

**Our Ref:** 1390

**Date:** 24/05/2022

**GV NOMINEES  
C/- STELLARLAND**

**ATTENTION:** Linc Roberts

**Via Email:** [linc@stellarland.com.au](mailto:linc@stellarland.com.au)

Dear Linc,

**RE: INTERNAL EPBC COMPLIANCE**

As requested, Anderson Environment and Planning offer the following ecological advice relating to EPBC (EPBC 2016/7829) condition compliance for The Glades development (DA 1438/2015), Glenning Valley, NSW.

This document is produced to comply with the EPBC consent condition 12 for The Glades development which states that:

*The approval holder must prepare a compliance report for each 12-month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must:*

- *publish each compliance report on the website within 60 business days following the relevant 12-month period;*
- *notify the Department by email that a compliance report has been published on the website within five business days of the date of publication;*
- *keep all compliance reports publicly available on the website until this approval expires;*
- *exclude or redact sensitive ecological data from compliance reports published on the website; and*
- *where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.*

This Internal Audit is in addition to the Independent Audit required by Condition 15 of the EPBC Consent Conditions.

## **Part A Conditions**

*1. The person taking the action must implement conditions 1.4 to 1.8, the development of a Wildlife Management Strategy, of Schedule 1 of the BioBanking Statement issued under the Threatened Species Conservation Act 1995 (NSW) to mitigate the impacts of the action on Blackbutt Open Forest that provides habitat for protected matters.*

**AEP Comment:** This condition has been met with the implementation of a WMS over Stages 1, 2, 3, 4 and 5 clearing works.

*2. The person taking the action must implement condition 1.13, the development of a Vegetation and Fauna Management Plan, of Schedule 1 of the BioBanking Statement issued under the Threatened Species Conservation Act 1995 (NSW), to manage the impacts of the proposed action on retained vegetation that provides habitat for protected matters.*

**AEP Comment:** This condition has been met with the implementation of two VFMPs within the site. The VFMPs cover the White-bellied Sea-eagle impacts arising from Stage 1 land and the E2 and buffer lands associated with the entirety of the site. Additionally, an updated VFMP has been produced as part of the conditions for Stage 2 and 3 of the development.

*3. The person taking the action must implement all obligations specified in Schedule 2 of the BioBanking Statement issued under the Threatened Species Conservation Act 1995 (NSW) to offset the impacts of the action on Blackbutt Open Forest. If the ecosystem credits required under the obligations specified in Schedule 2 of the BioBanking Statement are retired under the Biodiversity Conservation Act 2016 (NSW), the person taking the action must satisfy the ecosystem credit requirement specified in Part 2 of the Statement of assessment of reasonable equivalence of biodiversity credits issued under the Biodiversity Conservation (Savings and Transitional) Regulation 2017 (NSW).*

*4. The offset measures required under condition 3 must be provided by retiring credits which are like for like for the protected matters.*

**AEP Comment:** Appropriate credits were bought and retired to meet all credit obligations associated with clearing of native vegetation within The Glades development.

*5. The person taking the action must notify the Department in writing of any proposed change to Schedule 2 of the BioBanking Statement within 10 business days of formally proposing a change or being made aware of a proposed change. The person taking the action must also notify the Department in writing of any change to Schedule 2 of the BioBanking Statement within 10 business days of a change being finalised.*

**AEP Comment:** No changes were made to Schedule 2 of the BioBanking Statement.

*6. To protect potential foraging habitat for protected matters the approval holder must not clear or modify more than 22.24 hectares of Blackbutt Open Forest in the area within the "Project Area Boundary" shown in Map 1. The person taking the action must not clear any areas outside the "Project Area Boundary" shown in Map 1.*

**AEP Comment:** No clearing occurred outside of the Project Area Boundary as shown in Map 1 as part of the Glades development clearing works. An area was cleared through the Blackbutt Open Forest adjacent to Blade Close to facilitate the construction of the trunk sewer main as part of Central Coast Council's Development Service Plan (DSP) for Glenning Valley in 2019/2020. This asset is owned and maintained by Central Coast Council.

