



Annual Compliance Report

Mixed Use Development within Campbell Section 5 ACT (EPBC 2012/6292)

30 September 2023 – 30 September 2024

August 2024

Prepared by the ACT Government

Contents

- 1. Declaration of Accuracy 3
- 2. Introduction 3
- 3. Description of Activities 3
- 4. Compliance with conditions in EPBC Approval Decision 6

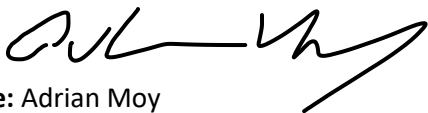
Version Control

Version	Key Changes	Approved By	Issue Date
1	-	Karina Carwardine	7 August 2024
2	-	Regional Manager ACT, Principal Environmental Consultant Umwelt (Australia) Pty Limited	28 August 2024

1. 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: Adrian Moy

Position: A/g. Program Manager, Urban Development

Organisation: Suburban Land Agency

Date: 1 October 2024

2. Introduction

This report demonstrates the status of compliance of the Suburban Land Agency (SLA) (previously known as the Land Development Agency), Sports and Recreation Services, Environment and Planning and Sustainable Development Directorate (EPSDD) with the conditions in the approval decision for: **Mixed use development within Campbell Section 5, ACT (EPBC 2012/6292) for the period 30 September 2023 to 30 June 2024.**

Although the approval holder is the Land Development Agency, the SLA has maintained responsibility for compliance with all conditions provided in the approval.

Internal delegation has been allocated, particularly to the Property Developer for conditions 4(a)-(k) and 5; however, SLA acknowledge overarching responsibility.

3. Description of Activities

The approval is for mixed use development at Campbell Section 5 in the ACT. Development is now complete for all five blocks.

Campbell5 is an all-encompassing lifestyle precinct and park-side living quarter that has reinvigorated Canberra's architectural, social and residential landscape.¹

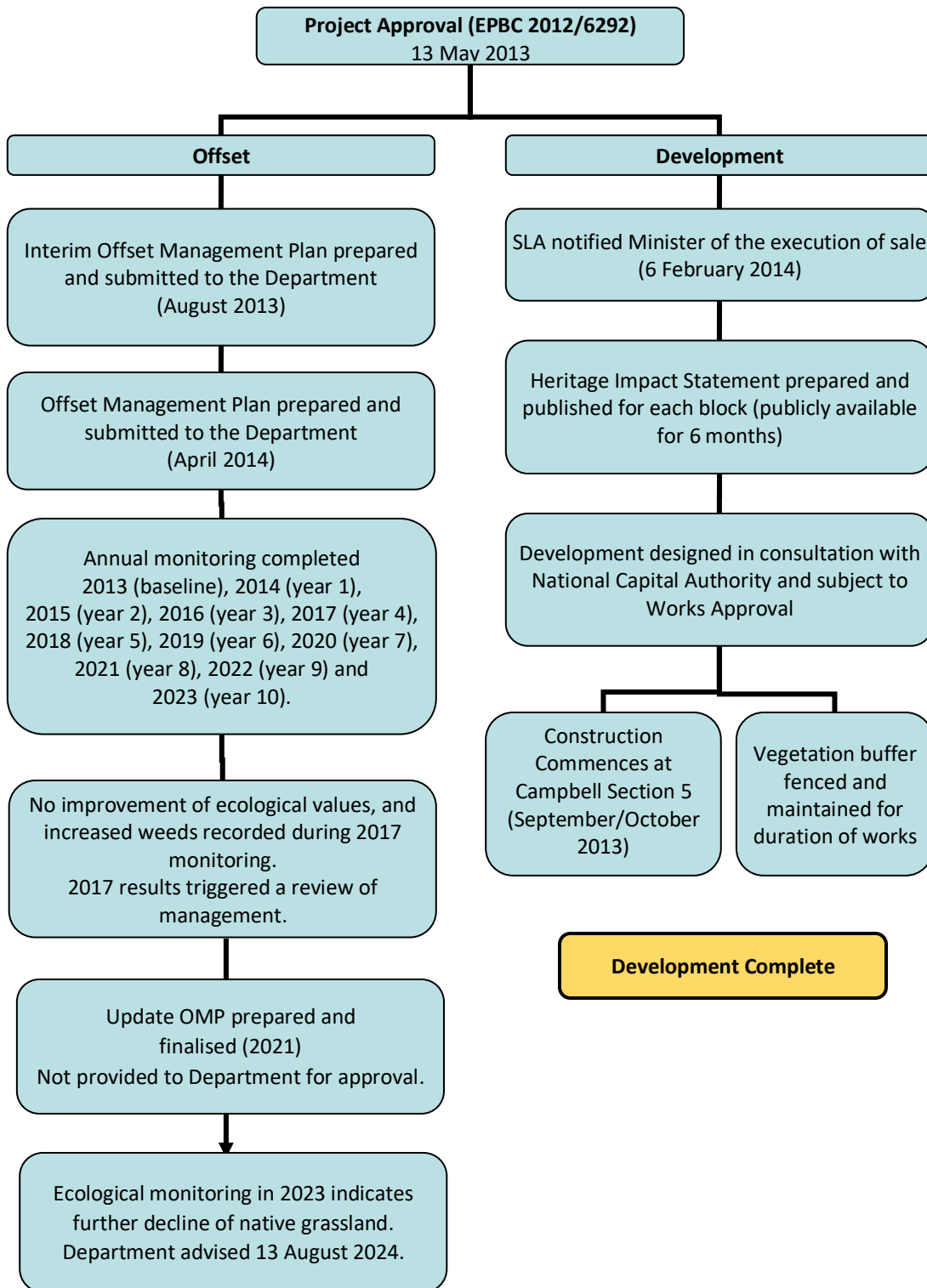
A key condition of approval was for the establishment of an offset at the Yarralumla Equestrian Park for the ongoing protection and improvement of golden sun moth (*Synemon plana*) (GSM) habitat and natural temperate grassland endangered ecological community. The offset was established in 2013 and has been monitored annually since this date.

