



Annual Compliance Report

**Residential development, Block 9 Section 64, Watson, and
extension of Negus Crescent**

(EPBC 2012/6418)

First Report - 29th November 2017

Prepared by the ACT Government

This report demonstrates how the Suburban Land Agency (previously known as the Land Development Agency), 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). Specifically:

- The Deed Management section in EPSDD are responsible for complying with conditions 1a, 1b, 1c, 1d, 1e, 1f, 1g, 1h and 1i;
- Lonsdale 28 Pty Ltd are responsible for complying with conditions 2 and 4;
- PCS are responsible for complying with conditions 3a, 3b-i, 3b-ii, 3b-iii, 3b-iv, 3b-v, 3c, and 3d; and
- **All parties** are responsible for complying with conditions 5, 6, 7 and 8.

In addition, this report also demonstrates how PCS has implemented the management plan for the Justice Robert Hope Park offset area on behalf of 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: Daniel Iglesias

Position: Director

Organisation: ACT Parks and Conservation Service

Date: 24 /11/2017

Signed

Full name: Brett Phillips

Position: Senior Manager

Organisation: Merit Assessment and Deed Management

Date: 27 /11/2017

Signed

Full name: John Pooley

Position: Development Director

Organisation: Suburban Land Agency

Date: 24 /11/2017

Signed

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Date: 27 /11/2017

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1. Location and Boundary of Justice Robert Hope Park

