



Annual Compliance Report

Residential development, Block 9 Section 64, Watson, and extension of Negus Crescent (EPBC 2012/6418)

01 July 2019 – 30 June 2020

August 2020

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

This report demonstrates how the Suburban Land Agency (previously known as the Land Development Agency; the proponent), Deed Management and the ACT Parks and Conservation Service (PCS), all within the Environment, Planning and Sustainable Development Directorate (EPSDD), and Lonsdale 28 Pty Ltd have complied with the conditions in the approval decision for the development of the Residential development, Block 9 Section 64, Watson, and extension of Negus Crescent (EPBC 2012/6418). This covers the 2019-2020 reporting period from 01 July 2019 until 30 June 2020.

Specifically:

- The Deed Management section in EPSDD are responsible for complying with condition 1 in the approval decision
- Lonsdale 28 Pty Ltd are responsible for complying with conditions 2 and 4 in the approval decision
- PCS is responsible for complying with condition 3 in the approval decision, and
- All parties are jointly responsible for complying with conditions 5, 6, 7 and 8 in the approval condition.

In addition, this report also demonstrates how PCS has implemented the management plan for the Justice Robert Hope Park offset area on behalf of the Suburban Land Agency.

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: Justin Foley

Position: Executive Branch Manager, Parks and Conservation Service

Organisation: Environment, Planning and Sustainable Development Directorate

Date: 29 September 2020

Signed:



Full Name: Chris Webb

Position: Program Manager, Urban/Commercial, Suburban Land Agency

Organisation: Environment, Planning and Sustainable Development Directorate

Date: 23 September 2020

Signed:



Full Name: George Cilliers

Position: Executive Branch Manager, Development Assessment and Deed Management Organisation:

Environment, Planning and Sustainable Development Directorate

Date: 28 September 2020

Signed:



Full Name: Geordie Edwards

Position: Development Manager

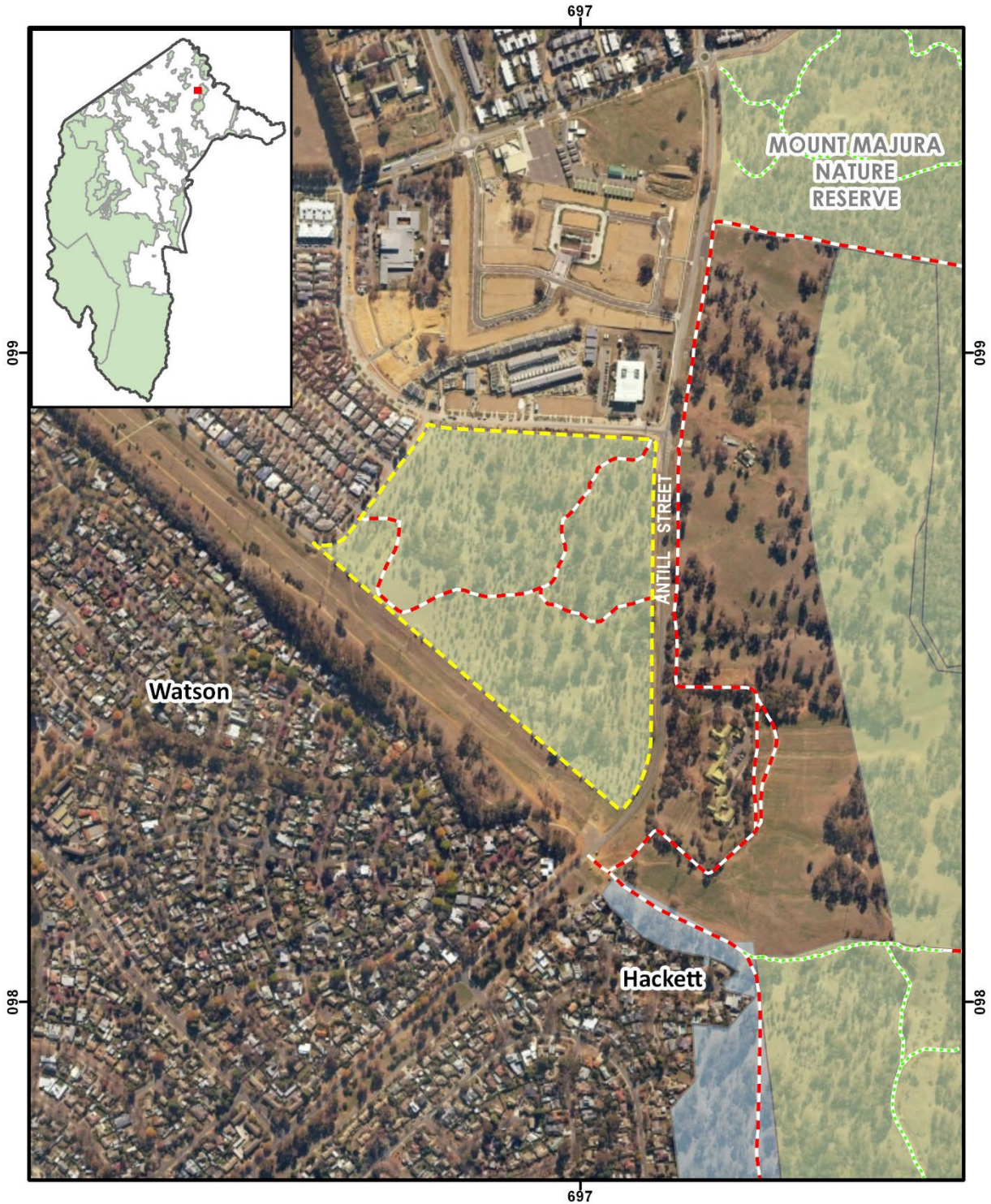
Organisation: Lonsdale 28 Pty. Ltd.

