



Office of Environment & Heritage

Your ref 06_0025 Mod 5
Our reference: DOC13/6645
Contact: Miles Boak 6229 7095

Pilar Aberasturi
Metropolitan & Regional Projects South
Department and Planning & Infrastructure
PO Box 39
SYDNEY NSW 2001

Dear Sir,

Re Subject: s75W Modification 5 for Stage 1 of Vincentia District Town Centre (MP06_0025)

The Office of Environment and Heritage (OEH) has reviewed the s75W Modification and provides the following comments:-

- Whilst the built footprint of the modified development will be reduced significantly in this most recent plan, the environmental damage has already been carried out with the clearing of the whole of the commercially zoned area. Accordingly, the environmental obligations contained in the original approval should be still adhered to for management and rehabilitation of the retained Environmental Zone, regardless of whether the scale of the adjoining built environment is being reduced.
- There is still a need to the rehabilitate the existing access road to the Shoalhaven City Council's Bay and Basin Leisure Centre (BBLC), which crosses the Environmental Zone on part of the site now owned by Woolworths (Lot 801). This has been removed from MOD 5 Statements of Commitments that relate to works in access to the Bay & Basin Leisure Centre. OEH supports the position taken by the Department of Sustainability, Environment, Water, Population & Communities (SEWPaC) and Shoalhaven City Council in this regard. The aim of environmental agencies was for increased habitat connectivity and rehabilitation of the existing disturbed areas in this area.
- As a new approval is required, it would be opportune to ensure the most recent environmental management plans documenting the environmental obligations for Woolworths are referenced in the determination. These are included at **Attachment A**.
- The plans describe a proposed action, on the balance of the already-cleared commercial-zoned land, to instigate a "*temporary revegetated landscape*". There is no detail as to what this term means, or what actions are proposed to bring this about. OEH requests greater detail on this proposal before any comment in made. OEH is concerned to ensure that the remainder of the site is assessed for the need for rehabilitation, especially where exposed ground still exists, and on the creek line that runs through the site, to reduce the potential for erosion, and invasion of exotic weeds. OEH notes that from a recent site visit, the ground layer in this area seems to be regenerating naturally, but this regeneration is unlikely to result in the complete re-instatement of the ecological community that was previously present on site, certainly not in the short to medium term.

If you require further information please contact Miles Boak, Conservation Planning Officer, on 02 6229 7095

Yours sincerely

M Sheehan 4/4/2013

Mark Sheehan

**A/ Manager Landscape & Aboriginal Heritage Protection
Conservation & Regulation Division – South**

ATTACHMENT A

Richard Ward
Residential Development NSW
Stockland
133 Castlereagh St
SYDNEY NSW 2000
9 March 2012



ECO LOGICAL AUSTRALIA PTY LTD
ABN 87 096 512 088
www.ecoaus.com.au

Dear Richard,

Re: Environmental Review: *Environment Protection and Biodiversity Conservation Act* consent

As outlined in our proposal of 5th March, we have undertaken an audit of the current 'state of play' regarding compliance in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) consent conditions for the Bayswood development at Vincentia. This information will assist Stockland in providing information to the Federal Department of Sustainability, Environment, Water, Population and Communities (SEWPAC) regarding EPBC consent conditions.

A general comment is that changes to project managers within Stockland and Woolworths left some elements of the consent conditions unattended. This is now being rectified with the re-engagement of a specialised ecological firm working with dedicated project managers from both developers. It is also noted that many of the actions carried out related to clear triggers in the development process whereas those on the environmental zone have not been tied to a trigger or stage in the development.

Note that this assessment applies only to EPBC consent conditions; separate conditions are associated with the State Part 3A statement of commitments.

What has been achieved to date (evidence which can be provided is indicated brackets)

