

GOOGONG

19 August 2015

Mr. Shane Gaddes  
Assistant Secretary  
Compliance and Enforcement Branch  
Department of the Environment

C/O- Mr. Kynan Gowland  
Director  
Approvals Monitoring North Section  
Department of Sustainability, Environment, Water, Population and Communities  
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Dear Mr. Gaddes,

#### **GOOGONG TOWNSHIP – EPBC 2011/5829, CONDITION 6 COMPLIANCE REPORT**

I write to you to satisfy Condition 6 of the EPBC Act Approval of Googong township (Ref EPBC 2011/5829), which states the following.

6. *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 and strategies 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.*

Each of the Conditions of Approval (CoA) is repeated in italics below followed by a statement of compliance as of 19 August 2015.

1. *The person taking the action must prepare and submit a Pink-tailed Worm-lizard Protection and Management Plan for the Minister's approval for the protection of Pink-tailed Worm-lizard (*Aprasia parapulchella*). The plan must include:*
  - i. *Details of the establishment of the Pink-tailed Worm-lizard Conservation Area;*
  - ii. *Management measures to mitigate construction impacts;*
  - iii. *Measures for the management of the Pink-tailed Worm-lizard Conservation Area for before and after the conservation area's dedication to Queanbeyan City Council or other appropriate authority;*
  - iv. *Maps showing fences and other infrastructure;*
  - v. *Details of legal mechanisms to protect the conservation area in perpetuity; and*
  - vi. *Provision for public comment on the draft plan.*

#### **GOOGONG TOWNSHIP PTY LIMITED**

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Googong Township Pty Limited ACN 154 514 593 as trustee for Googong Township Unit Trust

*The plan must be submitted to the Minister for written approval within 6 months of the date of this approval.*

*The person taking the action must not commence construction within 50m of Pink-tailed Worm-lizard habitat until the Minister has approved the plan.*

The Pink-tailed Worm-lizard Protection and Management Plan (PTWL-P&MP) (Version 2, dated 4 July 2012) was prepared by Biosis on behalf of Googong Township Pty Ltd (GTPL) pursuant to CoA1 and was approved by the Minister's Delegate, Charmayne Murray, on 17 July 2012. As detailed in the PTWL-P&MP, the trigger for commencement of works to establish, protect and improve the PTWL habitat within the PTWL Conservation Area is the commencement of construction works within 50m of the identified Pink-tailed Worm-lizard habitat (referred to as the 'Year 0 Trigger Line').

The PTWL-P&MP has undergone four revisions subsequent to the initial approval. The current version, PTWL-P&MP Version 5, dated 6 July 2014, was submitted to the Department of the Environment (the 'Department') on 16 July 2014 and was approved by the Minister's Delegate, Shane Gaddes, on 2 September 2014.

Inline with GTPL's development program, residential subdivision construction works were predicted to commence within the Year 0 Trigger Line in May 2015. As such, given the seasonal requirements for effective PTWL capture and translocation into the PTWL Conservation Area (i.e. suitable weather in spring), establishment of Stage 1 of PTWL Conservation Area boundary (and associated works: fence construction, rock collection and movement, PTWL capture and translocation etc) occurred during spring 2014. These works were undertaken in accordance with the approved PTWL-P&MP Version 5. Specifically, the following works have been completed to date for the establishment of Stage 1 of the PTWL Conservation Area.

- a. During September 2014 GTPL engaged a registered surveyor to survey and mark Stage 1 of the PTWL Conservation Area boundary. Pegs were installed at 10m intervals along the length of the Stage 1 boundary.
- b. On 4 and 5 November 2014 a Biosis ecologist assisted by a team with a small loader worked across all the mapped PTWL located outside of the PTWL Conservation Area and within the Neighbourhood 1B development footprint. In total 29 tonnes of suitable habitat rocks were collected, transported into the PTWL Conservation Area and scattered to augment 'low' and 'moderate' quality habitat. Two PTWL individuals were found during the rock translocation, these were moved into the PTWL Conservation Area and released under the newly placed rocks.
- c. Construction of the PTWL Conservation Area boundary fence (including suitably located gates) along Stage 1 of the PTWL Conservation Area boundary was completed during August 2015. The fence has been constructed in accordance with the specifications provided in Section 2.2.1 of the PTWL-P&MP.

