

Annual Compliance Report 2021 - 2022  
Eastern Creek Business Hub EPBC 2012/6617

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**Western Sydney Parklands Trust**

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## DOCUMENT TRACKING

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## Contents

1. Introduction.....	1
1.1 Project Background.....	1
1.2 Project status.....	1
1.2.1 Commencement of works .....	1
1.2.2 Vegetation Management Plan .....	1
1.3 Variations.....	2
1.4 Reason for this report.....	2
2. Compliance reporting .....	8
3. Conclusion .....	12
Appendix A - Vegetation Management Plan approval letter.....	13
Appendix B – Evidence of credit retirement .....	14
<b>Appendix C - Vegetation Management Plan Annual Report (ELA 2021) .....</b>	<b>15</b>
<b>Appendix D - Eastern Creek Business Hub EPBC Act Approval (2012/6617).....</b>	<b>16</b>
Appendix E - Request for Further Information Regarding Approval Conditions Attached to EPBC 2012 / 6617 dated 10 August 2020 .....	17
<b>Appendix F - Potential breach of approval conditions attached to EPBC 2012 / 6617 (dated 17 February 2021) .....</b>	<b>18</b>

## List of Figures

Figure 1: VMP boundary as depicted in v4 of the VMP (ELA 2018) .....	3
Figure 2: VMP boundary as described in Annexure 1 of the Approval (2012/6617) .....	4
Figure 3: Indicative amendments to the VMP boundary and basins .....	5
Figure 4: Revised location of the detention basins in the VMP area .....	6
Figure 5: Superseded basin (light green) and amended basins (dark green) in the VMP area .....	7

## List of Tables

Table 1: Compliance with conditions of approval.....	8
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# 1. Introduction

## 1.1 Project Background

Western Sydney Parklands Trust (Western Sydney Parklands Trust) lodged a referral to the then Department of Environment (DotE) for a superlot subdivision and early site stage establishment works for the Eastern Creek Business Hub along Beggs Road, Eastern Creek NSW. The proposed action sought to consolidate the existing landholdings, subdivide the site into 3 developable lots and 1 residue lot for environmental management, plus complete site establishment works including roads and stormwater drainage. The site is about 35 ha in size.

The action was determined to be a controlled action due to significant impacts on *Cumberland Plain Woodland and Shale Gravel Transition Forest*. The proposed development was approved on 18 May 2015 with conditions.

Eco Logical Australia Pty Ltd (ELA) has prepared this Compliance Report on behalf of the proponent, Western Sydney Parklands Trust, to assess compliance with the conditions for the period **September 2018 – February 2021**. This report has been prepared to address the requirements of Condition 11 (EPBC 2012/6617). A cover letter addressing the recent communication from Department of Agriculture, Water and Environment (DAWE) (reference 15/015178) dated 17 February 2021 has been included, with further detail included in this report.

## 1.2 Project status

### 1.2.1 Commencement of works

Prior to the commencement of any works in the action area, sediment fencing and boundary fencing was erected around the development footprint. A Vegetation Management Plan for the remaining CPW on site was prepared by ELA on behalf of Western Sydney Parklands Trust and submitted to the Department for approval. The Plan was approved on 25 September 2018.

Works in Stage 1 commenced in 2018 and Stage 2 commencement was estimated for March 2021. Initial works for Stage 1 included fencing and earthworks. Stage 1 is now functioning as a retail centre. Implementation of the VMP commenced in February 2021 with the baseline monitoring data collected by Muru Mittigar and peer reviewed by ELA.

Stage 3 has not yet commenced. Frasers Property Pty Ltd has submitted a request to modify the existing State Significant Development Application (SSDA 5175) for Stage 3. The proposed action includes the removal of 0.71 ha of Cumberland Shale Plains Woodland and Shale-Gravel Transition Forest. A referral to the Commonwealth Department of Agriculture, Water and Environment was submitted (EPBC 2020/8715) and was determined to be a controlled action to be assessed using the bilateral agreement with NSW. A decision is yet to be made regarding the modification.

