously sent to DotEE (28 October 2016) . The credit retirement report (201708-RT 208) also details the credits that were retired.
4	prior to commencement of any stage within stages 4 to 11 of the action the approval holder must retire all ecosystem credits under the BioBanking agreement for the Hardwicke Offset, containing no less than 21.7 ha of CPW as identified in Annexure B, Figure 2. The approval holder must provide written evidence to the Department of the retirement of these credits prior to the commencement of any stage within stages 4 to 11 of the action.	Y	Prior to project commencement of any stage within stages 4 to 11	Y	Works have commenced in Stage 4. Request to retire Hardwicke credits sent 7 June 2017. OEH approval of retired credits sent 1 August 2017 (201708-RT 208).

Condition No.	Condition	Compliance Y/N	Date Due	Completed	Details
5	In addition to the BioBank funding required for Hardwicke Offset to be described in the BioBanking agreement, the approval holder must spend a minimum of \$217,000 treating <i>Olea europaea</i> subsp. <i>Cuspidata</i> (African Olive) and other invasive weeds in the Hardwicke Offset. These additional works are to commence prior to the commencement of the action and the money spent within two years of commencement of works.	Y	Prior to project commencement	Y	Has commenced with current expenditure at \$208,841.27. Restoration team has recommended the remaining \$8,158.73 is spent on commencing secondary weed control measures in Stage 1
6	For the offset sites identified in Conditions 3 and 4, a copy of the BioBanking agreements for the offset sites must be provided to the Department within 30 days of the BioBanking agreements being signed by NSW OEH and:	Y	Within 30 days of the BioBanking agreements being signed by NSW OEH	Y	Biobanking agreement for the Emerald Hills onsite offset provided to DotEE in letter dated 28 October 2016. Hardwicke Biobank Agreement provided to DotEE dated 1 September 2017
6a	prior to commencement of the action for the BioBanking agreement for the Emerald Hills Estate Offset;	Y	Prior to commencement	Y	Biobanking agreements for the onsite offset provided to DotEE in letter dated 28 October 2016. Hardwicke Biobank Agreement supplied to Post Approvals on 1 September 2017 and was finalised
6b	prior to commencement of any stage within stages 4 to 11 of the BioBanking agreement for the Hardwicke Offset.	Y	Prior to commencement	Y	Work has commenced within stage 4. Hardwicke Biobank Agreement supplied to Post Approvals on 1 September 2017 and was finalised
7	To ensure the ongoing conservation management of CPW within offset site required by Conditions 3 and 4, the approval holder must submit to the Minister a management plan(s) for the Emerald Hills Estate Offset and the Hardwicke Offset. The management plans must:	Y	Has been approved by NSW OEH	Y	Biobanking agreements for the onsite offset provided to DotEE in letter dated 28 October 2016. Hardwicke Biobank Agreement supplied to Post Approvals on 1 September 2017 and was finalised

Condition No.	Condition	Compliance Y/N	Date Due	Completed	Details
7a	be prepared in accordance with the requirements of the BioBanking Agreement;	Y	Has been approved by NSW OEH and DotEE	Y	Biobanking agreements for the onsite offset provided to DotEE in letter dated 28 October 2016. Hardwicke Biobank Agreement supplied to Post Approvals on 1 September 2017 and was finalised
7b	be approved by NSW OEH prior to being submitted to the Minister;	Y	Has been approved by NSW OEH and DotEE	Y	Biobanking agreements for the onsite offset provided to DotEE in letter dated 28 October 2016. Hardwicke Biobank Agreement supplied to Post Approvals on 1 September 2017 and was finalised
7c	be implemented within one month of their approval by NSW OEH; and	Y	Within one month of the approval	Y	Management has commenced on 30/11/2015
7d	be submitted to the Minister prior to commencement of the action for the Emerald Hills Estate Offset management plan and prior to the commencement of any stage within stages 4 to 11 of the action for the Hardwicke Offset management plan.	Y	Prior to commencement	Y	Work has commenced within stage 4. Final report submitted 1 September 2018 Hardwicke Biobank Agreement is expected to be formalised mid-2017
8	To prevent the occurrence of dieback by <i>Phytophthora cinnamomi</i> on site and to mitigate potential impacts to the CPW to be retained in the Emerald Hills Estate Offset, the approval holder must ensure that appropriate hygiene measures are undertaken during construction, in accordance with the threat abatement plan (and associated background paper) for disease in natural ecosystems caused by <i>Phytophthora cinnamomi</i> .	Y	During construction	Y	Plan was prepared (November 2017) and implemented prior to and during works adjacent to the Emerald Hills Estate Offset site (Appendix A)

