



# **Annual Compliance Report**

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

**30 September 2021 – 30 September 2022**

**October 2022**

**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<br>Manager Canberra, Principal Environmental<br>Consultant<br>Umwelt (Australia) Pty Limited | 7/10/2022  |

## 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: Joanne Stroud

Position: Senior Project Manager, Urban Releases

Organisation: Suburban Land Agency

Date:

## 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 2021 to 30 September 2022.**

As the proponent, the SLA is responsible for compliance with all conditions provided in the referral 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.<sup>1</sup>*

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*) habitat and natural temperate grassland endangered ecological community. The offset was established in 2013 and has been monitored annually since this date.

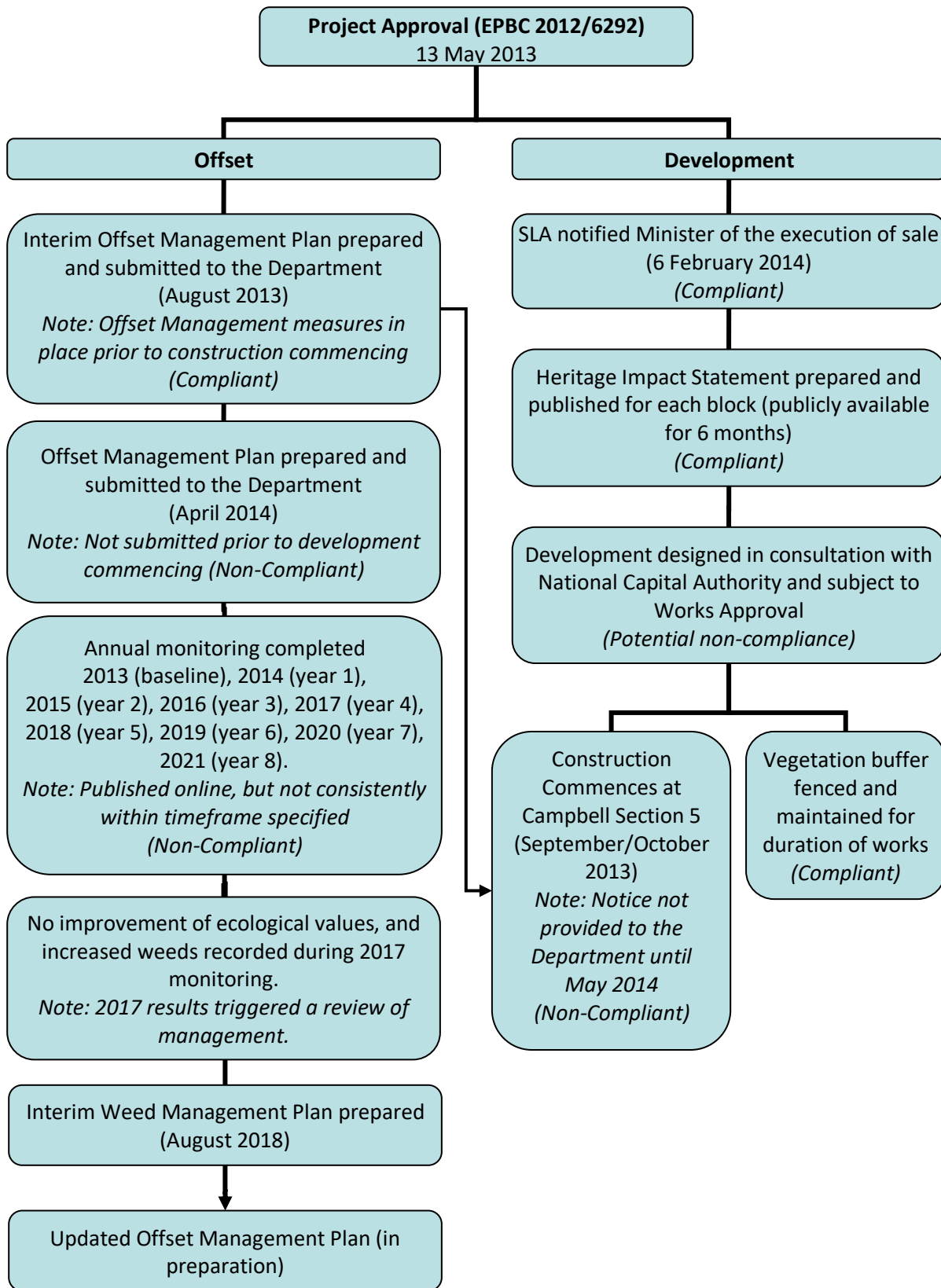
On 29 July 2022, the Department of Climate Change, Energy, the Environment and Water (DCCEEW) wrote to SLA advising them that during routine compliance monitoring they Department became aware of some