¹ <https://www.jwland.com.au/project/campbell5/>

On 29 July 2022, the Department of Climate Change, Energy, the Environment and Water (DCCEEW, the Department) wrote to SLA advising them that during routine compliance monitoring they became aware of some potential non-compliances with the conditions of the EPBC Act approval. On 16 August 2022, SLA provided the required information to DCCEEW. A meeting was held on 30 September 2022, at which DCCEEW officials acknowledged both SLA's intent for annual reporting in accordance with the EPBC Act Approval and SLA's intent to seek a variation to EPBC Act Approval conditions regarding the development. This was acknowledged as an appropriate measure, given development had received National Capital Authority approvals and construction is now complete.

SLA has received legal advice, and is liaising with the Department regarding the administrative change to the approval holder from Land Development Agency to the SLA.

The flowchart below summarises what has been completed with regards to the project stages; and provides a brief status update in relation to EPBC Act Compliance (further described in **Section 4**).



4. Compliance with conditions in EPBC Approval Decision

Condition		Responsibility	Compliant/ Non-compliant/ Not applicable	Description
1	To compensate for residual impacts from the action to the golden sun moth and natural temperate grassland, the person taking the action must develop an Offset Management Plan (OMP) to conserve, manage and improve habitat within the Yarralumla Equestrian Park offset area. The OMP must include:	Suburban Land Agency	Compliant	<p>An Offset Management Plan (OMP) was prepared by Robert Jessop Pty Ltd on the 15 April 2014 and submitted to the Department.</p> <p>An interim OMP was prepared in August 2013 (refer condition 2) and submitted for approval, for management of ecological values on site prior to the full OMP being prepared.</p> <p>An updated OMP was recommended in response to 2017 monitoring results which triggered a review of environmental management.</p> <p>The updated OMP was finalised in June 2021, however was not provided to the Department for approval.</p>
1 a)	map(s) and shapefiles that clearly defines the location and boundaries of the Yarralumla Equestrian Park offset area including offset attributes;	Suburban Land Agency	Compliant	<p>Figures 1 and 2 of the OMP defined the location and boundaries of the Yarralumla Equestrian Park offset area. Shapefiles were provided to the Department with the OMP.</p> <p>Geographic Information Systems (GIS) mapping is also updated through the annual monitoring program for the offset area.</p>
1 b)	details of the quality of habitat on site (supported by maps), including the results of baseline surveys undertaken by a suitably qualified expert at an optimal ecological time to demonstrate the extent of golden sun moth habitat and natural temperate grassland habitat within the Yarralumla Equestrian Park offset area;	Suburban Land Agency	Compliant	<p>The 2013 GSM Monitoring Report prepared by Robert Jessop Pty Ltd (dated July 2014) provides the results of the baseline surveys including vegetation mapping, GSM habitat mapping and GSM populations, undertaken in the offset area. The qualifications of the consultant responsible were approved by the Department. The results of these surveys were then presented within Section 4 of the OMP. Both the Monitoring Report and OMP are supported by vegetation and habitat mapping.</p> <p>The surveys were undertaken in accordance with the relevant conservation advice for GSM and natural temperate grassland.</p>
1 c)	measures to manage and improve no less than 4.6 hectares (ha) of habitat within the Yarralumla Equestrian Park offset area for the better protection of the golden sun moth and natural temperate grassland including, details of the duration, timing, level of effort, methodology, and	Suburban Land Agency/ Sports and	Compliant	<p>The offset area as defined in the OMP covers 7.6 ha of GSM habitat and 0.5 ha of natural temperate grassland, greater than that required in the condition 1.c.</p> <p>Table 4 in the OMP provides descriptive ongoing management actions for the offset area. This includes actions relating to mowing,</p>