### 1.2.2 Vegetation Management Plan

The VMP boundary depicted in the latest VMP (version 4; Figure 1 and Appendix C,) is inconsistent with the approved VMP boundary in the conditions of approval, depicted in Annexure 1 (Figure 2, Appendix

D). The VMP boundary depicted in v4 of the VMP is larger and contains future batters adjacent to the boundary of Stage 3. The boundary in Annexure 1 of the approval does not include these batters.

Further, to meet specific Council requirements, the shape and size of the storm water detention basins and OSD basins have been varied from their positioning in the VMP (Figure 5). The basins have increased in size from 1.92 ha to 2.46 ha. The revised locations of the OSD and storm water basins do not directly or indirectly impact the patches of CPW marked for retention in the VMP area. Impacts to the existing CPW on site are not expected to occur as a result of the revised detention basin locations. As such, a request to vary the VMP has not been made.

### 1.3 Variations

The proponent has not applied for any variations under the current EPBC Act approval.

### 1.4 Reason for this report

This report has been prepared in compliance with condition 11 of the 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 conditions of this approval must be provided the Department at the same time as the compliance report is published. The approval holder must also notify any non-compliances with this approval to the Department within 5 business days of becoming aware of the non-compliance.*

ELA has prepared this compliance report on behalf of Western Sydney Parklands Trust examining compliance of the conditions set out by DoE. The estimated start of the works was September 2018. As such, the annual compliance report is due in December of each year. This report is the first annual compliance report. The following sub-sections discuss the conditions which required detail. Section 2 illustrates the compliance relative to each condition.



Figure 1: VMP boundary as depicted in v4 of the VMP (ELA 2018)

