



ACT
Government



Compliance Report

Ngunnawal Estate 2C environmental offset site

(EPBC 2010/5648)

1st May 2016– 30th April 2017

Version 1 April 2017

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

This report demonstrates how the Land Development Agency (LDA) and the ACT Parks and Conservation Service (PCS) have complied with the conditions in the approval decision for the Ngunnawal Estate 2C development (EPBC 2010/5648).

Specifically, the LDA (the proponent) are responsible for complying with conditions 2 and 9 in the approval decision. PCS are responsible for complying with condition 3 and 4. The LDA and the PCS are jointly responsible with for complying with conditions 1, 5, 6, 7 and 8 in the approval decision.

In addition, this report also demonstrates how the ACT Parks and Conservation Service has implemented the management plan for the Bonner 4 environmental offset site on behalf of the LDA (the proponent).

The ACT Parks and Conservation Service form part of the Environment Planning and Sustainable Development Directorate

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: THOMAS GORDON

Position: EXECUTIVE DIRECTOR, GREENFIELD

Organisation: LAND DEVELOPMENT AGENCY

Date: 27 APRIL 2017

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: Daniel Iglesias

Full name: Daniel Iglesias

Position: Director

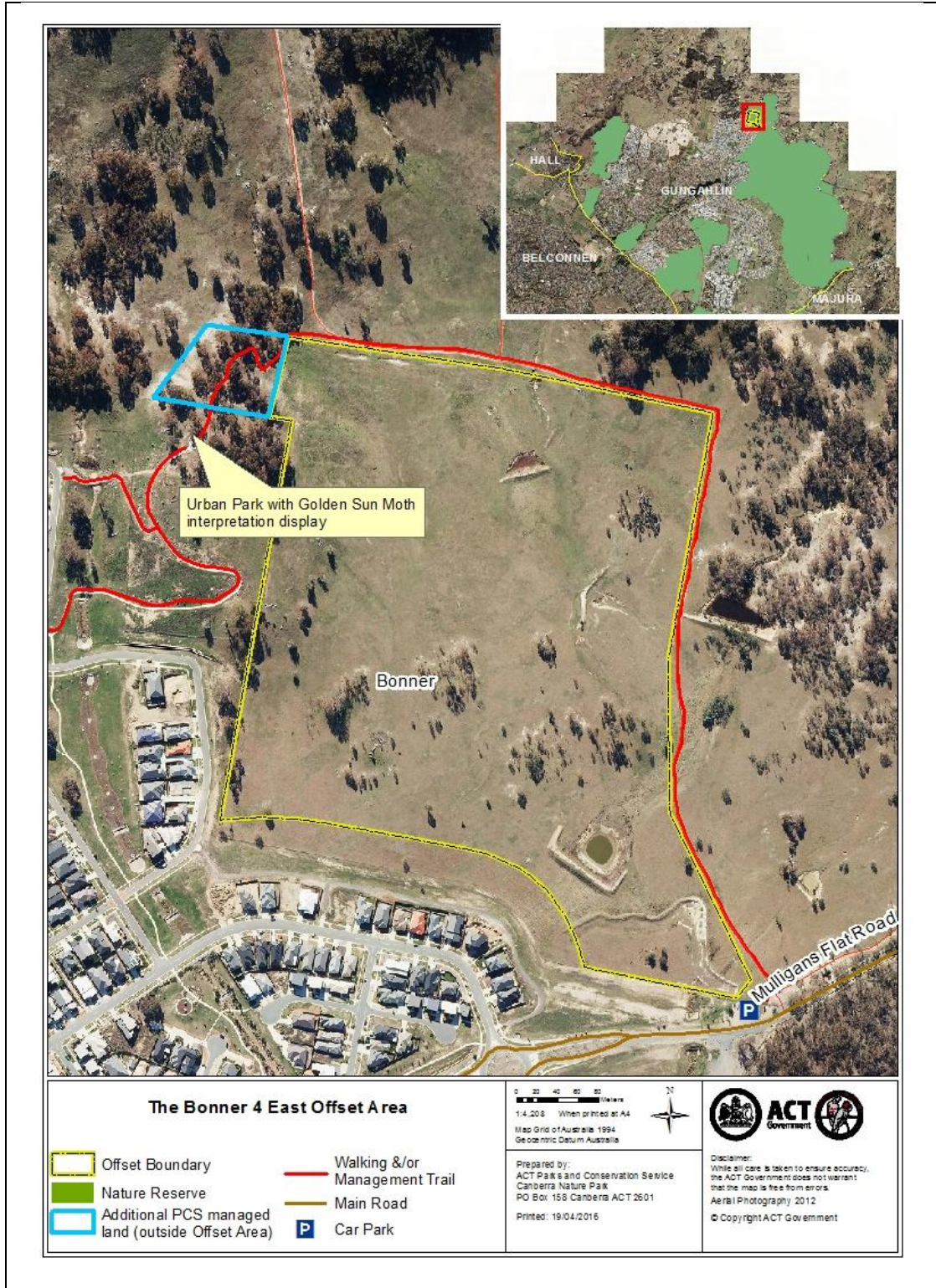
Organisation: ACT PARKS AND CONSERVATION SERVICE