Condition No.	Condition	Compliance Y/N	Date Due	Completed	Details
9	The approval holder must provide additional information which fully describes the offset sites specified in Condition 3 and Condition 4, including offset attributes and shapefiles, prior to the commencement of the action.	Y	Prior to commencement	Y	Biobanking agreements for the onsite offset provided to DotEE in letter dated 28 October 2016. Hardwicke Biobank Agreement supplied to Post Approvals on 1 September 2017 and was finalised. Data provided to Department on 3 June 2019.
10	Until such time as the management plan(s) for the Emerald Hills Estate Offset and the Hardwicke Offset have been approved by the Minister, the approval holder must manage the offsets in the manner described in the Preliminary Documentation.	Y	Prior to commencement until approval of the management plan for the offsets are approved.	Y	Management of these sites commenced prior to the BioBank agreement being approved by OEH
Standard Conditions of Approval					
11	Within 30 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.	Y	30 days following commencement of action	Y	The action commenced 27 January 2016 as per DotEE correspondence – March 2016
12	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement all 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.	Y	Ongoing	Y	Ongoing records kept as per standard site record keeping

Condition No.	Condition	Compliance Y/N	Date Due	Completed	Details
13	Within three months of every 12 month anniversary of the commencement of the action, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including details on the implementation of required management actions, and the 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.	Y	Ongoing - report due April 2020	Y	Provided as purpose of this report
14	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.	N/A	-	N/A	No direction received
15	If the approval holder wishes to carry out any activity otherwise than in accordance with any management plan as specified in these conditions, the approval holder must submit to the Department for the Minister's written approval a revised version of the relevant management plan(s). The varied activity shall not commence until the Minister has approved the varied management plan(s) in writing. The Minister will not approve a varied management plan(s) unless the revised management plan(s) would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan(s), that management plan(s) must be implemented in place of the management plan(s), originally approved.	N/A	-	N/A	No modifications requested

Condition No.	Condition	Compliance Y/N	Date Due	Completed	Details
16	If the Minister believes that it is necessary or convenient for the better protection of CPW to do so, the Minister may request that the approval holder make specified revisions to any management plan specified in these conditions, and submit the revised management plan(s) for the Minister's written approval. The approval holder must comply with any such request. The revised approved management plan(s) must be implemented. Unless the Minister has approved the revised management plan(s), then the approval holder must continue to implement the management plan(s) originally approved.	N/A	-	N/A	No direction received
17	If at any time after five (5) years from the date of this approval, the approval holder has not commenced the action, then the approval holder must not commence the action without the written agreement of the Minister.	Y	-	Y	The action has commenced
18	Unless otherwise agreed to in writing by the Minister, the approval holder must publish all the management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within one (1) month of being approved.	Y	1 month prior to approval	Y	All Management Plans placed on website after 1 month. http://www.emeraldhillsestate.com.au/woodland-conservation/

3. Conclusion

Eco Logical Australia Pty Ltd has prepared this Compliance Report to fulfil condition 13 of the project Approval (EPBC 2013/6999) on behalf of Macarthur Developments Pty Ltd. Works to date have complied with the approval conditions (EPBC 2013/699) and the previously provided Biobanking Agreement. It is recommended that the compliance reporting cease given that all conditions of approval have been fulfilled and no non-compliances have occurred.

Appendix A - Site photos



Figure 1: *Phytophthora cinnamomi* controls



Figure 2: *Phytophthora cinnamomi* controls along the boundary of the BioBank site



Figure 3: *Phytophthora cinnamomi* controls preventing runoff from the development footprint into the BioBank Site