Clearing for Stage 2 and 3 occurred in 2021 however no clearing as part of Stage 2 and 3 of The Glades occurred outside of the Project Area Boundary.

### **Part B Conditions**

*7. The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.*

**AEP Comment:** The department was notified on the 6<sup>th</sup> of February 2019 that the action would commence on 11<sup>th</sup> of February 2019. Further notification was sent on 11<sup>th</sup> March 2019, re-confirming that action had commenced on 11<sup>th</sup> February 2019.

*8. If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.*

**AEP Comment:** N/A as the action commenced before 5 year from the date of approval.

*9. The approval holder must maintain accurate and complete compliance records.*

**AEP Comment:** Compliance records have been sent to and are held by ADWJohnson and GV Nominees. Condition met.

*10. If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.*

**AEP Comment:** No such request has been made as far as AEP are aware but should a request be made compliance with this request could be met.

*11. The approval holder must:*

- a. submit the Vegetation and Fauna Management Plan and Wildlife Management Strategy electronically to the Department within two months of its approval;*
- b. publish the Vegetation and Fauna Management Plan and Wildlife Management Strategy on the website within two months of the date the plan is approved;*
- c. keep plans published on the website until the end date of this approval.*

**AEP Comment:** The VFMP was sent to the Department and the VFMP and WMS have been published (and remains published) on The Glades website in accordance with this condition. An updated VFMP has been produced and is located on The Glades website. This updated VFMP was created to fulfill the conditions of Stage 2 and 3 of the development.

**12.** *The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must:*

- a. publish each compliance report on the website within 60 business days following the relevant 12 month period;*
- b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication;*
- c. keep all compliance reports publicly available on the website until this approval expires;*
- d. exclude or redact sensitive ecological data from compliance reports published on the website; and*
- e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.*

**AEP Comment:** This document has been produced to meet this condition for the 2021/2022 compliance period and will be published on The Glades website as required by the condition.

**13.** *The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:*

- a. the condition which is or may be in breach; and*
- b. a short description of the incident and/or non-compliance.*

**14.** *The approval holder must provide to the Department the details of any incident or noncompliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:*

- a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;*
- b. the potential impacts of the incident or non-compliance; and*
- c. the method and timing of any remedial action that will be undertaken by the approval holder.*

**AEP Comment:** AEP is unaware of any non-compliance issues relating to the conditions over the 2021/2022 compliance period and as such these conditions are not applicable at this time.

**15.** *The approval holder must ensure that independent audits of compliance with the conditions are conducted for the 12 month period from 30 November 2018 and for every subsequent 12 month period, or as otherwise requested in writing by the Minister.*

**AEP Comment:** The Independent report covering 30 November 2018 to 30 November 2019 is completed and placed upon The Glades website. The Independent audit process for 1 December 2019 to 30 November 2020 is completed and placed upon The Glades website. The 1 December 2020 to 30 November 2021 is underway and will be placed on The Glades website once completed and approved by the Department.

**16.** *For each independent audit, the approval holder must:*

- a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department;*
- b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and*
- c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.*

**AEP Comment:** Ben Muscat of Hetherington Pty Ltd has been proposed as the independent auditor and the draft audit criteria have been sent to the department. At the time of writing, we are awaiting the Department's response but it is not expected that there will be any issues with the above.

**17.** *The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.*

**AEP Comment:** The Independent Audits for the 2018/2019 and 2019/2020 compliance periods are published on The Glades website and will remain there until the end date of the approval.

**18.** *Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.*

**AEP Comment:** This condition is not applicable as the action is yet to be completed.

Anderson Environment and Planning consider that all conditions within the EPBC consent conditions have been complied with during the period of 11 February 2021 to 10 February 2022. Should you require any further details or clarification, please do not hesitate to contact the writer.

Yours faithfully,

**ANDERSON ENVIRONMENT & PLANNING**

A handwritten signature in blue ink that reads 'C.T. Anderson'.

**Craig Anderson**  
**AEP Director**  
**Biodiversity Accredited Assessor BAAS: 17002**  
**Biobanking Assessor No. 150**