- d. GTPL engaged a qualified weed control contractor to undertake an intensive program of woody weed control/removal between November 2014 and January 2015. This initial weed control primarily targeted Blackberry and Sweet Briar (treatment via poisoning and physical removal) and covered the entire PTWL Conservation Area.
  - e. Ecologists and weed control contractors working in the PTWL Conservation Area have maintained appropriate surveillance on an ongoing basis for newly established Serrated Tussock (*Nassella trichotoma*) plants. Several small plants were located in January 2015 and these were removed.
  - f. GTPL in conjunction with the ACT Government Parks & Conservation Service (ACT-PCS) - Googong Foreshores have agreed to jointly manage the feral pig population within the PTWL Conservation Area and the adjacent Googong Foreshores. The ACT-PCS officers reported during the 14 May Working Group meeting that the first month of the control program had resulted in the trapping and euthanasia of 30 feral pigs.
2. *To prevent impacts on listed threatened species and ecological communities, and the environment on Commonwealth land, the person taking the action must prepare and submit a Googong Foreshores Interface Management Strategy for the Minister's approval. The strategy must include measures to:*
- i. *Induct construction workers and contractors about requirements to protect threatened species and the environment on Commonwealth land;*
  - ii. *Provide indicative environmental management checklists to assist with monitoring the implementation of environmental obligations during construction works;*
  - iii. *Establish and maintain fences;*
  - iv. *Identify and implement erosion sediment control measures;*
  - v. *Identify and implement appropriate weed hygiene measures;*
  - vi. *Protect and maintain the Googong Foreshores buffer area;*
  - vii. *Provide details of financial contributions for the publishing, monitoring and review of the Googong Foreshores Plan of Management;*
  - viii. *Provide details of financial contributions for capital and recurrent costs associated with the implementation of Googong Foreshores Plan of Management;*
  - ix. *Manage community and water supply impacts, including measures from the Queanbeyan Local Environmental Plan (Googong) 2009;*
  - x. *Provide details of an environmental education program, which must include information about the protection of water quality in the Googong reservoir;*
  - xi. *Indicate timing and frequency of monitoring to determine impacts and effectiveness of mitigation measures;*
  - xii. *Provide performance indicators, specifying outcomes to be achieved and reports of compliance at key milestones;*

- xiii. Undertake corrective actions if management measures are not achieved;
- xiv. Clearly state the person or persons responsible for each management measure; and
- xv. Provide details of how the area to be managed under the Googong Foreshores Interface Management Strategy will be managed in perpetuity.

*The area to be managed under the Googong Foreshores Interface Management Strategy is defined by Figure 1 at Appendix 1. This map must be included in the Googong Foreshores Interface Management Strategy.*

*The person taking the action must not commence construction of neighbourhoods 1B, 4 or 5 as defined by Figure 8 at Appendix 2, until the Minister has approved the strategy.*

*The approved Googong Foreshores Interface Management Strategy must be implemented.*

Developed in accordance with CoA 2 by Biosis on behalf of GTPL, Version 2 of the GFIMS (dated 16 December 2013) was submitted for Ministerial approval on 16 December 2013 and was approved by the Minister's Delegate, Shane Gaddes, on 20 December 2013.

The GFIMS was subsequently revised to incorporate alterations to the form and extent of the PTWL Conservation Area identified as necessary during detailed design of the adjoining Googong Township Neighbourhood 1B. The resulting GFIMS Version 3, dated 7 July 2014, was submitted to the Department on 16 July 2014 and was approved by the Minister's Delegate, Shane Gaddes, on 2 September 2014.