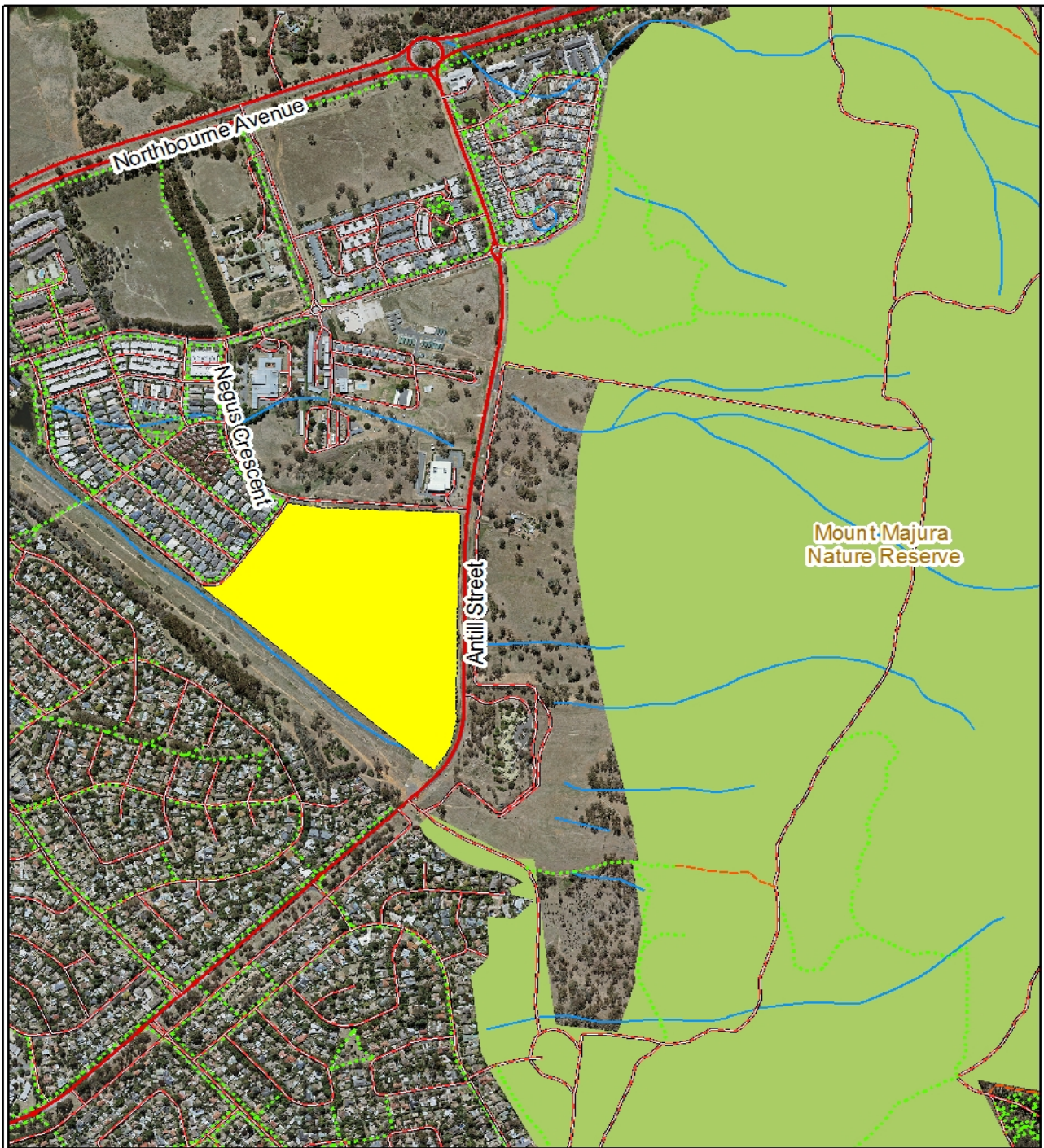


Figure 1 Location and Boundary of the Justice Robert Hope Park Offset Site

- Justice Robert Hope Park Offset Site
- Main Roads
- Drainage
- Nature Reserve

0 60 120 180 240 Meters
 1:10,680 When printed at A4
 Map Grid of Australia 1994
 Geocentric Datum Australia



Prepared by:
 ACT Parks and Conservation Service
 Canberra Nature Park
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 Printed: 14/12/2016

Disclaimer:
 While all care is taken to ensure accuracy,
 the ACT Government does not warrant
 that the map is free from errors.
 Aerial Photography 2014
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2. Compliance with conditions in EPBC Approval Decision

Condition Number	Condition	Responsibility	Compliant/Non-compliant / Not applicable	Description
1	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;	Deed Management	Compliant	Deed of Agreement reflected the EPBC Act requirements. Copy available on request (may have been provided already).
1a	Clearance of native vegetation on the development site must be no greater than 4.0 hectares;	Deed Management	Compliant	Development Site is only 2.991ha (refer DP 10994).
1b	As many mature trees as practicable should be retained on the development site;	Deed Management	Compliant	Development Site DA 201528681 approved on 28 February 2016. Approved Tree Management and Protection Plan Drawing D143 Rev 8 notes trees to be retained.
1c	All disturbances to Justice Robert Hope Park for the construction of the stormwater pipeline works must be contained within a 10 metre wide corridor;	Deed Management	Compliant	Fencing Control Plan required under the Deed was provided showing a 10m corridor for works in Justice Robert Hope Park (JRHP).
1d	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;	Deed Management	Compliant	Fencing Control Plan required under the Deed was provided showing a 10m corridor for works in JRHP.

Condition Number	Condition	Responsibility	Compliant/Non-compliant / Not applicable	Description
1e	Stormwater pipeline works must take best efforts to avoid disturbance of any 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;	Deed Management	Compliant	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 amended to address EPBC Act conditions and approved on 14 September 2016.
1f	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;	Deed Management	Compliant	TCCS DRC Operational Acceptance was achieved on 24 October 2017. There was a Nil Estimate of Outstanding Works at the time of Operational Acceptance. The landscaping is currently on a 26 month consolidation period
1g	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.	Deed Management	Compliant	See Description for 1f.
1h	Drainage measures must be designed and implemented to ensure that no runoff from the development site during or after construction enters Justice Robert Hope Park except as conveyed in underground stormwater pipes.	Deed Management	Compliant	Development site runoff conveyed into pit/pipes as per DA approval documentation. Existing overland flow paths were relied upon and the post development runoff was calculated as approximately 1/3 of the pre-development conditions.
1i	During construction, public access to Justice Robert Hope Park must be maintained at all times.	Deed Management	Compliant	Public Access Plan submitted to Deed Management prior to commencement of construction confirms access to JRHP is maintained at all times.

Condition Number	Condition	Responsibility	Compliant/Non-compliant / Not applicable	Description
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	Landscape plan and sediment control plan approved. Plans were not submitted within seven days.
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 Operational Management Plan (JRHPOMP) for the conservation and management of the Justice Robert Hope Park for the duration the impact occurs at the development site. The JRHPOMP must be submitted to the minister for approval within six months of substantial commencement at the development site. The JRHPOMP must include:	Parks and Conservation Service	Compliant	The offset management plan was due for submission to the Department of Environment and Energy on the 29th February 2017. The Plan was submitted on 28th February 2017. The Plan remains in draft form while PCS works to develop a planning and monitoring framework for all offset sites (ie to facilitate management of MNES within offsets at a landscape (rather than site specific) perspective).
3a	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;	Parks and Conservation Service	Compliant	Details of a monitoring program were included in the draft offset management plan.
3b	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:	Parks and Conservation Service	Compliant	Details were included in the draft offset management plan.