Condition	Responsibility	Compliant/ Non-compliant/ Not applicable	Description
<p>the person(s) responsible for undertaking the management actions. Management actions must include (but need not be limited to):</p> <ul style="list-style-type: none"> i. mowing and biomass control; ii. weed management; iii. waste management (including both general rubbish and waste associated with the operation of surrounding areas as an equestrian park, for example horse manure); and iv. measures to avoid or minimise the risk of soil compaction. <p>For the avoidance of doubt the Yarralumla Equestrian Park Offset area must include no less than 4.6 hectares of habitat suitable for the golden sun moth and no less than 0.5 ha of natural temperate grasslands.</p>	Recreation/ ACTEA		<p>weed management, waste management, track formation and management, and soil cultivation.</p> <p>The updated OMP will provide revised and improved management strategies for the offset, including updated weed management controls.</p>
<p>1 d) a commitment that management actions will continue to be implemented until such time that monitoring indicates the Yarralumla Equestrian Park offset area has become self-sufficient for the values which it is intended to protect;</p>	Suburban Land Agency/ Sports and Recreation/ ACTEA	Compliant	<p>Table 4 of the OMP specifies management measures are to be continued on a ‘permanent’, ‘ongoing’ or ‘as needed’ basis to be determined by monitoring results. Table 5 in the OMP (indicative monitoring schedule) identifies that monitoring must continue until the offset area has become self-sufficient.</p> <p>Section 6 of the OMP states that following 5 years of monitoring; the OMP shall be reviewed to determine whether changes to the program are required. An updated OMP was prepared in 2021, but has not been submitted to the Department for approval.</p>
<p>1 e) measures that prevent the Yarralumla Equestrian Park offset area from being subject to uses that are incompatible with the conservation of the area as habitat for the golden sun moth and natural temperate grassland (including the provision of signage which provides information on the Yarralumla Equestrian Park offset area and why it is being managed);</p>	Suburban Land Agency	Compliant	<p>SLA has not been advised by the ACT Equestrian Association of any potentially incompatible uses in this reporting period. The following measures are in place to prevent incompatible uses.</p> <p>Offset Management Plan</p> <p>Table 4 of the OMP includes measures to protect the area from incompatible uses, including mowing, soil cultivation, vehicle movement, establishment of new jumps and infrastructure and new</p>

Condition		Responsibility	Compliant/ Non-compliant/ Not applicable	Description
				<p>track formation. It also contains a requirement for the provision of interpretative signage and document display.</p> <p>Implementation - Signage</p> <p>Two signs have previously been installed within the offset area providing information on its conservation value and management. Guidance for the placement and design of the signage was provided by SMEC on 27 January 2016.</p>
1 f)	<p>details of an appropriate monitoring program to be undertaken by a suitably qualified expert, including aims, methodology reporting, and benchmarks for success, to determine whether the golden sun moth and natural temperate grassland values at the Yarralumla Equestrian Park offset area are improved. The monitoring must address (but need not be limited to):</p> <ul style="list-style-type: none"> i. numbers of golden sun moth; and ii. extent and quality of habitat for both the golden sun moth and natural temperate grassland. 	Suburban Land Agency	Compliant	<p>Table 5 of the OMP describes the monitoring schedule which has been implemented for the offset area.</p> <p>Robert Jessop Pty Ltd and SMEC prepared annual monitoring reports from 2013 to 2017. Umwelt (Australia) Pty Limited (Umwelt) has prepared annual monitoring reports from 2018 to 2024.</p> <p>The reports have specifically monitored the numbers of GSM at the Yarralumla Equestrian Park, and the extent and condition of GSM habitat and natural temperate grassland.</p>
1 g)	A commitment that monitoring will continue to be undertaken until such time as the person taking the action can provide demonstrable evidence that the offset area has become self-sufficient.	Suburban Land Agency	Compliant	Table 5 in the OMP (indicative monitoring schedule) identifies that monitoring must continue until the offset area has become self-sufficient.
1 h)	Provisions for making the results of any monitoring programs available on the person taking the action's website, within 12 months of implementation, and then annually until the Minister agrees in writing monitoring can cease;	Suburban Land Agency	Compliant	<p>Monitoring reports are available online on the ACT Government Offset Register:</p> <p>https://www.planning.act.gov.au/professionals/sustainable-development/offsets-register/individual-projects/yarralumla-equestrian-park-offset-area</p> <p>The 2023 Monitoring Report has been published online after being finalised in June 2024.</p> <p>Note previous non-compliances for monitoring reports not being published within an appropriate timeframe; however, for the period of this compliance report, this condition is compliant.</p>