Date: 22 September 2020

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1. Location of the Justice Robert Hope Park offset area



| | | |
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| <p>Justice Robert Hope Park</p> <ul style="list-style-type: none"> Offset Site Nature Reserve & National Park Additional PCS managed land (outside Offset Area) <p>Tracks and Trails</p> <ul style="list-style-type: none"> Vehicle Pedestrian | <p>80 40 0 80 Meters</p> <p>1:8,000 When printed at A4</p> <p>Coordinate System:</p> <p>Prepared by: Environmental Offsets Team ACT Parks and Conservation Service Environmental Offsets PO Box 158 Canberra ACT 2601</p> <p>Printed: 16/08/2019</p> | <p> ACT Government</p> <p>© COPYRIGHT ACT Government 2019 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>Aerial Photography 2019</p> |
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2. Compliance with conditions in EPBC Approval Decision 2012/6418

| Condition Number | Condition | Responsibility | Compliant / Non-compliant / Not applicable | Description |
|------------------|--|-----------------|--|--|
| 1 | <p>For the better protection of listed threatened species and communities and listed migratory species, the approval holder must ensure that the deed of agreement includes the following provisions:</p> <ul style="list-style-type: none"> a. Clearance of native vegetation on the development site must be no greater than 4.0 hectares. b. As many mature trees as practicable should be retained on the development site. c. All disturbances to Justice Robert Hope Park for the construction of the stormwater pipeline works must be contained within a 10-metre wide corridor. d. Prior to construction, a temporary fence, including sediment prevention measures, must be erected on the northern and eastern perimeters of the 10 metre wide corridor for the stormwater pipeline works to separate Justice Robert Hope Park from the construction disturbance and access. e. Stormwater pipeline works must take best efforts to avoid disturbance of any | Deed Management | Compliant | <p>Deed of Agreement reflected the EPBC Act requirements. A copy was provided to the Department on 21 November 2018.</p> <ul style="list-style-type: none"> a. Development Site is only 2.991ha (refer DP 10994). b. Development Site DA 201528681 approved on 28 February 2016. Approved Tree Management and Protection Plan Drawing D143 Rev 8 notes trees to be retained. Multi-unit site DA 201732196 approved on 14 December 2017 and approved further tree removals and tree protection as per Tree Management and Protection Plan DA 610 and DA 612. c. Fencing Control Plan required under the Deed was provided showing a 10-metre corridor for works in Justice Robert Hope Park (JRHP). d. Fencing Control Plan required under the Deed was provided showing a 10-metre corridor for works in Justice Robert Hope Park. e. Transport Canberra and City Services (TCCS) DRC design acceptance was achieved on 20 October 2016. The fencing control plans, staging plan and landscape management and protection plan approved in the EDPDA on 13 July 2016 was |