---

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

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 Approval and SLA's intent to seek a variation to EPBC 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.

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



#### 4. Compliance with conditions in EPBC Approval Decision

| Condition |  | Responsibility       | Compliant/<br>Non-compliant/<br>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 Commonwealth.</p> <p>An interim Offset Management Plan 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>The 2021 Annual Compliance Report noted that an updated OMP is in preparation, as a result of the 2018 monitoring triggering a review of the original OMP. The updated OMP has not been finalised, due to external impacts including the COVID-19 pandemic.</p> <p>The updated OMP will provide revised and improved management strategies for the offset, taking into account learnings from the past 5 years. Once the updated OMP has been finalised, it will be submitted to the Department.</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 throughout the annual monitoring program for the offset site.</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 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 of the offset area. The qualifications of the consultant responsible were approved by the assessment officers.</p> <p>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 golden sun moth and natural temperate grassland.</p>  |

|      | Condition  | Responsibility                                     | Compliant/<br>Non-compliant/<br>Not applicable | Description  |
|------|--|--|--|--|
| 1 c) | <p>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 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"> <li>i. mowing and biomass control;</li> <li>ii. weed management;</li> <li>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</li> <li>iv. measures to avoid or minimise the risk of soil compaction.</li> </ul> <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> | Suburban Land Agency/ Sports and Recreation/ ACTEA | Compliant                                      | <p>The offset management area as defined in the OMP covers an area of 7.6 ha of golden sun moth habitat and 0.5 ha of natural temperate grassland, greater than that required in the Approval condition.</p> <p>Table 4 in the OMP provides descriptive ongoing management actions for the offset area. This includes actions relating to mowing, 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>  |
| 1 d) | <p>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 states that following 5 years of monitoring; the OMP shall be reviewed to determine whether changes to the program are required. This review is underway, with a revised OMP being prepared.</p> <p>These commitments ensure that management will continue, until monitoring determines that the area has become self-sufficient.</p> |

| Condition |   | Responsibility       | Compliant/<br>Non-compliant/<br>Not applicable | Description   |
|-----------|---|----------------------|--|---|
| 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);   | Suburban Land Agency | Compliant                                      | SLA has not been advised by ACTEA of any potentially incompatible uses in this reporting period. The following measures are in place to prevent incompatible uses.<br><b>Management Plan</b><br>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 track formation. It also contains a requirement for the provision of interpretative signage and document display.<br><b>Implementation - Signage</b><br>Two signs have 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. |
| 1 f)      | 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):<br>i. numbers of golden sun moth; and<br>ii. extent and quality of habitat for both the golden sun moth and natural temperate grassland. | Suburban Land Agency | Compliant                                      | Table 5 of the OMP describes the monitoring schedule for the Offset.<br>This program has been implemented for the offset area. Robert Jessop Pty Ltd and SMEC prepared annual monitoring reports from 2013 to 2017. Umwelt (Australia) Pty Limited prepared annual monitoring reports from 2018 to 2021.<br>The reports have specifically monitored the numbers of golden sun moth at the Yarralumla Equestrian Park, and the extent and condition of golden sun moth habitat and natural temperate grassland.  |
| 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.  |

