



Annual Compliance Report – Final Report

Ngunnawal Residential Estate Stage 2C (EPBC 2010/5648)

01 July 2020 – 31 March 2021

August 2021

**Prepared by the Environment, Planning and Sustainable Development Directorate, on
behalf of the ACT Government**

This report demonstrates how the Environment, Planning and Sustainable Development Directorate (EPSDD) has maintained compliance with the conditions in the approval decision for the Ngunnawal Residential Estate 2C development (EPBC 2010/5648) for the 2020-2021 reporting period (01 July 2020 to 31 March 2021; Approval Conditions ended 31st March 2021).

EPSDD holds overall responsibility for the finalisation of the commitments in this Approval Condition. The proponent, the Land Development Agency (LDA), was reformed in 2017 into the Suburban Land Agency. During this time, some of the remaining actions from this Approval were assigned to EPSDD to progress and report. The Parks and Conservation Service (PCS) was given responsibility to implement remaining Approval Conditions which were primarily linked to the Offset site.

This report also demonstrates how PCS has implemented the management plan for the Bonner environmental offset site on behalf of the proponent.

Declaration of Accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed:

Full name: Daniel Iglesias

Position: Executive Branch Manager, Parks and Conservation Service

Organisation: Environment, Planning and Sustainable Development Directorate

Date:

Signed:

Full name: Tom Gordon

Position: Executive Director, Development Delivery Group

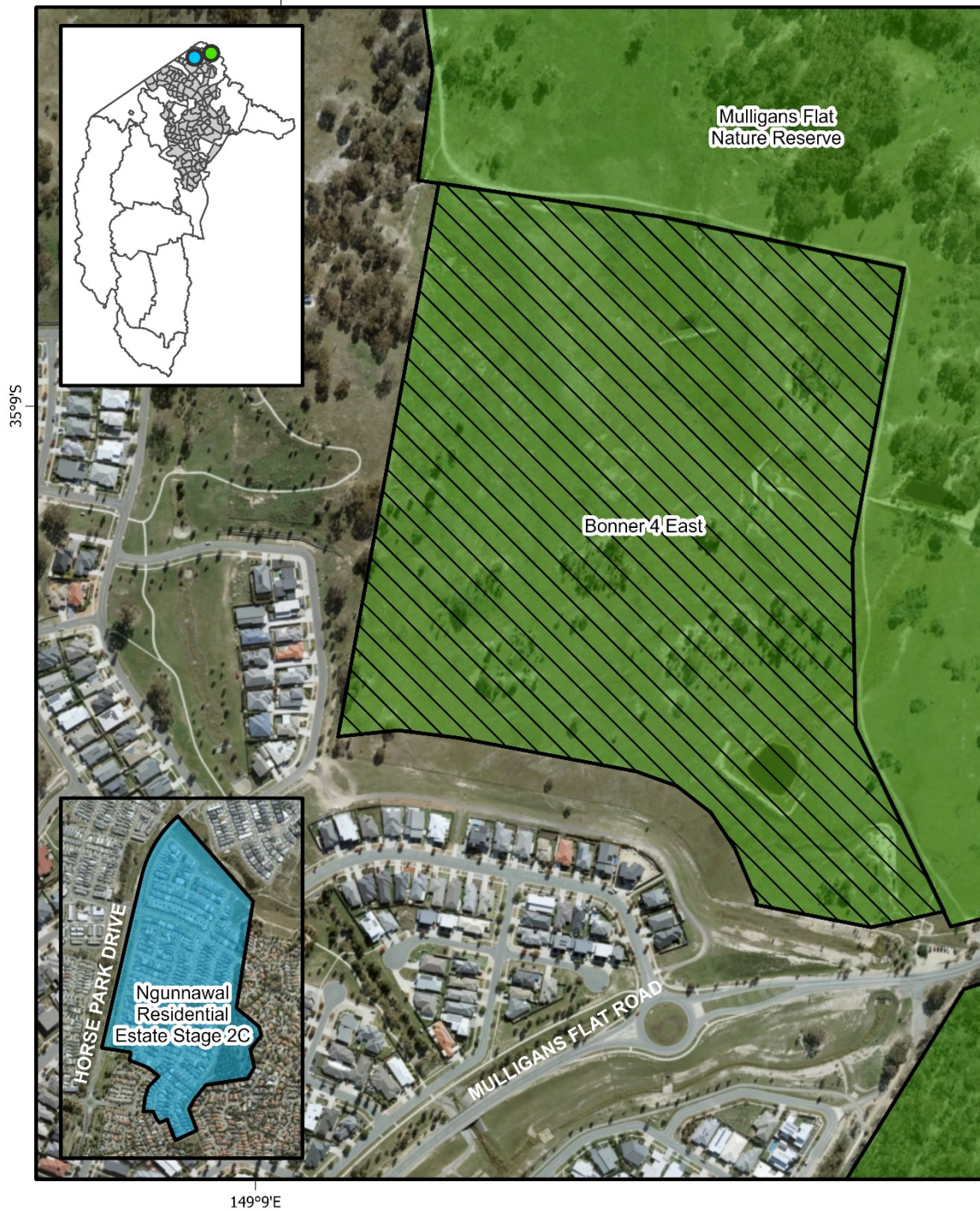
Organisation: Suburban Land Agency (formerly Land Development Agency)