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| | <p>saplings. Where engineering constraints preclude this, and in consultation with local park-care groups and relevant parties, saplings must be replaced with an acceptable alternative and located at a distance from the stormwater pipeline works that shall not interfere with its effective operation.</p> <p>f. Within one month after construction of stormwater pipeline works, all areas disturbed by stormwater pipeline works must be rehabilitated to ensure restoration of natural soil profiles, topography and drainage and replanted with a combination of species representative of Box–Gum Grassy Woodland.</p> <p>g. A permanent fence with one pedestrian access gate must be erected on the boundary between Justice Robert Hope Park and the Negus Crescent road reserve prior to construction. During construction the access gate is to be locked to prevent unauthorised access to the development site.</p> <p>h. Drainage measures must be designed and implemented to ensure that no run-off</p> | | | <p>amended to address EPBC Act conditions and approved on 14 September 2016.</p> <p>f. TCCS DRC Operational Acceptance was achieved on 24 October 2017. There was a Nil Estimate of Outstanding Works at the time of Operational Acceptance. A Final Certificate for Civil Works has been issued by TCCS. The landscaping is subject to final acceptance by TCCS.</p> <p>g. See Description for 1f.</p> <p>h. Development site run-off conveyed into pit/pipes as per DA approval documentation. Existing overland flow paths were relied upon and the post development run-off was calculated as approximately 1/3 of the pre-development conditions.</p> <p>i. Public Access Plan submitted to Deed Management prior to commencement of construction confirms access to Justice Robert Hope Park is maintained at all times.</p> |

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| | <p>from the development site during or after construction enters Justice Robert Hope Park except as conveyed in underground stormwater pipes.</p> <p>i. During construction, public access to Justice Robert Hope Park must be maintained at all times.</p> | | | |
| 2 | The approval holder must provide the Department with a copy of the approved landscape plan and approved sediment control plan for the development site within seven days of each document's approval by the ACT Government. | Lonsdale 28 Pty Ltd | Non-compliant (Rectified) | Landscape plan and sediment control plan approved. Plans were not submitted within seven days but were provided in March 2018. |
| 3 | To compensate for the loss of Box–Gum grassy Woodland at the development site, and for the better protection of listed threatened species and communities and listed migratory species, the approval holder must develop a Justice Robert Hope Park Environmental Management Plan (JRHPEMP) for the conservation and management of the Justice Robert Hope Park for the duration the impact occurs at the development site. The JRHPEMP must be submitted to the minister for approval within six months of substantial commencement at the development site. The JRHPEMP must include: | Parks and Conservation Service | Compliant | <p>The draft Justice Robert Hope Park (JRHP) Offset Management Plan was due for submission to the Department of Environment and Energy on 29 February 2017 and was submitted on 28 February 2017.</p> <p>The final Justice Robert Hope Park Offset Management Plan, approved by PCS on 13 November 2018, was submitted to the Department on 14 November 2018. The Department approved the plan on 30th November 2018. The final plan was published on the ACT Government's Offsets Register in January 2019.</p> |

| Condition Number | Condition | Responsibility | Compliant / Non-compliant / Not applicable | Description |
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| | <p>a. Details of an appropriate monitoring program to be undertaken by a suitably qualified expert, to monitor the condition of Box–Gum Grassy Woodland in Justice Robert Hope Park, including undertaking baseline surveys of condition at the date of this approval</p> <p>b. Measures to maintain the condition of Justice Robert Hope Park at a standard equivalent to or better than its condition at the date of this approval (as defined in the referral documentation and condition 3a), by such means as are necessary, including but not limited to:</p> <ul style="list-style-type: none"> i. planting or seeding of native forbs and grasses consistent with the definition of EPBC Act listed Box-Gum grassy Woodland ii. weed management to meet statutory obligations iii. planting of trees consistent with the definition of EPBC Act listed Box-Gum Grassy Woodland iv. control of feral and domestic animals, and | | | <p>Details of 3. a. through 3.e. are compliant, and details have been included in the JRHP offset management plan.</p> <p><i>Condition 3.c. was revoked on 6 March 2017</i></p> |