Condition Number	Condition	Responsibility	Compliant/Non-compliant / Not applicable	Description
3b i	Planting or seeding of native forbs and grasses consistent with the definition of EPBC Act listed Box-Gum grassy Woodland;	Parks and Conservation Service	Compliant	Details were included in the draft offset management plan.
3b ii	Weed management to meet statutory obligations;	Parks and Conservation Service	Compliant	Details were included in the draft offset management plan.
3b iii	Planting of trees consistent with the definition of EPBC Act listed Box-Gum Grassy Woodland;	Parks and Conservation Service	Compliant	Details were included in the draft offset management plan.
3b iv	Control of feral and domestic animals, and	Parks and Conservation Service	Compliant	Details were included in the draft offset management plan.
3b v	Control of unauthorised access, waste and pollution.	Parks and Conservation Service	Compliant	Details were included in the draft offset management plan.
3c	This condition has been removed – approved variation by the Department of Environment and Energy	Not applicable	Not applicable	Variation approved by the Department of Environment and Energy on 6 March 2017.
3d	Consultation with local park-care groups and relevant parties over the proposed implications of management outlined in the JRHOMP	Parks and Conservation Service	Compliant	Details were included in the draft offset management plan.
3e	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.	Parks and Conservation Service	Compliant	Details were included in the draft offset management plan.
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	The Department of Environment and Energy was formally notified of the date of substantial commencement on the 29th November 2016. The actual date of substantial commencement was the 29th August 2016.

Condition Number	Condition	Responsibility	Compliant/Non-compliant / Not applicable	Description
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 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, Deed Management and Parks and Conservation Service (within EPSDD) and Lonsdale 28 Pty Ltd	Compliant	Files are held by all parties responsible for compliance with the approval decision.
6	Within three months of every 12 month anniversary of substantial commencement of the action, the approval holder 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. 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	Compliant	This is the first report required for this development and associated offset and is published online.

Condition Number	Condition	Responsibility	Compliant/Non-compliant / Not applicable	Description
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 Minister and the audit report must address the criteria to the satisfaction of the Minister.	Suburban Land Agency, Deed Management and Parks and Conservation Service (within EPSDD) and Lonsdale 28 Pty Ltd	Not applicable	-
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, Deed Management and Parks and Conservation Service (within EPSDD) and Lonsdale 28 Pty Ltd	Not applicable	-

3. Implementation of the Draft Offset Management Plan

Activity	Description	Estimated time frame for completion (as described in OMP)	Comments	Expenditure (ex. GST) for the life of the project up to 15 November 2017
Activities Declaration	<ul style="list-style-type: none"> Prepare an Activities Declaration for the Justice Robert Hope Park Nature Reserve, as required under the ACT Nature Conservation Act 2014 	2016-17	Activity declaration signs will be erected at each of the main gates into the offset area once the PCS signage upgrade project is finalised in 2018.	Nil
Consult with ACT Heritage Unit	<ul style="list-style-type: none"> Inform the ACT Heritage Unit of operational or habitat restoration works which could impact potential cultural heritage sites within the offset sites. 	As required	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 OMP as part of first OMP review.	Nil
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. Any discovery of an Aboriginal place or object will be reported to the Heritage Council within five working days. 	As required	No new sites have been discovered thus far.	Nil
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). 	As required	A dial before you dig and survey for underground infrastructure was conducted prior to the removal and installation of the old and new boundary fence in May 2016.	Nil

Activity	Description	Estimated time frame for completion (as described in OMP)	Comments	Expenditure (ex. GST) for the life of the project up to 15 November 2017
Offset Management Plan development	<ul style="list-style-type: none"> Initial plan development 	Draft plan was due 29 th February 2017	The draft plan was submitted to the Department of Environment and Energy on 28 th February 2017	\$5,254
Offset Management Plan review	<ul style="list-style-type: none"> 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 2021 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 this OMP. 	Not applicable	Not yet due.	Nil
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. 	2017-18	The eastern and southern boundary fences as well as all other redundant internal fences were removed and the boundary reinstated with wildlife friendly stock proof fencing during April of 2017. The new boundary along the Southern side included one 14 foot farm gate for fire truck access and the Eastern Boundary included one vehicular farm gate, two self-closing pedestrian gates and wildlife/kangaroo gates.	\$24,969
Tracks and Trails	<ul style="list-style-type: none"> Construct new formed visitor discovery trail with track markers. Establish and maintain slashed management tracks 	2017-18 On-going as required.	In planning stage. Trail to be completed in 2018/19.	Nil