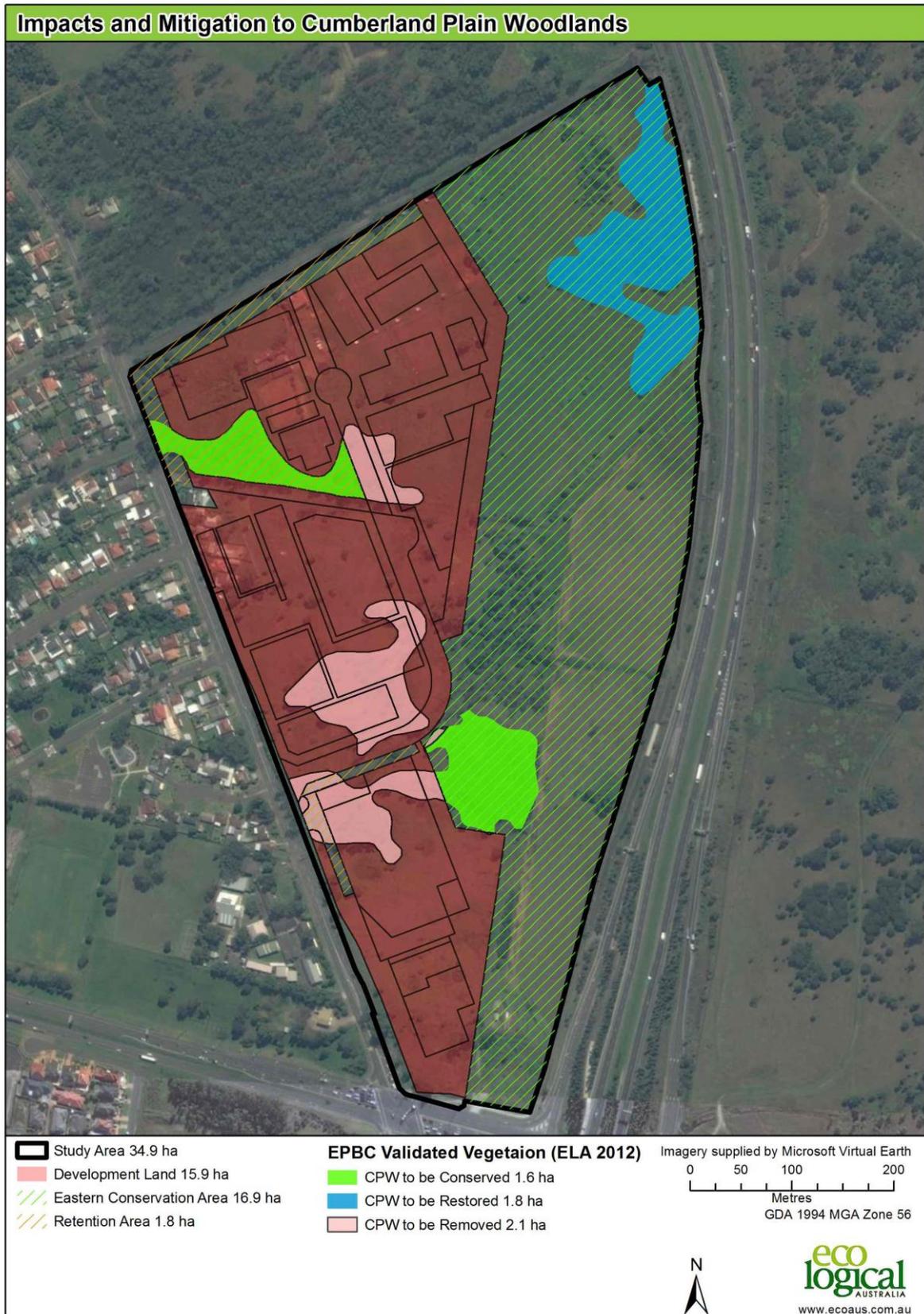


Figure 2: VMP boundary as described in Annexure 1 of the Approval (2012/6617)