Condition		Responsibility	Compliant/ Non-compliant/ Not applicable	Description
1 i)	Details of contingency measures should the monitoring required by condition 1(f) determine that the golden sun moth and natural temperate grassland values have either degraded, or not improved at the Yarralumla Equestrian offset area;	Suburban Land Agency	Compliant	<p>Section 5 of the OMP includes 'Impact Response Thresholds' for the offset area, which would trigger an active management response should monitoring determine that GSM and/or natural temperate grassland values have either degraded or not improved.</p> <p>Contingency measures specified include a review of management actions, consideration of an alternative offset, or another course of action.</p> <p>The 2020 GSM Monitoring Report (Umwelt, 2021) identified that the impact thresholds defined in the OMP are difficult to implement and consideration of updated thresholds consistent with ACT Government practices on other Commonwealth offset sites were recommended.</p> <p>Table 5.1 of the 2023 GSM Monitoring Report includes the proposed revised thresholds which will be included in the updated OMP. The key change is that threshold number four, relating to change in qualitative habitat assessments, has been removed due to the demonstrated high level of observer bias evident in monitoring (Umwelt, 2024).</p>
1 j)	Details of administration and funding arrangements with the relevant parties who will be responsible for managing the Yarralumla Equestrian offset area; and	Suburban Land Agency	Compliant	<p>Table 4 of the OMP outlines the personnel / agencies assigned responsibility for each management action, and Section 7 describes administration and funding. The SLA is the overarching body responsible for the ongoing management of the offset area.</p> <p>SLA confirms project budget for another year of spraying (until 2025).</p>
1 k)	<p>A schedule of anticipated costs associated with the management of the Yarralumla Equestrian Park offset area.</p> <p>The OMP must be submitted to the Minister for approval at least three months prior to the sale of any individual blocks or within 12 months of the date of this approval, whichever is sooner. The OMP must be implemented from the date of its approval.</p>	Suburban Land Agency	Compliant	<p>Table 6 of the OMP outlines the anticipated management costs of the offset area.</p> <p>The OMP has been implemented from the date of its approval. The approved OMP remains in place until the updated OMP is approved.</p> <p>The OMP was submitted to the Department at the time of its completion in April 2014, which was following the sale of blocks. However, an interim OMP was provided to the Department more than 3 months prior to the sale of any blocks.</p> <p>It is understood this was done in consultation with the Department, and despite being non-compliant with the specifics of Condition</p>

Condition		Responsibility	Compliant/ Non-compliant/ Not applicable	Description
				1(k), the actions completed met the intention of the condition (i.e. a management plan was in place prior to the sale of any blocks).
2	<p>Until such time as the OMP is approved, the person taking the action must undertake interim measures for managing the Yarralumla Equestrian offset area for the better protection of the golden sun moth, including (but not necessarily limited to): mowing and biomass control, weed management, removal of waste and litter, and measures to avoid/minimise the risk of soil compaction. Within 90 days of this notice, an outline of the interim management actions to be undertaken (including timing, duration and level of effort) must be endorsed by a suitable qualified expert and submitted to the Minister.</p>	Suburban Land Agency	Not applicable	<p>The OMP has been approved.</p> <p>An interim OMP was submitted to the Department in August 2013, which described interim management arrangements for the offset site until the OMP was approved.</p>
3	<p>If, after five years or anytime thereafter, the monitoring required by condition 1(f) identified that the management actions outlined in the OMP for the better conservation of golden sun moth habitat and natural temperate grassland habitat within Yarralumla Equestrian Park have been unsuccessful (as determined by the Minister), then the person taking the action must develop an Additional Offset Management Plan and/or Strategy (AOS).</p> <p>The AOS must address how the proposed offset will improve the protection of, and provide long-term conservation benefits for the golden sun moth and natural temperate grassland, and detail how the proposal meets the requirements of the department's current offset policy and guidance documents.</p> <p>The AOS must be submitted to the Minister for approval within six months of the Minister determining that actions were unsuccessful.</p>	Suburban Land Agency	Non-Compliant	<p>The monitoring program for the offset area has just completed its 11th year, including the baseline assessment (2013 - year 0).</p> <p>The 2023 GSM Monitoring Report identifies that the extent of the natural temperate grassland has decreased from 0.01 ha in 2022 to 0 ha in 2023. The extent of native pasture and mixed native pasture has also decreased to 0 ha in 2023.</p> <p>Native GSM habitat has also decreased, however the total area of GSM habitat has not, due to an increase in low quality Chilean needlegrass dominated habitat. Population monitoring of the GSM recorded a slight increase in 2023 from 2022, although remain below the baseline average. Low numbers are partially attributed to the wetter than average conditions during flight season.</p> <p>These results have been attributed to competition from perennial exotic species which has continued to increase in 2023. African lovegrass has increased from 0.96 ha in 2022 to 3.91 ha in 2023 and Chilean needlegrass has increased from 0.23 ha in 2022 to 1.63 ha in 2023. Exotic annual species such as fescue and oats have also expanded.</p>