As committed to in the GFIMS, GTPL assisted by Biosis and in collaboration with Googong Foreshores Township Interface Working Group (Working Group) has developed and implemented the components of the Googong Township Environmental Education Program (EEP) which relate to the protection of water quality in the Googong Reservoir. In accordance with the GFIMS, these components (including a Welcome Information Pack, information on [googong.net](http://googong.net), the Googong Facebook page, the quarterly newsletter and the first of a series of seminars and events) were implemented within six months of the date of the approval of the GFIMS and were presented at the 14 May Working Group meeting. In addition to this GTPL and ACT-PCS will work in collaboration to develop interpretive signage which will be displayed in the open space areas of Googong township. This signage will educate future residents and visitors regarding the importance of the Googong township water treatment network as well as the flora, fauna and ecological communities of the Googong region.

As summarised in Table 13 (page 89) of the GFIMS, numerous other commitments of the GFIMS are required to occur *prior to the issue of a Subdivision Certificate for the creation*

*of residential lots in each adjacent Neighbourhood of Googong Township'. These include initial weed mapping and control and the establishment of fencing Boundary Types 1 and 2 for the relevant section of the boundary.*

The DA was approved for the adjacent Neighbourhood 1B by the Joint Regional Planning Panel (on behalf of Queanbeyan City Council) on 4 May 2015. Accordingly, GTPL commissioned the works required to meet the relevant GFIMS commitments as detailed in the approved GFIMS Version 3. Specifically, the works required were those also required for establishment of the PTWL, being the:

- a. Construction of the 'Type 1' fence along Stage 1 as illustrated in Figure 9.1 of the GFIMS.
- b. Completion of an intensive program of woody weed control/removal throughout the portions of the GFIMS Area adjacent to NH1B.

The above listed works were commissioned by GTPL and completed prior to 4 May 2015.

3. *Following approval of the Googong Foreshores Interface Management Strategy and prior to commencement of construction of neighbourhoods 1B or 5, the person taking the action must establish a committee that would oversee the implementation of the Googong Foreshores Interface Management Strategy and;*
  - i. *Invite relevant stakeholders to sit on the committee, including representatives from relevant government agencies;*
  - ii. *Call committee meetings in May and November of each year to consider and determine responses to issues associated with implementation of the Googong Foreshores Interface Management Strategy until all its obligations under the Googong Foreshores Interface Management Strategy have been met and land subdivision and water cycle project works have been completed;*
  - iii. *Ensure the committee meets at least once per year;*
  - iv. *Chair all meetings of the committee and circulate minutes to all representatives and the Minister; and*
  - v. *Oversee the annual review of the Googong Foreshores Interface Management Strategy as required by condition 6.*

Prior to referring Googong Township to the Department as a potential controlled action under the EPBC Act, GTPL (formerly Googong Development Corporation) undertook extensive consultations with key stakeholders which led to the establishment of the Googong Foreshores Township Interface Working Group (Working Group).

Since approval of Googong Township, Working Group meetings have continued to monitor and advance the resolution of issues arising in the planning and development of Googong township and its interface with the Googong Foreshores and Matters of National Environmental Significance. In particular, the early Working Group meetings and

site tours focused on the preparation of the PTWL-P&MP and the GFIMS. More recent meetings (i.e. 2014-15) have focused on the implementation of the measures committed to in these documents.

GTPL has called and chaired each meeting and distributed minutes to all invitees.

The Working Group is comprised of representatives of the Department of the Environment, ACT Parks and Conservation, Icon Water (previously Actew Water), Queanbeyan City Council, the Department of Finance and Googong Township Pty Ltd.

On 30 November 2012 the Department advised that the Working Group may be considered to be the committee required by CoA 3.