- Clearing has been carried out within the approved footprint.
- Site clearing has been staged and undertaken in accordance with the approved clearing protocol (*Clearing protocol and ELA pre-clearing and supervision of clearing reports*)
- Plans for management of EZ developed and approved in accordance with consent (*Weed Management Plan, Threatened Species Management Plan, Vegetation Management Plan, Feral and Domestic Animal Management Plan (collectively referred to as 'the EMP's' and Fire Management Plan FMP)*)
- Partial implementation of recommendations of EMP's
- Bristlebird and Ground parrot monitoring completed in 2010 and 2011 (*2010/11 Eastern Bristlebird and Ground Parrot Survey reports*)
- Cats banned via s.88b instrument
- Fauna sensitive lighting has been installed on EZ boundary (*Electrical plan*)
- Water Sensitive Urban Design (WSUD) implemented (*CFR Ref 104016-100 Report 002 Rev0*)
- Water Quality Monitoring Plan developed (*CFR Ref 104016-10 Report 001 Rev0*)
- Water quality monitoring undertaken and reported (at baseline in 2006 and construction in 2011) (*CFR Ref 104016-10 Report 007 Rev0*)
- Fertiliser Management Plan developed Nov 2009 (*CFR Ref 104016-41 Report 001 Rev0*)
- Retained trees protected appropriately
- *Phytophthora* guidelines developed March 2010 (*CFR Ref 104016-43 Report 002 Rev P2*)
- Rehabilitation of scald area 40 % completed, in consultation with John Briggs
- Residents provided information about site environmental values (*Stockland brochure to residents and Bayswood community website*)

- Contractor guidelines for Weed Hygiene and *Phytophthora* developed (CFR Ref 104016-43 Report 001 Rev P2 and CFR Ref 104016-43 Report 002 Rev P2)
- Consultant engaged to facilitate EZ end tenure negotiation with Office of Environment and Heritage

Areas that need progressing (Attachment 1 details how to progress individual items)

- Only partial implementation of EMP's. Following actions have *not* been completed
- Feral animal control actions (fox and rabbit)
- Slashing of vegetation for orchid pollinator wasp habitat
- Permanent EZ fencing
- Interpretive/regulatory signage for EZ
- *Phytophthora* testing
- Rehabilitation/re-vegetation of unused tracks
- Rubbish removal from EZ
- Ongoing weed monitoring and control program
- Orchid monitoring
- Orchid wasp pollinator post-graduate project research
- Hydrological impacts on orchids/perched water table monitoring
- Enforcement of ban on cats (88b in place but difficult to enforce)
- Glossy Black Cockatoo nests protection measures
- Local provenance seed in landscape planting
- Signalised junctions on Wool Road
- Removal of existing roadway to leisure centre
- End tenure of EZ lands has not been determined/finalised

Note that the last 3 actions have not been addressed to date as the development process is not at the stage where these actions can be finalised.

In summary, the project team need to:

1. Re-engage with the agencies (SEWPAC, OEH) to re-establish dialogue for implementing consent conditions in line with the original intent
2. Continue to progress EZ lands end tenure discussions with OEH, with aim of transferring entire EZ to the protected area estate. Work with Woolworths to achieve this
3. Discuss revision of the EMP's (revision of EMP's will require Federal and State approval)
4. Prioritise and program the delivery of tasks identified in attachment 1.

There is an interrelationship between review of the EMP's and costs for ongoing management which will form a critical part of the end tenure negotiations and these processes can proceed concurrently.

The information provided in this letter will largely inform the current request for information from SEWPAC. Areas requiring improvement detailed in Attachment 1 should be progressed by Stockland in order to ensure compliance with the EPBC Act consent conditions for Bayswood.

Please feel free to contact me on 4443 5555 should you require any further information.