Condition		Responsibility	Compliant/ Non-compliant/ Not applicable	Description
	The approved AOS must be implemented on the date of its approval.			<p>In response to the 2017 GSM Monitoring Report, an Interim Weed Management Plan was finalised and implemented in 2018. Weed control activities continued through 2019 and 2020 which resulted in the reduction of more than 50% of priority weeds across the site. Weed control activities were not undertaken during 2021 due to COVID-19 lockdown and related resourcing constraints. Weed control activities resumed during 2022/23 but due to the favourable growing conditions during this time, weed species rapidly increased.</p> <p>The 2023 GSM Monitoring Report notes that the extent of natural temperate grassland and other grassland types within the YEP offset area have continued to decline with 0 ha of natural temperate grassland or native grassland being recorded in 2023. Natural temperate grassland has been in decline since 2021 while other native grassland types have been in decline since 2020 and 2017 (native pasture and mixed native and exotic pasture respectively). Due to the continued decline of natural temperate grassland and all other types of native grasslands, condition 3 is non-compliant and requires an Additional Offset Management Plan and/or Strategy (AOS) to be developed.</p> <p>DCCEEW were notified in a meeting on 13/8/2024, and SLA are awaiting advice on a way forward.</p>
4	To reduce, manage and mitigate impacts to the heritage values of the surrounding context, the person taking the action must:	Suburban Land Agency/ Property Developer	Compliant	<p>Construction of the final development was completed in 2021.²</p> <p>The following NCA Works Approvals relate to approval of the mixed use residential developments:</p> <ul style="list-style-type: none"> • Block 8 Section 5: WA19655, dated 11 February 2015 • Block 1 Section 130: WA19656, dated 11 February 2015 • Block 1 Section 131: WA100649, dated 5 May 2018 • Block 1 Section 132: WA20492, dated 2 November 2016 • Block 1 Section 133: WA100008 (approved, but no date provided).

² <https://www.thehotelconversation.com.au/property/campbell-5-hotel-campbell-2612/cbre-hotels-presents-brand-new-serviced-apartment-hotel>

<https://the-riotact.com/on-parade-last-building-in-campbell5-development-tops-out/412470#:~:text=The%20fifth%20and%20final%20building%20in%20the%20Campbell5,first%20residents%20expected%20to%20move%20in%20by%20mid-year.>

Condition		Responsibility	Compliant/ Non-compliant/ Not applicable	Description
4 a)	Ensure overall building heights comply with those shown in Figure 2 (Annexure A);	Suburban Land Agency/ Property Developer	Non-Compliant	<p>It is understood that Condition 4(a) was based on the requirements of the NCA.</p> <p>The approved action (including design for each development) was subject to a Works Approval under the National Capital Plan (NCP) and was subsequently approved by the NCA.</p> <p>Figure 2 (Annexure A) provides specifications on building heights taken from Section 4.8.5 of the NCP, however, does not include the discussion on page 128 of the NCP that “minor building elements that extend building heights above 25 metres will be considered where this enhances the architectural quality of the building and fosters energy efficiently, indoor amenity and appropriate urban scale.”³</p> <p>A number of points in building designs (predominantly parapets) exceed the 25-metre height limit specified. The NCA addressed this in the Consultation Reports for the Works Approvals for both Block 1 Section 132, Campbell⁴, and Block 1 Section 133⁵, Campbell, stating that: “The NCA considers the minor encroachment (of predominantly parapets) acceptable, as it does not constitute an additional storey, and does not significantly increase the overall mass and bulk of the building... The overall design and appearance of the building will not impact on the visual amenity of the locality. The building has been designed sympathetic to the Grand Boulevard of Constitution Avenue, and the character of surrounding landmark buildings.</p>

³ https://www.nca.gov.au/sites/default/files/National%20Capital%20Plan_rev%20April%202021.pdf

⁴ <https://www.nca.gov.au/sites/default/files/consultation/8.%20Attachment%20A%20-%20WA20492%20-%20Consultation%20Report%20-%20Section%20132%20Campbell%20-%20Mixed%20Use%20Development.pdf>