Figure 3: Indicative amendments to the VMP boundary and basins



Figure 4: Revised location of the detention basins in the VMP area

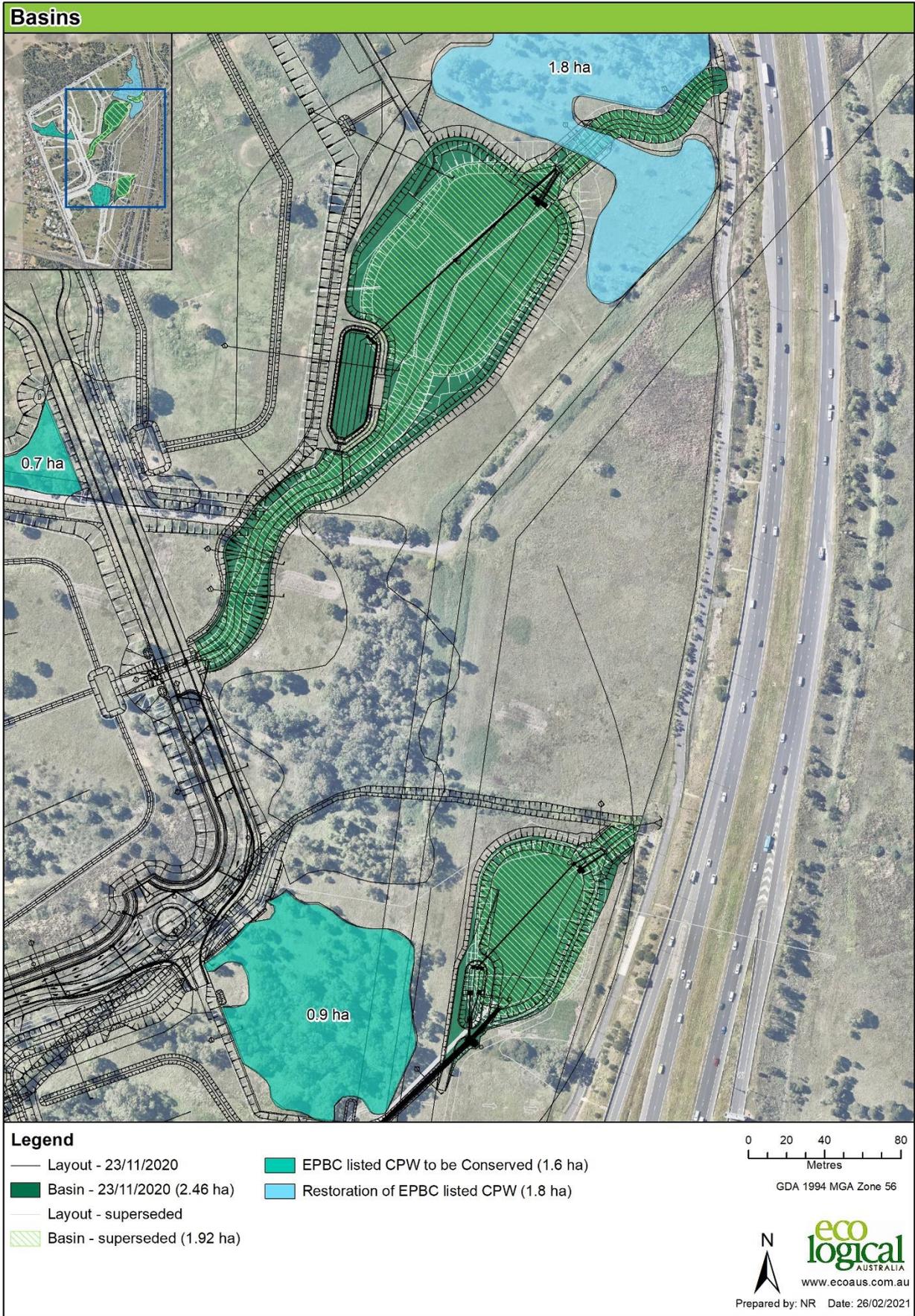


Figure 5: Superseded basin (light green) and amended basins (dark green) in the VMP area

## 2. Compliance reporting

The following table provides a summary of the approved condition and their respective compliance status, outcomes achieved and whether further action is required.

**Table 1: Compliance with conditions of approval**

Number	Condition	Compliance Y/N	Date due	Status	Details
1	The approval holder must clear no more than 2.1 hectares of Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest ecological community (CPW) on the project site, as defined and identified as "CPW to be removed" at Annexure 1	Y	Ongoing	Ongoing	All clearing of EPBC Act CPW contained within approved development footprint and has not exceeded 2.1 ha
2	<p>To protect the remaining CPW on the project site, the approval holder must prepare and submit a management plan for the Minister's approval. The approval holder must not commence the action unless the Minister has approved the management plan. The approved management plan must be implemented prior to the commencement of the action. The plan must include actions to:</p> <ol style="list-style-type: none"> <li>Protect the remaining CPW from indirect impacts as a result of the proposed action</li> <li>Rehabilitate and restore remaining CPW on site; and</li> <li>Produce conservation outcomes to the benefit of CPW on the project site and the adjoining bushland</li> </ol> <p>Note: the management plan may be included within a broader Western Sydney Parklands Trust plan of management</p>	Y	Prior to commencement of the action	Complete	The Vegetation Management Plan was approved by the Minister on 25 September 2018 (Appendix A).
3	To address the loss of 2.1 hectares of CPW on the project site, the approval holder must retire 49 ecosystem credits under the Biobanking agreement for the advanced offset site at Chandos West, before the commencement of the action. The approval holder must provide written evidence to the Department of the retirement of these credits prior to the commencement of the action. The site must be managed in-perpetuity in accordance with a management plan prepared under the Biobanking agreement.	Y	Prior to the commencement of the action	Complete	49 ecosystem credits were retired on 28 June 2018 prior to the commencement of the action (Appendix B). Written evidence was not provided to the Department.