Date: 28 APRIL 2017

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Location and Boundary of the Bonner Offset Area



Compliance with conditions in EPBC Approval Decision

Condition Number	Condition	Responsibility	Compliant / Non-compliant / Not applicable	Description
1.	<p>To offset impacts on the Golden Sun Moth (<i>Synemon plana</i>), the person taking the action must develop a plan, to be approved by the Minister, to protect and manage the offset area at Bonner 4 East for Golden Sun Moth habitat. The plan must include measures to:</p> <ul style="list-style-type: none"> a. provide a map of the offset area at Bonner 4 East; b. outline the process and timing for incorporating the Bonner 4 East offset area within Mulligans Flat Nature Reserve; and c. conserve the Bonner 4 East offset area as Golden Sun Moth habitat, including contribution of \$200,000 to a trust fund to facilitate fencing and management of the offset area in perpetuity. 	LDA/PCS	Compliant	Complete. The offset management plan is published on the EPSDD Offsets Register
2.	Within 10 business days of commencement of the action, the person taking the action must advise the Minister in writing the actual date of commencement.	LDA	Non-compliant	The civil contractor, Village Building Company for Ngunnawal 2C, took possession of the development site on 19 th June 2012 to commence construction. The Commonwealth was notified in writing on 25 July 2014, via the civil contractor.

Condition Number	Condition	Responsibility	Compliant / Non-compliant / Not applicable	Description
3.	If the person taking the action wishes to carry out any activity otherwise than in accordance with the plan referred to in Condition 1, the person taking the action must submit for the Minister's written approval a revised version of the plan. The varied activity shall not commence until the Minister has approved the varied plan in writing. If the Minister approves a revised plan, that plan must be implemented in place of the plan originally approved. Unless the Minister has approved the revised plan, then the person taking the action must continue to implement the plan originally approved, referred to in Condition 1.	PCS	Compliant	The offset area is being managed in accordance with the offset management plan by PCS.
4.	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities to do so, the Minister may request that the person taking the action make specified revisions to the plan approved pursuant to Condition 1 and submit the revised plan for the Minister's written approval. The person taking the action must comply with any such request. The revised approved plan must be implemented. Unless the Minister has approved the revised plan, then the person taking the action must continue to implement the plan originally approved, referred to in Condition 1.	PCS	Not applicable	

Condition Number	Condition	Responsibility	Compliant / Non-compliant / Not applicable	Description
5.	By 30 April of each year after the commencement of the action, the person taking the action must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans as specified in the conditions. Non-compliance with any of the conditions of this approval must be reported to the Department at the same time as the compliance report is published.	LDA/PCS	Non-compliant	<p>The publication dates for compliance reports due annually by 30th April prepared as part of this approval decision were as follows:</p> <ul style="list-style-type: none"> • 2015-16 Report – 28th April 2016 • 2014-15 Report – 15th May 2015 • 2013-14 Report – 29th July 2014 • 2012-13 Report – 30th May 2013 <p>To address this non-compliance, PCS and the EPSDD communications team has developed formal procedures for the preparation and publication of EPBC compliance reports. These procedures have been approved by EPSDD Executive and will be implemented by EPSDD staff.</p>
6.	Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister	LDA/PCS	Not applicable	
7.	Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans and reports referred to in these conditions of approval on their website. Each plan and report must be published on the website within 1 month of being finalized.	LDA/PCS	Non-compliant	<p>The publication date for the Bonner 4 East Offset Management Plan prepared as part of this approval decision was 13th May 2014.</p> <p>This plan was published outside the 30 day publishing timeline. All approved plans are now centrally published on the EPSDD Offsets Register . The Bonner 4 Offset Management Plan (2016-2021) was approved and uploaded in August 2016</p>

Condition Number	Condition	Responsibility	Compliant / Non-compliant / Not applicable	Description
8.	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the above conditions of approval, including measures taken to implement the plan required by this approval, and make them available upon request to the department. Such records may be subject to audit by the department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicized through the general media.	LDA/PCS	Compliant	The LDA and PCS are maintaining all information on the implementation of the actions in the offset management plan.
9.	If, at any time after five years from the date of this approval, the Minister notifies the person taking the action in writing that the Minister is not satisfied that there has been substantial commencement of the action, the action must not thereafter be commenced without the written agreement of the Minister.	LDA	Not applicable	

Implementation of the Offset Management Plan

The following table describes how the ACT Parks and Conservation Service (Territory and Municipal Services Directorate) has undertaken the management actions described within the Offset Management Plan for the 2015-16 reporting season on behalf of the Land Development Agency (the proponent).