4. *To prevent impacts on the Hoary Sunray (*Leucochrysum albicans* var. *tricolor*) during construction, the person taking the action must fence and sign 'no go areas' of Hoary Sunray habitat in the vicinity of the Bulk Water Pumping Station and existing ACTEW Googong Water Treatment Plant.*

The Hoary Sunray populations identified in the EPBC Act referral of the Googong Township were protected from impacts during construction by the installation of appropriate fencing and 'no go area' signage.

Construction works for the Bulk Water Pumping Station and associated infrastructure are now complete and the Hoary Sunray populations have not been impacted upon.

5. *Within 30 days from the commencement of the action, the person taking the action must advise the department in writing of the actual day of commencement.*

On 26 June 2012, GTPL notified the Department of the commencement of the action. On 4 June 2012 GTPL provided possession of site of Stages 1 & 2 of Neighbourhood 1A to the civil contractor who commenced work shortly after that date.

6. *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 and strategies as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance within any of the conditions of this approval must be provided to the department at the same time as the compliance report is published.*

This compliance report is the third compliance report required by CoA 6 (the first dated 10 September 2013 and the second dated 29 July 2014). This report is being provided to the Department and will be published on [www.compliance.googong.net](http://www.compliance.googong.net).

As described in this compliance report, compliance with each CoA has been achieved to date. No non-compliance with the CoA has occurred.

7. *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 by the Minister and the audit report must address the criteria to the satisfaction of the Minister.*

The Minister has not requested an independent audit of compliance with the CoA.

8. *If the person taking the action wishes to carry out any activity otherwise than in accordance with the plan or strategy referred to in conditions 1 and 2, the person taking the action must submit for the Minister's written approval a revised version of any such plan or strategy, that plan or strategy must be implemented in place of the plan or strategy originally approved. Unless the Minister has approved the revised plan or strategy, then the person taking the action must continue to implement the plan or strategy originally approved, referred to in conditions 1 and 2.*

As detailed under the responses to CoA 1 and CoA 2, both the PTWL-P&MP and GFIMS have been revised in order to permit the action to occur in a manner which differs from that specified in the original/previously approved version/s of the relevant plan and strategy. Each revision has been prepared by Biosis on behalf of GTPL and submitted to the Department for Ministerial approval. GTPL has ensured receipt of the corresponding approval prior to commencing any works other than those permitted by the original/previous approval.

9. *If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities and Commonwealth land to do so, the Minister may request that the person taking the action make specified revisions to the plan or strategy approved pursuant to conditions 1 and 2 and submit the revised plan or strategy for the Minister's written approval. The person taking the action must comply with any such request. The revised approved plan or strategy must be implemented. Unless the Minister has approved the revised approved strategy, then the person taking the action must continue to implement the plan or strategy originally approved, referred to in conditions 1 and 2.*

The Minister has not requested any revisions to be made to the plan or strategy listed in CoA 1 and 2.

10. *If, at any time after five (5) 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.*

The action commenced in June 2013.

- 11. 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 the management plan or strategy required by the 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 Environmental Protection and Biodiversity Conservation Act 1999, 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.*

Records of compliance with the CoA are being maintained by GTPL and are available for provision to the Minister on request.

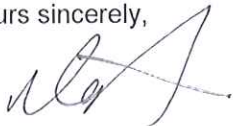
- 12. Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans or strategies (however described) referred to in these conditions of approval on their website. Each plan or strategy must be published within one (1) month of being approved.*

The currently approved plans and strategies and their corresponding website links are as follows.

1. Pink-tailed Worm-Lizard Protection and Management Plan (Version 5, dated 6 July 2014), prepared and approved in accordance with CoA1.  
<http://compliance.googong.net/upload/pdfs/project-documents/P&MP%20v5.pdf>
2. Googong Foreshores Interface Management Strategy (Version 3, dated 7 July 2014), prepared and approved in accordance with CoA2.  
<http://compliance.googong.net/upload/pdfs/project-documents/18082.GFIMS.V3.RES07072014.pdf>

I am happy to discuss any questions you may have.

Yours sincerely,



**Matthew Frawley**  
Landscape Manager