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| | <p>v. Control of unauthorised access, waste and pollution.</p> <p>c. <i>This condition has been revoked as per the approved variation by the Department of Environment and Energy on 06/03/2017.</i></p> <p>d. Consultation with local park-care groups and relevant parties over the proposed implications of management outlined in the JRHOMP</p> <p>e. Details of administration of funding arrangements with the relevant parties who will be responsible for managing Justice Robert Hope Park including a schedule of anticipated costs.</p> | | | |
| 4 | Within 20 days of substantial commencement of construction, the approval holder must advise the Department in writing of the actual date of commencement. | Lonsdale Pty Ltd 28 | Non-compliant (Rectified) | The Department of Environment and Energy was formally notified of the date of substantial commencement on 29 November 2016. The actual date of substantial commencement was 29 August 2016. |
| 5 | The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of 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 | Suburban Land Agency, Deed Management and Parks and Conservation Service (within EPSDD) and | Compliant | Files are held by all parties responsible for compliance with the approval decision. |

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| | 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. | Lonsdale 28 Pty Ltd | | |
| 6 | By 30 August of each year after substantial commencement of the action, the approval holder must publish a report on their website addressing compliance with each of the conditions in 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. Non-compliance with any of the conditions of this approval must be reported to the Department within 10 business days of their identification. | Suburban Land Agency, Deed Management and Parks and Conservation Service (within EPSDD) and Lonsdale 28 Pty Ltd | Non-Compliant (rectified) | <p>This is the fourth report required for this development and associated offset and fulfils condition 6 of the approval decision. However, the 2019-20 annual report (this report) will be published after the 30th August 2020 on the ACT Offsets Register. The report is planned to be published online by the 30 September 2020. Reports were delayed across government due to the impacts of COVID-19 restrictions on government departments, staff and resources.</p> <p>The 2016–17 (first) annual report is published here. The 2017-18 annual report is published here. The 2018-19 annual report is published here.</p> |
| 7 | Upon the direction of the Minister, the approval holder must, at its expense, 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 | Suburban Land Agency, Deed Management and Parks and Conservation Service (within EPSDD) and | Not applicable | No audit was requested. |

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| | Minister and the audit report must address the criteria to the satisfaction of the Minister. | Lonsdale 28 Pty Ltd | | |
| 8 | If, at any time after five years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written approval of the Minister. | Suburban Land Agency, and Lonsdale 28 Pty Ltd | Not applicable | - |

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 Justice Robert Hope Park Offset Management Plan for the 2019 - 2020 reporting season on behalf of the Suburban Land Agency (the proponent).

| Activity | Description (from OMP) | Estimated Timeframe for Completion (as described in OMP) | Actions / Comments (from 01 July 2019 – 30 June 2020) |
|--|--|--|--|
| Activities Declaration | Prepare an Activities Declaration for the Justice Robert Hope Park Nature Reserve pursuant to the ACT Nature Conservation Act 2014. | 2018-19 (complete 2019) | As part of the PCS signage upgrade project, activity declaration signs have been erected at each main gate into the offset area. |
| 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 sites. | On-going | There are no known heritage sites listed within the reserve. Should any potential sites be located they will be reported through the correct avenues and appropriate actions for conservation of such sites will be added to the Offset Management Plan (OMP) as part of the first OMP review. |
| Cultural heritage assessment reporting and management requirements | <ul style="list-style-type: none"> Follow the guidelines outlined in the Cultural Heritage Reporting Policy (ACT Heritage Council 2015). This document details the cultural assessment and reporting requirements for projects that may impact on places or objects with indigenous or historic heritage value. | On-going | No new sites have been discovered thus far. |

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|-------------------------------|--|--|--|
| | <ul style="list-style-type: none"> Any discovery of an Aboriginal place or object will be reported to the Heritage Council within five working days. | | |
| Utility notifications | <ul style="list-style-type: none"> Follow the procedures required when planning works within the vicinity of utility infrastructure. Adhere to the Code of Practice between PCS and ActewAGL (ERM 2009). | On-going | No works were conducted during this reporting period. Guidelines and codes of practice are followed. |
| Offset Management Plan review | This OMP will be reviewed and updated within six (6) months of the submission to the ACT Government of consultant reports prepared as part of the 2020 Box–Gum Woodland monitoring program (Section 5.1). The reviewed plan will be submitted to the Commonwealth Department of the Environment for approval. Until the revised plan is approved, the offset site will be managed in accordance with the [current] Plan. | Six months from completion of 2020 BGW monitoring report | Not yet due. |
| Fencing | <ul style="list-style-type: none"> Replace offset boundary fences and gates. Remove internal fencing. New fences to be installed using wildlife friendly specifications including kangaroo access gates. | 2018–19 (completed 2017) | Fences have been maintained. New locks for gates were required. |