Date:

Contents

1. Location of Bonner 4 Offset area 3
2. Compliance with conditions in EPBC Approval Decision 2010/5648 during the 2020-21 reporting period 4
3. Implementation of the Offset Management Plan 8

1. Location of Bonner 4 Offset area



<p align="center">EPBC 2010/5648</p> <ul style="list-style-type: none">  Offset Site  Associated Development  Nature Reserve 	<p>0.05 0.03 0 0.05 Km</p> <p>1:4,500 When printed at A4</p> <p>Coordinate System: GDA 1994 MGA Zone 55</p> <p>Prepared by: Environmental Offsets Team ACT Parks and Conservation Service Environmental Offsets PO Box 158 Canberra ACT 2601</p> <p>Printed: 14/07/2021</p>	 <p>© COPYRIGHT ACT Government 2021 All Rights Reserved</p> <p>Disclaimer: While all care is taken to ensure accuracy, the ACT Government does not warrant that the map is free from errors.</p> <p align="right">Aerial Photography 2020</p>
---	---	--

2. Compliance with conditions in EPBC Approval Decision 2010/5648 during the 2020-21 reporting period

Condition Number	Condition	Responsibility	Compliant / Non-compliant / Not applicable	Description
1	<p>To offset impacts on the Golden Sun Moth (<i>Synemon plana</i>), the person taking the action must develop a plan, to be approved by the Minister, to protect and manage the offset area at Bonner 4 East for Golden Sun Moth habitat. The plan must include measures to:</p> <ul style="list-style-type: none"> a. provide a map of the offset area at Bonner 4 East; b. outline the process and timing for incorporating the Bonner 4 East offset area within Mulligans Flat Nature Reserve; and c. conserve the Bonner 4 East offset area as Golden Sun Moth habitat, including contribution of \$200,000 to a trust fund to facilitate fencing and management of the offset area in perpetuity. 	LDA and PCS	Compliant	<p>Complete. The offset management plan (OMP) is published on the EPSDD Offsets Register.</p> <p>The first OMP for Bonner 4 East was submitted 30 September 2011 and approved by the Department on 29 March 2012.</p> <p>The original OMP was superseded by the second and final OMP - 'The Bonner 4 Offset Management Plan (2016-2021)'. This was approved and uploaded to the offsets register in August 2016.</p>
2	Within 10 business days of commencement of the action, the person taking the action must advise the Minister in writing the actual date of commencement.	LDA	Non-compliant (rectified)	The civil contractor, Village Building Company for Ngunnawal 2C, took possession of the development site on 19 th June 2012 to commence construction. The Commonwealth was notified in writing on 25 th July 2014, via the civil contractor.
3	If the person taking the action wishes to carry out any activity otherwise than in accordance with the plan referred to in Condition 1, the person taking the action must submit for the Minister's written approval a revised version of the plan. The varied activity shall not commence until the Minister has	PCS	Compliant	The offset has been managed in accordance with the offset management plan by PCS, as recorded in Condition 1. The site will now transition into the Canberra Nature Park (CNP), to be managed by the PCS Mulligans Flat team under the CNP Reserve Management Plan (currently in draft).

Condition Number	Condition	Responsibility	Compliant / Non-compliant / Not applicable	Description
	approved the varied plan in writing. If the Minister approves a revised plan, that plan must be implemented in place of the plan originally approved. Unless the Minister has approved the revised plan, then the person taking the action must continue to implement the plan originally approved, referred to in Condition 1.			
4	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities to do so, the Minister may request that the person taking the action make specified revisions to the plan approved pursuant to Condition 1 and submit the revised plan for the Minister's written approval. The person taking the action must comply with any such request. The revised approved plan must be implemented. Unless the Minister has approved the revised plan, then the person taking the action must continue to implement the plan originally approved, referred to in Condition 1.	PCS	Not applicable - Compliant	No request was made during the 2020-21 period or during the life of the Approval Condition.
5	By 30 August of each year after 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 since the previous report (or since approval in the case of the first report), including implementation of any management plans as specified in the conditions. Non-compliance with any of the conditions of this approval must be	SLA and PCS	Compliant	This report for the 2020-21 reporting period fulfils the requirement under condition 5 for the approval decision. The 2020-2021 annual compliance report (this report) is planned to be published by 30 th August 2020 on the ACT Government EPSDD Offsets Register . Compliance reports prior to the 2018-19 reporting period were required to be published by 30 th April annually. The publication dates for previous compliance reports due