Yours sincerely,



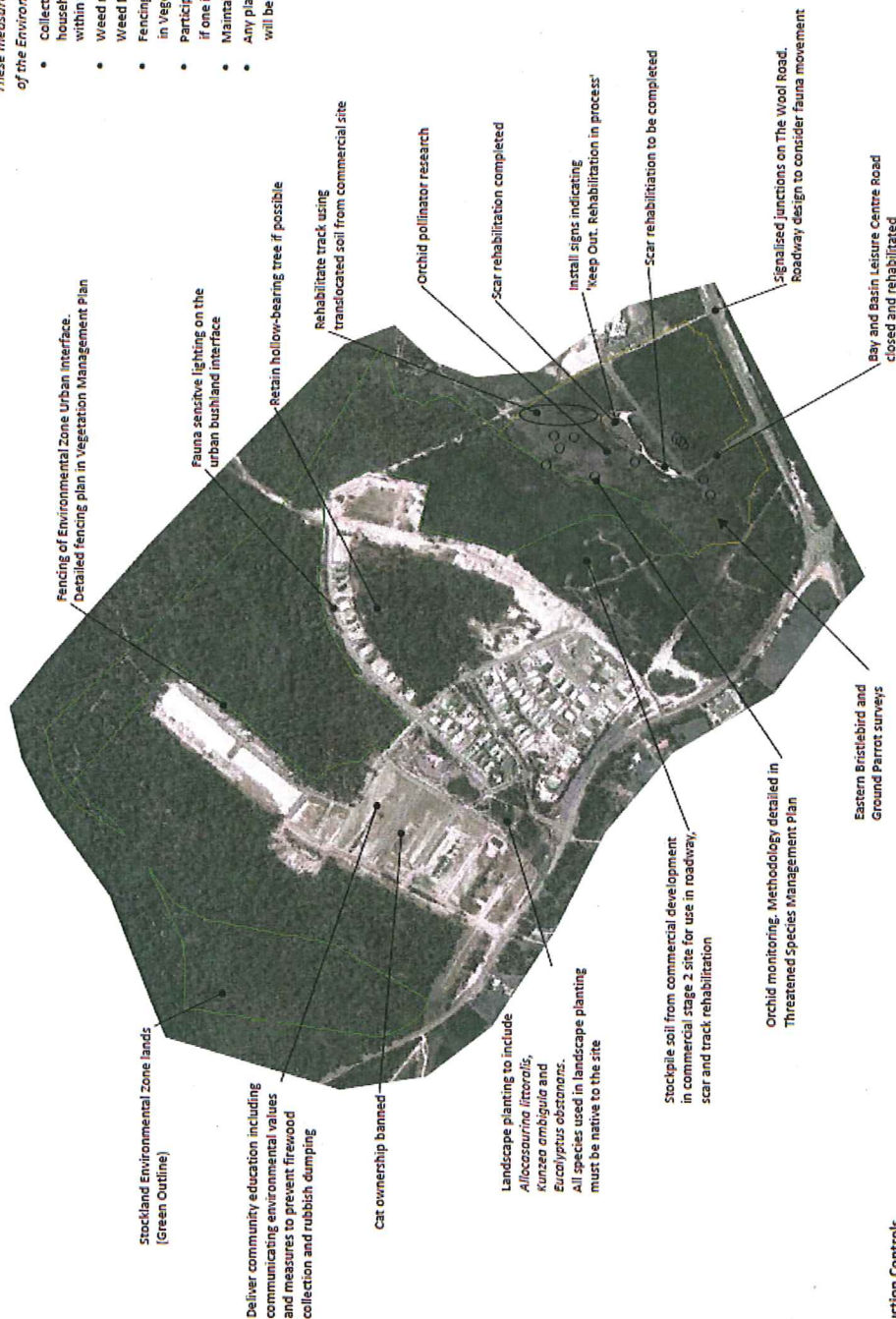
Julie Holden
Manager – NSW South Coast

Area Requiring Improvement	Recommended Response
Feral animal control actions (fox and rabbit)	The on-ground viability of this recommendation achieving environmental outcomes without a co-operative approach with neighbouring landholders needs to be reviewed. This should be included in a review/update of EMP's. It should be noted that the Fox Threat Abatement Plan (Fox TAP) under the NSW <i>Threatened Species Act 1995</i> identifies priority areas for fox control and largely determines how State allocated funding will be spent. This means that the NPWS budget for fox control in this area will focus on Fox TAP sites. Bayswood is not a Fox TAP site and the realistic likelihood of NPWS undertaking a co-operative baiting program with Stockland for this site needs to be established via consultation with Area Managers from National Parks. There is no regional approach to Rabbit control in this area and a standalone effort for this site is unlikely to be effective.
Slashing of vegetation for orchid pollinator wasp habitat	Confirm with OEH that this remains a current best practice management action. If so engage contractor for slashing of vegetation for orchid pollinator wasp habitat in accordance with EMP.
Permanent EZ fencing	Land releases which neighbour the EZ are not developed yet, fencing will not be installed until this EZ/urban boundary is created.
Interpretive/regulatory signage for EZ	Reconsideration of this should be included in a review/update of EMP's. Whilst interpretative signage does have a role in the management of the EZ, it should not be in this pseudo-enforcement role. As there is no capacity to manage EZ access restrictions (unlike National Parks where fines can be issued) it is considered inappropriate to place 'deterrent signage' near closed tracks, as they are likely to have the counter-productive outcome of increased use due to increased awareness. Positive messages could be communicated through signage elsewhere on the site, with the wetland near the playground and along the established walkway/cycleway considered appropriate locations.
<i>Phytophthora</i> testing	Reconsideration of this should be included in a review/update of EMP's. The likelihood of this testing measure preventing the introduction of <i>Pc</i> to the site must be questioned from a biological perspective and from a cost perspective. The site is highly accessible, has access tracks traversing it particularly in the south eastern section, has a residential area at its centre with no capacity to restrict residents importing risk items for the introduction of <i>Pc</i> (such as plants and garden soil), so the risk of the introduction of <i>Pc</i> is more widespread than the risk which will be managed by testing materials brought into the site during construction. The <i>Phytophthora</i> guidelines developed for the site do not require testing.
Rehabilitation/re-vegetation of unused tracks	Reconsideration of this should be included in a review/update of EMP's. These tracks are already showing natural regeneration following reduction of traffic after fencing. It is considered that preventing access to the tracks, by planting a small number of mid-sized trees and placing fallen timber at visible