⁵ <https://www.nca.gov.au/sites/default/files/consultation/WA10008%20-%20CONSULTATION%20REPORT%20-%20Section%20133%20Campbell%20-%20Mixed%20Use%20Develo....pdf>

Condition		Responsibility	Compliant/ Non-compliant/ Not applicable	Description
				<p>The NCA supports the proposed heights of the building.”</p> <p>It is considered that the building design is compliant with the Works Approval and the NCP; however, due to the absence of this clause within condition 4(a), the building height must be considered non-compliant with the EPBC Act approval.</p> <p>The SLA requested a variation to condition 4 a) on 1 November 2022 to consider the NCA Works Approval and ensure that the building design is compliant with the EPBC Act approval.</p>
4 b)	Ensure no built structure including balconies and other articulated elements which protrude from building facades encroaches into the verge between the Campbell Section 5 property boundary and Anzac Park East;	Suburban Land Agency/ Property Developer	Non-Compliant	<p>Aerial imagery confirms no built structures encroach into the verge between the property boundary and Anzac Park East for Block 8, Section 5 and for Block 1, Section 131.</p> <p>However, Block 1, Section 130 has NCA approval and an ACTPLA encroachment licence for awnings and spandrels. It is understood that Condition 4(b) was based on the requirements of the NCA.</p> <p>The approved action (including design for each development) was subject to a Works Approval under the National Capital Plan (NCP) and was subsequently approved by the NCA.</p> <p>This condition provides specifications taken from Section 4.8.5 of the NCP, however, does not include the discussion on page 128 of the NCP that “Balconies and other articulation elements may encroach into the setback zone. Any such encroachments must not exceed 30% of the setback area and are not permissible on the ground floor.”</p> <p>Further, page 134 states that “Building designs are to provide controlled solar gain and cross-ventilation, to reduce energy consumption and improve the amenity for building occupants.”</p> <p>It is considered that the building design for Block 1, Section 130 is compliant with the Works Approval and the NCP; however, due to the absence of this clause within condition 4(b), the inclusion of awnings and spandrels to meet controlled solar gain requirements must be considered noncompliant with the EPBC Act approval.</p>

Condition		Responsibility	Compliant/ Non-compliant/ Not applicable	Description
				The SLA has sought a variation to condition 4 b) on 1 November 2022 to consider the NCA Works Approval and ensure that the building design is compliant with the EPBC Act approval.
4 c)	Restrict development on Constitution Avenue to a minimum setback of 6.5 metres from the property boundary shown in Figure 4 (Annexure A);	Suburban Land Agency/ Property Developer	Compliant	Aerial imagery confirms development on Constitution Avenue is set back from the property boundary as per Figure 4 in the conditions of approval.
4 d)	Ensure that the 8 metre setback zone from the northwestern property boundary (as illustrated at Figure 4, Annexure A) comprises a minimum of 1 established tree per 20 linear metres along the entire length of the set back zones;	Suburban Land Agency/ Property Developer	Compliant	Aerial imagery confirms that a minimum of 1 established tree per 20 linear metres has been planted along the entire length of the setback zones.
4 e)	Ensure service entries or waste collections facilities do not face Anzac Park East;	Suburban Land Agency/ Property Developer	Compliant	Construction of the final development was completed in 2021. Service entries and waste collection facilities are located on Provan Street (Block 8, Section 5; Block 1, Section 131) and Pentland Street (Block 1, Section 130). This condition is not applicable to Block 1 Section 132 or Block 1 Section 133, as these developments are not adjacent to Anzac Park East.
4 f)	Ensure all building facades along Anzac Park East have blinds or privacy screens affixed to windows and balconies which may be visible from the memorials along Anzac Parade or any vantage point along Anzac Parade;	Suburban Land Agency/ Property Developer	Compliant	Marketing imagery shows blinds or privacy screens affixed to windows for Saint Germain (Block 8 Section 5), Greenwich (Block 1 Section 130) and The Parade (Block 1 Section 131). ⁶ This condition is not applicable to Block 1 Section 132 or Block 1 Section 133, as these developments are not adjacent Anzac Park East.
4 g)	Ensure all artificial lighting (including streetscape lighting and external building lights) does not illuminate or infringe upon any area within at least a ten metre radius of the memorial along Anzac	Suburban Land Agency/	Compliant	External lighting plans were included in design drawings approved as part of the NCA Works Approvals.