| Condition |  | Responsibility       | Compliant/<br>Non-compliant/<br>Not applicable | Description   |
|-----------|--|----------------------|--|---|
| 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 | Non-compliant                                  | <p>Monitoring reports are available online on the ACT Government Offset Register:<br/> <a href="https://www.planning.act.gov.au/tools-resources/plans-registers/register/offsets-register">https://www.planning.act.gov.au/tools-resources/plans-registers/register/offsets-register</a></p> <p>SLA notes that despite being prepared on time, the 2021 Golden Sun Moth monitoring report has not been uploaded to the ACT Government website within the timeframe specified by the condition, and is therefore non-compliant.</p> <p>It is anticipated that the Yarralumla Equestrian Park – Golden Sun Moth Monitoring Report 2021 will be uploaded in the coming weeks once issues related to web accessibility are resolved. SLA aims to rectify this timing issue going forward.</p> |
| 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 golden sun moth and/or natural temperate grassland values have either degraded or not improved.</p> <p>The 2020 Monitoring Report (Umwelt, 2021) found 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 is recommended. The updated OMP (currently in preparation) will include a review of the OMP impact thresholds.</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 a four year budget (2020-2024) is approved for monitoring and weed control for the offset area. This budget will be reviewed on the 3<sup>rd</sup> year based on the outcomes of the monitoring report.</p> <p>Revision of the costs for ongoing management and monitoring will be incorporated into the updated OMP.</p>  |

| Condition |   | Responsibility       | Compliant/<br>Non-compliant/<br>Not applicable | Description   |
|-----------|---|----------------------|--|---|
| 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, with the interim OMP being implemented prior to the OMP approval. The approved OMP remains in place until the updated OMP is approved.</p> <p>The OMP was submitted to the Department in April 2014, which is prior to the date range of this compliance report.</p> <p>Compliance relating to submission of the OMP to the Minister previous reporting periods were addressed in the 2018 Annual Compliance Report and the 2021 Annual Compliance Report.</p> |
| 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 management plan was submitted to the Department in August 2013, which is prior to the date range of this compliance report.</p> <p>The 2018 Annual Compliance Report and the 2021 Annual compliance report provided details of compliance with this condition.</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>   | Suburban Land Agency | Compliant                                      | <p>The monitoring program for the offset area has just completed its ninth year, including the baseline assessment (2013 - year 0) with the 2021 monitoring results showing that while there is an apparent decline in floristic value across the site, it is not statistically significant.</p> <p>It should be noted that the 2017 Monitoring Report outlined that between 2016 and 2017, the extent of native grassland and moderate quality golden sun moth habitat had been reduced by the expansion of significant weeds, notably Chilean needle grass and African lovegrass.</p>                               |

|   | Condition  | Responsibility                           | Compliant/<br>Non-compliant/<br>Not applicable | Description  |
|---|--|--|--|--|
|   | <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> <p>The approved AOS must be implemented on the date of its approval.</p> |  |  | <p>In response to these results, SLA engaged Umwelt (Australia) Pty Ltd 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, with corrective actions including weed spraying being carried out in November 2018, October and November 2019 and a number of occasions during 2020 (Umwelt 2020). This resulted in a reduction of more than 50% for priority weeds across the site. However, the benefits observed from the 2020 weed control program were reduced in 2021 as no weed control activities were undertaken from May 2021 due to the COVID-19 lockdown and related resourcing constraints.</p> <p>An updated OMP is currently in preparation which will be informed by current monitoring data to ensure that appropriate and targeted management measures are being undertaken. The updated OMP will include a 5-year weed management plan, and ensure that objectives with respect to maintenance of natural temperate grassland and golden sun moth habitat are retained. The updated OMP will be submitted to the Department for approval.</p> |
| 4 | <p>To reduce, manage and mitigate impacts to the heritage values of the surrounding context, the person taking the action must:</p>  | Suburban Land Agency/ Property Developer | Compliant                                      | <p>Construction of the final development was completed in 2021.<sup>2</sup></p> <p>The following NCA Works Approvals relate to approval of the mixed use residential developments:</p> <ul style="list-style-type: none"> <li>• Block 8 Section 5: WA19655, dated 11 February 2015</li> <li>• Block 1 Section 130: WA19656, dated 11 February 2015</li> <li>• Block 1 Section 131: WA100649, dated 5 May 2018</li> <li>• Block 1 Section 132: WA20492, dated 2 November 2016</li> <li>• Block 1 Section 133: WA100008 (date pending confirmation from developer).</li> </ul> <p>The 2018 Annual Compliance Report and the 2021 Annual compliance report provided details of compliance with this condition.</p>  |