| Activity | Description (from OMP) | Estimated Timeframe for Completion (as described in OMP) | Actions / Comments (from 01 July 2019 – 30 June 2020) |
|-------------------|---|--|---|
| Tracks and trails | <ul style="list-style-type: none"> Construct new formed visitor discovery trail with track markers. Establish and maintain slashed management tracks | 2019–20; On-going. | A new visitor trail was deemed unnecessary and would negatively impact woodland values. Instead, existing trails were improved and enhanced. Tracks have been continuously maintained. |
| Reserve signage | Install large reserve signage and small “Dogs on leash” signs. | 2018–19 (complete 2019) | This signage was installed as a part of the PCS signage upgrade project and included activities declaration information. Maintained as appropriate. |
| Reserve signage | Replace existing interpretation signs. | 2019–20 (complete 2019) | The new reserve signage installed as mentioned above includes interpretation information. |
| Waste | Waste will be removed from the offset site including old fencing materials and general litter as required. | On- going | On-going as required. Additional patrols and removal of swings and cubby houses were required during and after COVID-19 shutdowns. |
| Weed control | <ul style="list-style-type: none"> Target key weeds that are of a statutory obligation for control: <ul style="list-style-type: none"> – African Lovegrass – Woody weeds – Chilean Needlegrass – Paterson’s Curse – Scotch Thistle – Serrated Tussock – St John’s Wort Spot spraying is the preferred method of control in conjunction with slashing in areas of dense weed infestations. | Annually | <ul style="list-style-type: none"> Weed control has continued as required – undertaken by suitably qualified contractors. Additional weed control is also undertaken by the Watson Woodlands Working Group (WWWG) volunteers. A Phalaris control trial began in autumn 2017 and is continuing. The aim of this trial is to expand on small-scale trials, previously done by the WWWG, which sprayed out small areas (a few square metres at a time) of introduced grasses and re-seeded them with kangaroo grass. It is hoped to determine whether this method is applicable to broader scale rehabilitation of old Phalaris stands back to native pasture. |

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|-------------------------|--|--|--|
| | <ul style="list-style-type: none"> All weed control efforts to be mapped and reviewed annually to monitor effectiveness of weed control program. | | |
| Invasive animals | <ul style="list-style-type: none"> Control rabbits in line with ACT Pest Management Strategy. Coordinate the above activities with those in the Mount Majura Nature Reserve if practicable. | Annually | <ul style="list-style-type: none"> Rabbits were monitored in winter 2020. Follow up fumigation to the previous year's extensive rabbit control program occurred in spring and autumn. Monitoring continues. |
| Revegetation | <ul style="list-style-type: none"> Native grass seed to be used for revegetation as appropriate Shrubs characteristic of Box Gum Woodland communities are to be planted to the higher benchmark within the offset site to improve bird habitat. Revegetate around the storm water settling pond with aquatic plants to maintain frog habitat. Temporary fencing or guards to be erected around revegetation to protect from grazing. | 2016–17 (completed) 2018–19 (completed) | <ul style="list-style-type: none"> 700 tube stock (400 shrubs and 300 forbs) were planted in winter 2017. Species were selected in consultation with the local volunteer group WWVG based on the EPBC Act list of species that are known to make up White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland, as well as consideration of potential food species for the regent honeyeater and superb parrot. These plantings are subject to a two-year maintenance program with four maintenance checks each year to ensure an overall survival rate of 80%. This target is currently being met. Maintenance activities include watering and the replacement of fibre mulch mats, tree guards and stakes, and the purchase of tube stock and revegetation equipment. Additional kangaroo exclusion fencing undertaken to support and expand successful groundcover restoration plots. |
| Woody debris relocation | If available, woody debris will be sourced from the Development site and placed appropriately in consultation with the WWVG | 2016-17 (completed) | Trees felled (as per multi-unit site DA 201732196 approved on 14 December 2017) were utilised to create frog habitat in the two dams in the reserve. This was a part of a larger dam restoration project completed in 2019. Two woody debris logs were sculpted |