Condition Number	Condition	Responsibility	Compliant / Non-compliant / Not applicable	Description
	reported to the Department at the same time as the compliance report is published.			<p>annually by 30th April prepared as part of this approval decision were as follows:</p> <ul style="list-style-type: none"> • 2019-20 Report – 25th August 2020 • 2018-19 Report – 26th August 2019 • 2017-18 Report – 30th April 2018 • 2016-17 Report – 28th April 2017 • 2015-16 Report – 28th April 2016 • 2014-15 Report – 15th May 2015 • 2013-14 Report – 29th July 2014 • 2012-13 Report – 30th May 2013
6	Upon the direction of the Minister, the person taking the action 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	EPSDD	Not applicable - Compliant	No request for audit was made during the 2020-2021 reporting period, nor during the life of the approval conditions.
7	Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans and reports referred to in these conditions of approval on their website. Each plan and report must be published on the website within 1 month of being finalized.	LDA and PCS	Non-compliant (rectified)	<p>The publication date for the first Bonner 4 East Offset Management Plan prepared as part of this approval decision was 13th May 2014. This plan was published outside the 30-day publishing timeline.</p> <p>All approved plans are now centrally published on the EPSDD Offsets Register.</p>

Condition Number	Condition	Responsibility	Compliant / Non-compliant / Not applicable	Description
				The Bonner 4 Offset Management Plan (2016-2021) was approved and uploaded in August 2016.
8	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the above conditions of approval, including measures taken to implement the 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 publicized through the general media.	SLA and PCS	Compliant	PCS are maintaining all information on the implementation of the actions in the offset management plan, including annual reporting coordination on behalf of the SLA.
9	If, at any time after five years from the date of this approval, the Minister notifies the person taking the action in writing that the Minister is not satisfied that there has been substantial commencement of the action, the action must not thereafter be commenced without the written agreement of the Minister.	EPSDD	Not applicable - Compliant	The action has commenced.

3. Implementation of the Offset Management Plan

The following table describes how the ACT Parks and Conservation Service (Environment, Planning and Sustainable Development Directorate) has undertaken the management actions described within the Offset Management Plan (OMP) for the 2020 – 2021 reporting season on behalf of the Suburban Land Agency (SLA; formerly the Land Development Agency). This table reflects the management actions outlined in the revised 2016-2021 OMP.

Bonner Offset transitioned from management by the PCS Offsets team into the PCS Mulligans Flat Sanctuary team during 2020-2021, reflecting its transition from having an active approval condition to being a finalised offset ready for incorporation into The Canberra Nature Park complex of Nature Reserves managed under the Canberra Nature Park Reserve Management Plan. On-going recurrent funding and management by staff will continue at this site.

Activity	Description (from OMP)	Estimated Timeframe for Completion (as described in OMP)	Actions / Comments (from 01 July 2020 – 31 March 2021)
Consult with ACT Heritage Unit	Inform the ACT Heritage Unit of operational or habitat restoration works which could impact potential cultural heritage sites within the offset areas.	As required	No operational or habitat restoration works have been required.
Cultural Heritage Assessment Reporting and Management Requirements	<ul style="list-style-type: none"> Follow the guidelines outlined in the Cultural Heritage Reporting Policy. This document details the cultural assessment and reporting requirements for projects that may impact on places or objects with indigenous or historic heritage value. Any discovery of an Aboriginal place or object will be reported to the Heritage Council within five working days. 	As required	Guidelines are being followed.
Regeneration	<ul style="list-style-type: none"> Protect regenerating shrubs in the Box Gum Woodland management zones to provide additional habitat for woodland birds. Protect shrubs with tall tree guards. Thin thick <i>Eucalyptus</i> recruitment as advised by ACT Government ecologists. 	As required	Monitoring of BGW was undertaken for impact this year although minimal protection was required in this zone.
Revegetation	<ul style="list-style-type: none"> Shrubs will be planted within the Box Gum Woodland management zone to improve habitat for woodland birds. 	2017-2018	As per previous years, planting sites were maintained and small amounts of additional revegetation planting were done around the dam. In 2020-21:

Activity	Description (from OMP)	Estimated Timeframe for Completion (as described in OMP)	Actions / Comments (from 01 July 2020 – 31 March 2021)
	<ul style="list-style-type: none"> Revegetation may occur around the dam to provide additional habitat for frogs and wetland birds. All revegetation projects will be subject to a monitoring and maintenance program. 		<ul style="list-style-type: none"> Staff worked with Friends of Mulligans volunteers to install additional course woody debris, rocks and seedlings around the dam to enhance habitat for amphibians and birds. Woodland shrub nodes were maintained, including repair of tree guards, weeding, pruning and replacement of damaged seedlings.
Control Invasive Plants	<ul style="list-style-type: none"> Target weeds that are of high priority for control, namely: <ul style="list-style-type: none"> Serrated Tussock Patterson's Curse Sweet Briar Saffron Thistles To minimise impact on the Golden Sun Moth, any weed control that must be undertaken within the Golden Sun Moth flight season must be undertaken following advice from ACT Government ecologist. 	On-going (annual) requirement	Weed control was undertaken across the offset and adjoining nature reserve for Serrated Tussock, Woody Weeds, Patterson's Curse and thistles by Parks staff, volunteers, and contractors.
Control Invasive Animals	<ul style="list-style-type: none"> Expand the rabbit control program operating within Mulligans Flat Nature Reserve to include the offset area. 	On-going (annual) requirement	Rabbit monitoring was undertaken this reporting period. Rabbit numbers were too low for intervention.
Woody Debris	<ul style="list-style-type: none"> Woody debris will be sourced from a development site and relocated into the offset area to provide additional habitat. 	2017-18	Initial levels of woody debris were distributed throughout March 2018. Further woody debris (and rock enhancement) placement occurred in the 19/20 financial year in Bonner in relation to dam enhancement works.
Bushfire Fuel Management	<ul style="list-style-type: none"> Biomass will be assessed to ensure that it meets the standards applicable for the Outer Asset Protection Zone prior to the bushfire season. 	Annually – prior to bushfire season	<p>The biomass within the offset site is being managed at levels suitable for the golden sun moth and from a bushfire fuel management perspective.</p> <p>The inner asset protection zone was slashed as required for IAPZ standards during fire season.</p>
Maintain capital improvements (fences, gates, stiles,	Maintain all capital infrastructure as required. Fences are to be maintained to wildlife friendly specifications.	On-going as required	Established walking tracks, stiles and track markers are being monitored to ensure condition maintained. Outside of the offset area on the eastern boundary there are four pre-existing localised piped earthen overpasses which are monitored and maintained as required.

Activity	Description (from OMP)	Estimated Timeframe for Completion (as described in OMP)	Actions / Comments (from 01 July 2020 – 31 March 2021)
visitor car park and signage)			All signage has been maintained as required and many signs will be replaced during 2021/22.
Monitoring Golden Sun Moth	<p>Implement the monitoring program described in section 6.</p> <p>-----</p> <p><i>The Golden Sun Moth monitoring program across all offset reserves was reviewed in 2017, in consultation with ACT Government ecologists (Conservation Research)¹. The review recommended that GSM monitoring was unnecessary at Bonner. As a result, no Golden Sun Moth surveys were undertaken during the summer of 2017/2018 or 2018/2019.</i></p> <p><i>Furthermore, Golden Sun Moth population and habitat monitoring was not a condition of approval for Bonner. Bonner will continue to be managed as GSM habitat (outside of the wooded areas).</i></p>	-	As per previous reports. No habitat assessments or GSM population monitoring surveys were undertaken in the 2020-2021 year.
Staff Costs	Allocated funds equivalent to 0.1 FTE Senior Ranger (R3) position. Staff funded from total offsets budget. No funding specifically taken out of funding allocated to the Bonner offset area.	On-going	<ul style="list-style-type: none"> Funding from the Bonner 4 East budget is not allocated to staffing or staff costs. Staffing and staff costs are funded by the overall offsets program.

¹ Very little is known about the GSM life cycle and the impact of climate, which makes interpretation of changing numbers at an individual site difficult. GSM population monitoring will continue long term at fewer, good quality sites (Bonner has always reported low numbers), with the aim of establishing a long term data set for the ACT. This can be analysed in the future to determine the impact of seasonal variation over the life cycle of the GSM, and is in line with the requirements of the Golden Sun Moth action plan, in that monitoring efforts should be focussed on improving knowledge of the GSM.