Activity	Description	Estimated Timeframe for Completion (as described in OMP)	Comments	Expenditure (ex. GST) within the 2016-17 reporting season
Planning and Review				
Biomass management	In co-operation with Divisional Ecologists determine the need for regular stock grazing to deliver defined ecological and fire fuel reduction objectives.	2011-12	<ul style="list-style-type: none"> The biomass within the offset site is being managed at levels suitable for the golden sun moth and from a bushfire fuel management perspective. The outer asset protection zone was mown in January to reduce the fuel load. 	-
Offset Management Plan (revised)	The offset management plan will be reviewed and updated within the 2015-2016 financial year.	Not applicable	<ul style="list-style-type: none"> The Bonner Offset Management Plan (2016-2021) was approved and uploaded to the EPSDD Offsets Register in August 2016 	-
Assets and Infrastructure				
Access	In keeping with the Access Plan and subject to EIS, construct low impact walking tracks, localised piped earthen overpasses to allow for all weather access of management and emergency vehicles.	2012-13	<ul style="list-style-type: none"> Track construction complete. Established walking tracks, stiles and track markers are being monitored to ensure condition maintained. Fencing was removed to provide flow into the abutting Little Mulligan's Reserve Outside of the offset area on the eastern boundary there are four pre-existing localised piped earthen overpasses which are monitored and maintained as required. 	-
General Signage	Design, construct and install reserve signage to identify the reserve to the public including use related information.	2011-12	<ul style="list-style-type: none"> All signage has been maintained as required. 	-

Activity	Description	Estimated Timeframe for Completion (as described in OMP)	Comments	Expenditure (ex. GST) within the 2016-17 reporting season
Interpretation Signage	Design, construct and install interpretative signage.	2013-14	<ul style="list-style-type: none"> All signage has been maintained as required. 	-
Weeds and Vertebrate Pests				
Weed control	Prioritised weed control with particular emphasis on grassy weeds such as St John's Wort, Chilean Needle Grass and Serrated Tussock. Carry out control activity as required.	Ongoing	<ul style="list-style-type: none"> Weed control was undertaken across the offset for: <ul style="list-style-type: none"> Serrated Tussock – May 2016 Patterson's Curse – November 2016 Thistles – December 2016 St John's Wort – Jan 2016 Woody Weeds – February 2017 Grassy weeds will be treated in April 2016. 	\$17,932
Vertebrate pest control	Prioritised pest control, particularly rabbits and foxes. Carry out control activity as required.	Ongoing	<ul style="list-style-type: none"> One active rabbit warren exists adjacent to the offset. It is located under the base of a large eucalypt tree, making treatment difficult. The warren is treated on a regular basis and monitored regularly for re-establishment. 	In house
Monitoring			<ul style="list-style-type: none"> Golden Sun Moth Surveys were undertaken over summer of 2015/16. The report was produced and approved June 2016 	\$2820

Activity	Description	Estimated Timeframe for Completion (as described in OMP)	Comments	Expenditure (ex. GST) within the 2016-17 reporting season
Staffing and operational expenses	PCS has engaged a Senior Ranger, (0.1 of a full time position) to assist the delivery of the actions outlined in the offset management plan.	Not applicable	<ul style="list-style-type: none"> • Funding from the Bonner 4 East budget is not allocated to staffing or resources. • Staffing and resources are funded by the overall offsets program. • Equipment for reserve maintenance and monitoring was purchased (e.g. GPS, fencing tools and supplies) 	\$2672
Training	PCS is committed to training personnel in the requirements and appropriate management of offset sites	Not applicable		
			Total expenditure (2016-17 reporting season)	\$23,424
			Total expenditure (all years)	\$94,490
			Total remaining budget	\$93,508

**Golden Sun Moth Monitoring Results
Bonner 4 East**

Four transects of varying length were established in the Bonner 4 East survey area according to the coordinates provided by CPR. Transects were aligned in an east to west direction 100 m apart and had a total length of 2.1 km.

Two transect surveys were conducted on the 30 November 2015 and 14 December 2015. Weather conditions during the surveys are presented in Table 1.

Twenty eight moths were observed over 30 minutes during the first survey (Table 1). No moths were observed over 30 minutes during the second survey (Table 1). During the first survey, moths were observed at an average rate of 1.3 moths per 100 m transect segment. GSM records were distributed across the majority of the site, although in low numbers in the north of the site. The highest number of moths observed in a single transect segment was 7. The level of moth activity observed corresponds to low levels of activity according to the abundance rating of Hogg (2010). Figure 8 shows the maximum number of moths observed in each transect section.

Table 1. Weather conditions during GSM surveys at Bonner 4 East.

Survey	Survey Date	Survey Time	Temperature	Wind	Weather
1	30 Nov 2015	1330 - 1400	26 - 28°C	5.6-12 km/h NW	Hot, some cloud. Last rain 15 Nov 2015 (1.2 mm). Max temp 28.4°C Min temp 7.9°C
2	14 Dec 2015	1315 - 1345	29 - 31.9°C	2.5-7.1 km/h W	Hot, sunny and clear. Last rain 9 Dec 2015 (0.4 mm). Max temp 32.2°C Min temp 6.5°C

SMEC. (2016). *Golden Sun Moth Population and Habitat Monitoring Program 2015 Report*. Prepared for ACT Government, Territory and Municipal Services Directorate.