⁶ <https://www.jwland.com.au/project/campbell5/>

Condition		Responsibility	Compliant/ Non-compliant/ Not applicable	Description
	Parade (the use of vegetation buffers and angled lighting fixtures may be used to fulfil this requirement);	Property Developer		
4 h)	Ensure the views of the memorials along Anzac Parade from Anzac Parade towards the development site, have a back drop of trees and not building, as shown in Figure 5 (Annexure A);	Suburban Land Agency/ Property Developer	Compliant	Google Streetview imagery confirms the views of the memorials along Anzac Parade towards the development have a backdrop of trees.
4 i)	Landscape any roads adjoining Anzac Park East in a manner consistent with that illustrated at Figures 6 and 7 (Annexure A);	Suburban Land Agency/ Property Developer	Compliant	Landscaping of roads adjoining Anzac Park East is in a manner consistent with Figures 6 and 7. SLA completed the landscaping works, with the roads and associated landscaping now handed to Transport Canberra and City Services (TCCS) for maintenance.
4 j)	Provide and maintain (in perpetuity) a vegetation buffer within the verge between the Campbell Section 5 property boundary and Anzac Park East. The buffer must: <ul style="list-style-type: none"> I. comprise sufficient vegetation in terms of type, number, density, height and longevity to meet its intended purpose; including the planting of at least 1 established tree per 20 linear metres (interspaced with shrubs) long the length of the verge; and II. be implemented prior to the sale of any individual block. For the avoidance of doubt, the vegetation buffer need not extend across the roads illustrated at Figure 5 (Annexure A).	Suburban Land Agency/ Property Developer	Compliant	A vegetation buffer has been maintained within the verge between Campbell Section 5 property boundary and Anzac Park East. Existing trees within the verge have been retained and additional landscaping has been carried out, with the vegetation buffer fenced off while construction was in progress. A Landscape Master Plan was also prepared for the project, demonstrating the vegetation buffer (dated 16 May 2013).
4 k)	Monitor the success of the vegetation buffer in meeting its intended purpose. The results of the monitoring program must be updated on a yearly basis and made available upon the Minister's request. The person taking the	Suburban Land Agency/ Property Developer	Compliant	The vegetation buffer has been monitored collaboratively throughout construction of Campbell Section 5 by SLA and TCCS; and has been handed over to TCCS as part of the entire estate. The vegetation buffer remains in good condition.

Condition	Responsibility	Compliant/ Non-compliant/ Not applicable	Description
<p>action has 30 days in which to comply with such a request.</p> <p>If, at any time after 5 years following the commencement of construction, the Minister determines that the vegetation buffer is failing to fulfil its intended purpose, the person taking the action must within the timeframe specified, prepare a strategy for the approval of the Minister, which outlines the contingency measures to be implemented for mitigating any failings of the vegetation buffer. The strategy must include evidence that consultation has been sought on the adequacy of the contingency measures from both the Australian War Memorial and the National Capital Authority.</p>			
<p>5 If the person taking the action proposed to sell any of the land within the development footprint, the person taking the action must notify the Minister of the sale at least two months before executing a contract for sale.</p> <p>The person taking the action must include a covenant on each title of the individual blocks, that requires the title holder to reduce, manage and mitigate impacts to the heritage values of the surrounding context pursuant to condition 4a) to 4g) of this approval.</p> <p>Any contract for the sale of individual blocks must also stipulate that the design and materiality of buildings (to be constructed within individual block(s)) be done in a manner that is sympathetic with the heritage values of the surrounding context.</p>	<p>Suburban Land Agency/ Property Developer</p>	<p>Not applicable</p>	<p>SLA notified the Department of the execution of sale on 6 February 2014, which was at least two months before executing a contract of sale.</p> <p>Section 8.8 of the General Sales Information provided in the sales package included the following requirement:</p> <p><i>Buyers must comply with the relevant provisions of the EPBC Approval, which adds an additional level of planning controls for the Land in order to protect the heritage values of Anzac Parade, the Australian War Memorial and the Parliament House vista.</i></p> <p>The EPBC Act approval was also included in the sales package.</p> <p>A Heritage Impact Statement (HIS) was prepared as part of the Campbell Section 5 Concept Master Plan (Lovell Chen, 2012).</p> <p>The HIS was approved by the NCA, in consultation with the Department. The developer has advised that the HIS was made available on the Campbell Section 5 website for six months for each block being developed.</p>

Condition	Responsibility	Compliant/ Non-compliant/ Not applicable	Description	
<p>To ensure this requirement is met, any contract of sale must prescribe the buyer to engage a suitably qualified expert to prepare a Heritage Impact Statement (HIS) for the design of all building on any individual blocks. The contract must stipulate that the final designs for any building must be consistent with the recommendations of the HIS. The HIS must be provided to the department and published on the internet for a period of no less than 60 days.</p> <p>Any contract of sale must be provided to the Minister if requested. The person taking the action has 30 days in which to comply with such a request.</p>				
6	<p>Within 30 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.</p>	Suburban Land Agency	Non-compliant	<p>The action commenced on 30 September 2013 with the erection of fencing, and construction commenced on 3 October. SLA provided written notification to the Department on 28 May 2014, which was greater than 30 days after commencement of the action.</p> <p>The SLA acknowledged within the notification that this was non-compliant with this condition. However, it was noted that the assessment officers at the time were advised verbally of the date of commencement.</p>