Number	Condition	Compliance Y/N	Date due	Status	Details
4	The approval holder must provide additional information which fully describes the offset site specified in condition 3, including offset attributes and shapefiles, prior to the commencement of the action	Y	Prior to the commencement of the action	Complete	Shapefiles provided prior to commencement of the action in 2014, however the exact date is unknown. Site visits were also completed by the Department with David Kirkland from Western Sydney Parklands Trust.
5	Within 14 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement of the action.	N	within 14 days of the commencement of the action	Not completed within specified timeframe	The action commenced on 11 September 2018. Written evidence of the commencement of the action was not provided to the Department until 3 March 2021
6	The approval holder must maintain accurate records substantiating all activities and outcomes associated with or relevant to the above conditions of approval, including measures taken to implement the management plan 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	Ongoing	Baseline VMP report was prepared and the annual monitoring report for 2021 has been prepared.
7	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	N	Within three months of every 12 months	Ongoing	This annual compliance report covers all actions on the site in 2021. This report has been

Number	Condition	Compliance Y/N	Date due	Status	Details
	implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any conditions of this approval must be provided the Department at the same time as the compliance report is published. The approval holder must also notify any non-compliances with this approval to the Department within 5 business days of becoming aware of the non-compliance.		anniversary of the commencement of the action		prepared to submit concurrently with the VMP annual reporting.
8	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	Ongoing	N/A	An independent audit has not been requested by the Minister.
9	If the approval holder wishes to carry out any activity otherwise than in accordance with the management plan, as specified in the conditions, the approval holder must submit to the Department for the Minister's written approval a revised version of that management plan. The varied activity shall not commence until the Minister has approved the revised the management plan in writing. The Minister will not approve a revised management plan, unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan, that management plan must be implemented in place of the management plan originally approved.	Y	Ongoing	N/A	No variations to a management plan have been requested by the approval holder.
10	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the Minister may request that the approval holder make specified revisions to the management plan specified in the conditions and submit the revised management plan for the Minister's written approval. The approval holder must comply with any such request. The revised approved management plan must be implemented. Unless the Minister has approved the revised management plan, then the approval holder must continue to implement the management plan originally approved, as specified in the conditions.	N/A	Ongoing	N/A	No requests have been made by the Minister.

Number	Condition	Compliance Y/N	Date due	Status	Details
11	If at any time after 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	Within 5 years of the date of the approval	Complete	The action commenced in 2018.
12	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 their website. Each management plan must be published on the website within 1 month of being approved.	Y	Ongoing	Ongoing	All reports are published at the following link <a href="https://www.westernsydneyparklands.com.au/assets/About-Us/Our-organisation/Business/Eastern-Creek-Retail-Centre-Vegatation-Management-Plan-Dec-2020_v4-2MB.pdf">https://www.westernsydneyparklands.com.au/assets/About-Us/Our-organisation/Business/Eastern-Creek-Retail-Centre-Vegatation-Management-Plan-Dec-2020_v4-2MB.pdf</a>

### 3. Conclusion

Eco Logical Australia Pty Ltd, on behalf of Western Sydney Parklands Trust has prepared this Compliance Report to fulfil condition 11, and in doing so, all conditions of the project Approval (EPBC 2012/6617).

## Appendix A - Vegetation Management Plan approval letter

## Appendix B – Evidence of credit retirement

## Appendix C - Vegetation Management Plan Annual Report (ELA 2021)

## Appendix D - Eastern Creek Business Hub EPBC Act Approval (2012/6617)

## Appendix E - Request for Further Information Regarding Approval Conditions Attached to EPBC 2012 / 6617 dated 10 August 2020

## Appendix F - Potential breach of approval conditions attached to EPBC 2012 / 6617 (dated 17 February 2021)