	entrances and covering the bare ground surface with brush matting will be sufficient to prevent access and allow continuation of this natural regeneration. There is a small intrusion of Buffalo Grass on the track which joins the 'scar' area to the pumping station track, which can be easily controlled with Glyphosate.
Rubbish removal from EZ	Engage contractor to complete
Ongoing weed monitoring and control program	Engage consultant to develop weed monitoring plan, this plan will detail weed control requirements.
Orchid monitoring Hydrological impacts on orchids/perched water table monitoring	Determine overlap of orchid monitoring requirements in this consent with the monitoring undertaken by OEH, noting that duplication of survey effort itself may present a threat to the orchid population. (Possibility to contribute to OEH survey costs?)
Orchid wasp pollinator post-graduate project research	Orchid research project to be funded, instigated by Stockland through University
Enforcement of ban on cats (88b in place but difficult to enforce)	Engage consultant to formalise agreement with Shoalhaven City Council for enforcement of cat ban.
Signalised junctions on Wool Road	This is actively progressing. Tender for new roads closed (March 2012)
Removal of existing roadway to leisure centre	Not yet to the point where these can be implemented.
<i>Allocasuarina littoralis</i> in landscaping and retain as much as possible	Reconsideration of this should be included in a review/update of EMP's. Retention of this species is inconsistent with bushfire protection requirements.
Glossy Black Cockatoo nests protection measures	Reconsideration of this should be included in a review/update of EMP's. The EMP recommends the installation of chicken wire around the base of the trees to prevent nest predation. The efficacy of this measure needs to be reassessed. Threats to nesting hollows include competition for hollows and nest predation, both of these need to be managed in order to protect Glossy Black Cockatoo nesting hollows. The installation of chicken wire will not prevent competition for hollows from Brushtail Possums.
End tenure of EZ lands has not been determined/finalised	Continue to progress EZ lands end tenure discussions with OEH, with aim of transferring entire EZ to the protected area estate. Work with Woolworths to achieve this.
Use of local provenance seed in landscaping	Landscaping to date has not used local provenance seed. Stockland commit to using local provenance seed in future landscape plantings.

Environmental Zone Wide Actions
These measures will be undertaken in the whole of the Environmental Zone Lands

- Collect, remove off-site and dispose of dumped household rubbish and building waste within the Environmental Zone
- Weed monitoring and control as detailed in Weed Management Plan
- Fencing of Environmental Zone boundary as detailed in Vegetation Management Plan
- Participate in regional fox control program if one is undertaken
- Maintain and implement Bushfire Management Plan
- Any plants used within Environmental Zone rehabilitation will be from a local provenance source



Construction Controls

These measures have been put in place to minimise the impact of construction staged in the adjacent residential and commercial development on the Environmental Zone lands

- Pre-clearance surveys and supervision of clearing to be undertaken in accordance with approved clearing protocol
- Provide induction to contractors on environmental responsibilities
- Continue to prepare Erosion and Sediment Control Plans for each stage of the development
- Phytophthora control as specified in Vegetation Management Plan
- Ensure protection measures are in place for trees that will be retained
- Environmental zone boundary to clearly identified on the ground prior to any clearing works
- Provide containers for the disposal of oils and chemicals
- Instruct workers to place building rubbish and debris in dedicated waste bins

Review

- An annual assessment of achievement against the requirements of the Feral and Domestic Animal, Threatened Species, Weed, and Vegetation Management Plans will be completed
- OEH will be consulted for input into this review process
- The EMP will be reviewed 5 years after adoption (Sept 2017)
- The Bushfire Management Plan will be reviewed in 2014

[illegible]