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

| Condition |   | Responsibility                              | Compliant/<br>Non-compliant/<br>Not applicable | Description   |
|-----------|---|---|--|---|
| 4 a)      | Ensure overall building heights comply with those shown in Figure 2 (Annexure A); | Suburban Land Agency/<br>Property Developer | Non-Compliant                                  | <p>Construction of the final development was completed in 2021. Compliance issues relating to previous reporting periods were addressed in the 2018 Annual Compliance Report and the 2021 Annual Compliance Report.</p> <p>It is understood that the specific detail of 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.”<sup>3</sup></p> <p>A number of points in the designs of the buildings (predominantly parapets) exceeded the 25-metre height limit specified. The NCA addressed this in the Consultation Reports for the Works Approvals for both Block 1 Section 132, Campbell<sup>4</sup>, and Block 1 Section 133<sup>5</sup>, Campbell, stating that:</p> <p>“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</p> |

<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.>

<sup>3</sup> [https://www.nca.gov.au/sites/default/files/National%20Capital%20Plan\\_rev%20April%202021.pdf](https://www.nca.gov.au/sites/default/files/National%20Capital%20Plan_rev%20April%202021.pdf)

<sup>4</sup> <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>

<sup>5</sup> <https://www.nca.gov.au/sites/default/files/consultation/WA100008%20-%20CONSULTATION%20REPORT%20-%20Section%20133%20Campbell%20-%20Mixed%20Use%20Develo....pdf>

| Condition |   | Responsibility                              | Compliant/<br>Non-compliant/<br>Not applicable | Description  |
|-----------|---|---|--|--|
|           |   |   |  | <p>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 land mark buildings.</p> <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 specific wording of the EPBC 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/<br>Property Developer | Non-Compliant                                  | <p>Construction of the final development was completed in 2021.</p> <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.</p> <p>It is understood that the specific detail of 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</p> |

| Condition |   | Responsibility                              | Compliant/<br>Non-compliant/<br>Not applicable | Description  |
|-----------|---|---|--|--|
|           |   |   |  | must be considered non-compliant with the specific wording of the EPBC 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/<br>Property Developer | Compliant                                      | Construction of the final development was completed in 2021. 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 north-western 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/<br>Property Developer | Compliant                                      | Construction of the final development was completed in 2021. Aerial imagery confirms that a minimum of 1 established tree per 20 linear metres has been planted along the entire length of the set back zones.   |
| 4 e)      | Ensure service entries or waste collections facilities do not face Anzac Park East  | Suburban Land Agency/<br>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).<br><br>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/<br>Property Developer | Compliant                                      | Construction of the final development was completed in 2021. 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). <sup>6</sup><br><br>This condition is not applicable to Block 1 Section 132 or Block 1 Section 133, as these developments are not adjacent Anzac Park East. |

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

| Condition |  | Responsibility                              | Compliant/<br>Non-compliant/<br>Not applicable | Description   |
|-----------|--|---|--|---|
| 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 Parade (the use of vegetation buffers and angled lighting fixtures may be used to fulfil this requirement);  | Suburban Land Agency/<br>Property Developer | Compliant                                      | Construction of the final development was completed in 2021. External lighting plans were included in design drawings approved as part of the NCA Works Approvals.  |
| 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/<br>Property Developer | Compliant                                      | Construction of the final development was completed in 2021. Google Streetview imagery confirms the views of the memorials along Anzac Parade towards the development have a back drop 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/<br>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"> <li>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</li> <li>II. be implemented prior to the sale of any individual block</li> </ul> For the avoidance of doubt, the vegetation buffer need not extend across the roads illustrated at Figure 5 (Annexure A). | Suburban Land Agency/<br>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.<br><br>A Landscape Master Plan was also prepared for the project, demonstrating the vegetation buffer (dated 16 May 2013). |