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|---|--|--|---|
| | | | into bench seats. No 2020 update. |
| Increasing habitat for hollow nesting animals | Investigate options to increase the nesting habitat for birds and arboreal mammals. | 2018–19 | Will be conducted when appropriate. |
| Water quality and frog habitat | <ul style="list-style-type: none"> Water quality testing will be completed monthly using Waterwatch guidelines. Frog populations within the offset site will be monitored annually in accordance with the Frogwatch Census method. | Annually | <ul style="list-style-type: none"> Water quality testing is conducted regularly (monthly) by one of the WWWG volunteers and data is submitted to ACT Waterwatch and is uploaded to the Atlas for Living Australia. Frog Watch activities are planned for future years. |
| Box–Gum Woodlands mapping | Engage a suitably qualified expert to map the extent and condition of Box–Gum Woodland within the reserve. | 2017 (complete), 2027 and 2033 | Mapping of condition classes within the Box–Gum Woodland community was undertaken in 2016–2017 by a suitably qualified consultant. The report is published on the PCS offsets website . |
| Box–Gum Woodlands monitoring | <ul style="list-style-type: none"> Engage a suitably qualified expert to undertake monitoring of existing plots within the Box–Gum Grassy Woodlands community (as described in Table 9). PCS ecologists to review monitoring data to identify any changes occurring over time within the Box–Gum Woodland community. | 2017 (complete), 2018 (complete), 2019 (complete), 2020 (complete), 2023, 2026, 2029 and 2032. | <ul style="list-style-type: none"> Existing plots continued to be monitored in 2019 and 2020 for BGW condition. BGW monitoring will be undertaken again in 2023. A review of the monitoring data is currently being undertaken. Floristic and understorey structure monitoring was undertaken by offsets in-house ecologists in 2018 and 2019. Further floristics and understorey structure monitoring is planned for the 2020/21 monitoring period. Monitoring data is currently being reviewed and will be reported on in the 2018/19 and 2019/20 Annual Monitoring Reports, due to be published on the PCS environmental |

| Activity | Description (from OMP) | Estimated Timeframe for Completion (as described in OMP) | Actions / Comments (from 01 July 2019 – 30 June 2020) |
|-------------------------|--|--|--|
| Hoary Sunray monitoring | PCS staff to establish baseline data and undertake monitoring of the Hoary Sunray population. PCS staff will map the extent of Hoary Sunray populations within the offset site at each monitoring event to ensure change over time in extent of the population can be assessed. | 2017 (complete), 2020, 2023, 2026, 2029 and 2032. | offsets webpage by end 2020. <ul style="list-style-type: none"> • Baseline data for the Hoary Sunray populations was collected by PCS staff in October 2017. • The boundaries of each of three patches of Hoary Sunrays were mapped, and counts undertaken by randomly placing 1m² quadrats throughout each patch to gain a representative average count. |
| Photo monitoring | To be undertaken as part of the Box–Gum Woodland monitoring. Photo monitoring points will be established in the Offset Area, co-located with the vegetation monitoring plots. These points will assist to assess change over time and will help to determine the effectiveness of active management of interventions such as gully erosion control, weed control, regeneration and revegetation (if appropriate). | 2016 (complete), 2018 (complete), 2019, 2020, 2023, 2026, 2029, and 2032 | This was undertaken as part of the Box–Gum Woodland monitoring, with 2016 and 2018 complete. Photo-points will be completed in 2020 as part of the vegetation monitoring. Currently on site there are 15 photo monitoring points associated with vegetation monitoring plots. |
| Staffing | To deliver the actions outlined in this plan, resources have been secured to support a part-time (approx. 0.3 FTE) Senior Ranger (Ranger Grade 3) position and vehicle. | On-going | A permanent Senior Ranger Grade 3 (R3) officer was recruited to deliver the actions of this plan on 1 October 2015. JRHP offset is one of multiple offset areas managed by the ranger and expenditure on salary is weighted accordingly. |

| Activity | Description (from OMP) | Estimated Timeframe for Completion (as described in OMP) | Actions / Comments (from 01 July 2019 – 30 June 2020) |
|----------|---|--|---|
| Training | All personnel, including contractors, involved in managing the offset site must be trained in the requirements and appropriate management of Box–Gum Woodlands. | As needed | Training conducted as needed. |