Activity	Description	Estimated time frame for completion (as described in OMP)	Comments	Expenditure (ex. GST) for the life of the project up to 15 November 2017
Reserve Signage	<ul style="list-style-type: none"> Install large reserve signage and small "Dogs on leash" signs. 	2017-18	Signage will be installed within 2017-18 financial year.	Nil
Reserve Signage	<ul style="list-style-type: none"> Replace existing interpretation signs. 	2018-19	Two old visitor interpretation signs at the Roma Mitchell Crescent boundary were removed prior to the construction of the storm water pipeline. These signs were poor condition prior to the acquisition of this reserve and will be reinstated with updated information for visitors within the next two years once the PCS signage upgrade project is finalised in 2018.	Nil
Waste	<ul style="list-style-type: none"> Waste will be removed from the offset site including old fencing materials and general litter as required. 	As required	Illegal access and some rubbish dumping occurred on one occasion prior to the erection of temporary fence along the Northern boundary of the reserve along the extension of Negus Crescent. This was quickly rectified via fence repair, rubbish removal and consultation with the developer. The bare ground resultant of the illegal access has now been revegetated with shrub plantings and the existing ground cover species have regrown.	Nil

Activity	Description	Estimated time frame for completion (as described in OMP)	Comments	Expenditure (ex. GST) for the life of the project up to 15 November 2017
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. • All weed control efforts to be mapped and reviewed annually to monitor effectiveness of weed control program. 	Annually	During 2016-17 all listed weed species were controlled mainly by a suitable qualified contractor but also by the WWWG volunteers.	\$15,092
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 	Annual	Rabbits were monitored in Winter of 2016 via spotlight transect which detected 7 rabbits per kilometre of transect. Warrens were also mapped with 23 found and marked in the reserve and 32 warrens mapped in the neighbouring Government owned lands. All mapped rabbit warrens were treated by fumigation.	\$6,375

Activity	Description	Estimated time frame for completion (as described in OMP)	Comments	Expenditure (ex. GST) for the life of the project up to 15 November 2017
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 2017/18	700 tube stock (400 shrubs and 300 forbs) were planted in Winter 2017. Species were selected in consultation with the local volunteer group WWWG based on the EPBC Act list of species which are known to make up White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grass Land. 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.	\$12,226
Woody debris relocation	<ul style="list-style-type: none"> If available, woody debris will be sourced from the Development site and placed appropriately in consultation with the WWWG 	2016-17	During the Winter of 2017 wood from approximately 12 felled Yellow Box trees from the neighbouring development site were placed around the reserve to serve as habitat logs for invertebrates. Placement sites were determined in consultation with the WWWG volunteers.	Nil
Increasing habitat for hollow nesting animals	<ul style="list-style-type: none"> Investigate options to increase the nesting habitat for birds and arboreal mammals. 	2018-19	Not yet due.	Nil

Activity	Description	Estimated time frame for completion (as described in OMP)	Comments	Expenditure (ex. GST) for the life of the project up to 15 November 2017
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	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 will be conducted for the first time in October of 2018 after the completion of the water pipe installation and a year settling period. Anecdotally the Reserve ranger observed frogs calling and reproducing within the silt/storm water collection pond along Roma Mitchell Crescent immediately after the water pipe was installed in late September of 2017.	Nil

Activity	Description	Estimated time frame for completion (as described in OMP)	Comments	Expenditure (ex. GST) for the life of the project up to 15 November 2017
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. 	On-going requirement	<ul style="list-style-type: none"> Monitoring of the existing plots was conducted in September 2016 by a suitably qualified consultant. Six of the plots recorded floristic value scores ranging from 1 – 5.1, indicating low conservation value. One of the plots (3) recorded a FVS of 24.2, due to the presence of a high diversity of forbs, as a result of supplementary plantings. Comparisons with monitoring data recorded in 2014 indicate that the site is stable, and that the forb plantings at plot 3 are persisting. A full report on the results of the monitoring program is available on the PCS offsets website Mapping of condition classes within the Box Gum Woodland community are being mapped in Spring 2017. 	\$12,684
Hoary Sunray monitoring	<ul style="list-style-type: none"> 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. 	On-going requirement	<p>Baseline data for the Hoary Sunray populations was collected by PCS staff in October 2017.</p> <p>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.</p>	In house
Photo monitoring	<ul style="list-style-type: none"> To be undertaken as part of the Box Gum Woodland monitoring. 	On-going requirement	This was undertaken as part of the Box Gum Woodland monitoring contract.	Nil

Activity	Description	Estimated time frame for completion (as described in OMP)	Comments	Expenditure (ex. GST) for the life of the project up to 15 November 2017
Staffing	<ul style="list-style-type: none"> 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 position	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 four offsets areas managed by the ranger and therefore, the expenditure on salary is weighted accordingly.	Staff: \$85,246 Vehicle: \$13,619
Training	<ul style="list-style-type: none"> 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	-	\$2,960
Total expenditure (ex. GST. all years)				\$178,425*

***Note:** to ensure that the annual reports most accurately reflect expenditure from year to year, the annual financial reporting cycle will start and complete 2 weeks prior to the date the reports are due, i.e. for this report (due 29th November) the figures include expenditure (based on invoices received) up to 15th November 2017.