| Condition |   | Responsibility                           | Compliant/<br>Non-compliant/<br>Not applicable | Description  |
|-----------|---|--|--|--|
| 4 k)      | <p>Monitor the success of the vegetation buffer in meeting its intended purpose.</p> <p>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 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> | Suburban Land Agency/ Property Developer | Compliant                                      | <p>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.</p> <p>The vegetation buffer remains in good condition.</p>                          |
| 5         | <p>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</p>  | Suburban Land Agency/ Property Developer | Not applicable                                 | <p>SLA notified the Department of the execution of sale on 6 February 2014, which is prior to the date range of this compliance report.</p> <p>The 2018 Annual Compliance Report and the 2021 Annual compliance report provided details of compliance with this condition.</p> |

| Condition |  | Responsibility       | Compliant/<br>Non-compliant/<br>Not applicable | Description  |
|-----------|--|----------------------|--|--|
|           | <p>with the heritage values of the surrounding context.</p> <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 | Not applicable                                 | <p>The action commenced on 3 October 2013, which is prior to the date range of this compliance report.</p> <p>Compliance issues relating to previous reporting periods were addressed in the 2018 Annual Compliance Report and the 2021 Annual Compliance Report.</p>  |
| 7         | <p>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.</p>                   | Suburban Land Agency | Non-compliant                                  | <p>Records of the action relevant to the responsibilities of the SLA have been largely maintained within the SLA electronic filing system.</p> <p>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.</p> <p>All development plans are reviewed by SLA before endorsement by the ACT Environment, Planning and Sustainable Development Directorate (EPSDD).</p> |

| Condition |   | Responsibility       | Compliant/<br>Non-compliant/<br>Not applicable | Description   |
|-----------|---|----------------------|--|---|
| 8         | <p>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.</p>  | Suburban Land Agency | Compliant                                      | <p>This 2022 Annual Compliance Report provides details of compliance or otherwise with the conditions of EPBC Approval 2012/6292 for the period 30 September 2021 to 30 September 2022.</p> <p>The 2021 Annual Compliance Report was provided to the Department on 29 June 2021 and is publicly available.</p> <p>Compliance issues relating to previous reporting periods were addressed in the 2018 Annual Compliance Report and the 2021 Annual Compliance Report.</p> <p>Ongoing annual reporting will be provided until 2043, or otherwise agreed with the Department.</p> |
| 9         | <p>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.</p>  | Suburban Land Agency | Not applicable                                 | <p>No direction has been made by the Minister.</p> <p>Umwelt (Australia) Pty Ltd were engaged by the SLA to undertake a review of its compliance with the EPBC Act Approval in 2018, 2021 and 2022. The respective Annual Compliance Reports summarise the findings.</p>  |
| 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</p> | Suburban Land Agency | Not applicable                                 | <p>No variation to the approved action has been proposed.</p>   |

| Condition |  | Responsibility       | Compliant/<br>Non-compliant/<br>Not applicable | Description                                      |
|-----------|--|----------------------|--|--|
|           | <p>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>   |                      |  |  |
| 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                                 | The proposed action commenced on 3 October 2013. |

| Condition |   | Responsibility       | Compliant/<br>Non-compliant/<br>Not applicable | Description  |
|-----------|---|----------------------|--|--|
| 13        | 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. | Suburban Land Agency | Non-compliant                                  | <p>The EPBC Act Approval, the OMP and Monitoring Program Reports have been published on the following website:<br/> <a href="https://www.planning.act.gov.au/tools-resources/plans-registers/register/offsets-register">https://www.planning.act.gov.au/tools-resources/plans-registers/register/offsets-register</a></p> <p>The 2021 Annual Compliance Report was published in June 2021, which is compliant with the condition.</p> <p>It is anticipated that the Yarralumla Equestrian Park – Golden Sun Moth Monitoring Report 2021 will be uploaded shortly. While it was scheduled to be published, issues arose with web accessibility, which are currently being resolved. SLA notes that this is more than 1 month of the report being approved therefore resulting in non-compliance.</p> <p>The updated OMP and attached Weed Management Plan will be uploaded to the website as they are completed.</p> <p>Compliance issues relating to previous reporting periods were addressed in the 2018 Annual Compliance Report and the 2021 Annual Compliance Report.</p> <p>Any future Annual Compliance Report and updated management plans will be uploaded to the website as they become available.</p> |