Condition		Responsibility	Compliant/ Non-compliant/ Not applicable	Description
7	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement any management plans, reports, strategies, or agreements 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.	Suburban Land Agency	Non-compliant	Records of the action relevant to the responsibilities of the SLA have been largely maintained within the SLA electronic filing system. On 29 July 2022, DCCEEW wrote to SLA advising that during routine compliance monitoring DCCEEW became aware of some potential non-compliances with the conditions of the EPBC Act approval. SLA provided the required information to DCCEEW on 16 August 2022. However, it was noted that a limited number of records that had previously been provided to DCCEEW were no longer able to be located due to changes in staff. All development plans are reviewed by SLA before endorsement by EPSDD.
8	Within three months of every 12 month anniversary of the commencement of the action, the person taking the action 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.	Suburban Land Agency	Non-Compliant	This 2024 Annual Compliance Report provides details of compliance or otherwise with the conditions of EPBC Approval 2012/6292 for the period 30 September 2023 to 30 June 2024. The 2023 Annual Compliance Report was provided to the Department on 20 October 2023. SLA notes that the report was not published on the ACT Government Website within 3 months of being approved and is therefore non-compliant.

Condition		Responsibility	Compliant/ Non-compliant/ Not applicable	Description
9	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.	Suburban Land Agency	Not applicable	No direction has been made by the Minister.
10	<p>If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plan, report, strategy, or agreement as specified in the conditions, the person taking the action must submit to the department for the Minister's written approval a revised version of that management plan, report, strategy, or agreement. The varied activity shall not commence until the Minister has approved the varied management plan, report, strategy, or agreement in writing. The Minister will not approve a varied management plan, report, strategy, or agreement unless the revised management plan, report, strategy, or agreement result in an equivalent or improved environmental outcome over time.</p> <p>If the Minister approves the revised management plan, report, strategy, or agreement, must be implemented in place of the management plan, report, strategy, agreement originally approved.</p>	Suburban Land Agency	Not Applicable	<p>The SLA has sought a variation to conditions 4 a) and 4 b). The 2017 Monitoring Report outlined that between 2016 and 2017, the extent of native grassland and moderate quality GSM habitat had been reduced by the expansion of significant weeds, notably Chilean needlegrass and African lovegrass.</p> <p>In response to these results, SLA engaged Umwelt to review its compliance with the EPBC Act approval and prepare an Interim Weed Management Plan. The Interim Weed Management Plan was finalised and implemented in August 2018.</p> <p>An updated OMP has been prepared informed by current monitoring data to ensure that appropriate and targeted management measures are being undertaken. This OMP has not been approved by the Department yet.</p>

Condition		Responsibility	Compliant/ Non-compliant/ Not applicable	Description
11	<p>If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities; national heritage places; and Commonwealth land, to do so, the Minister may request that the person taking the action make specified revisions to any management plan, report, strategy, or agreement specified in the conditions, and to submit the revised management plan, report, strategy, or agreement for the Minister's written approval.</p> <p>The person taking the action must comply with any such request. The revised approved management plan, report, strategy, or agreement must be implemented. Unless the Minister has approved the revised management plan, report, strategy, or agreement, then the person taking the action must continue to implement the management plan, report, strategy, and agreement originally approved, as specified in the conditions.</p>	Suburban Land Agency	Not applicable	No request from the Minister has been received.
12	<p>If, at any time after five years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.</p>	Suburban Land Agency	Not applicable	<p>The proposed action commenced on 30 September 2013, and construction commenced on 3 October 2013.</p> <p>Construction of the final development was completed in 2021.</p>
13	<p>Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans, reports, strategies, and agreements referred to in these conditions of approval on their website. Each management plan, report, strategy, and agreement must be published on the website within 1 month of being approved.</p>	Suburban Land Agency	Non-Compliant	<p>The EPBC Act approval, the OMP, the Annual Reports and GSM Monitoring Reports have been published on the following website: https://www.planning.act.gov.au/professionals/sustainable-development/offsets-register/individual-projects/yarralumla-equestrian-park-offset-area</p> <p>Annual Compliance Reports for 2018, 2021 and 2022 are publicly available at the above website. The 2023 Annual Compliance Report is not yet published online.</p>

Condition	Responsibility	Compliant/ Non-compliant/ Not applicable	Description
			GSM Monitoring Reports from 2013 and 2015 to 2023 are publicly available at the above website.