



GOOGONG

12 August 2016

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

C/O- Mr. Alex Taylor
Acting Director
Monitoring and Assurance
Department of Environment and Energy
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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 12 August 2016.

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 Pty Ltd 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.

As detailed in the 2015 compliance report, works to establish Stage 1 of PTWL Conservation Area boundary (fence survey and construction, rock collection and movement, PTWL capture and translocation etc.) occurred from September 2014 to August 2015. An intensive program of woody weed control/removal was also conducted between November 2014 and January 2015.

The development works which will trigger the requirement to establish Stage 2 of the PTWL Conservation Area boundary are currently projected to commence in 2027-30. As such, no construction or impacts beyond the establishment of Stage 1 have occurred to date.

In accordance with the PTWL-P&MP, the following measures have occurred since the 2015 compliance report.

- a. On 1 October 2015 a PTWL monitoring event was undertaken by Capital Ecology Pty Ltd. The 2015 monitoring event recorded PTWL at numerous locations within the PTWL Conservation Area, with greater numbers (i.e. 38) recorded than the 2013 monitoring event (25) and far greater numbers than the 2010 survey (13). These numbers are likely to reflect uncontrollable variation in specific factors which influence PTWL utilisation of rocks (timing, conditions etc.), rather than to indicate a longitudinal positive trend in PTWL abundance. Notwithstanding this, the higher numbers recorded, together with the observed presence of juvenile PTWL, are positive indications of the ongoing health of the population within the PTWL Conservation Area.

- b. GTPL engaged a qualified weed control contractor to undertake a second season of intensive woody weed control/removal (between November 2015 and January 2016). This follow-up weed control primarily targeted reshooting Blackberry and Sweet Briar (treatment via poisoning and physical removal) and covered the entire PTWL Conservation Area.
 - c. GTPL, in conjunction with the ACT Government Parks & Conservation Service (ACT-PCS) - Googong Foreshores, have continued the measures implemented to manage the feral pig population within the PTWL Conservation Area and the adjacent Googong Foreshores.
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, 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 detailed in the 2015 compliance report, in accordance with the commitments in the GFIMS, the below measures were implemented or commenced prior to the 4 May 2015 Googong Foreshores Township Interface Working Group (the 'Working Group') meeting. A brief update on these measures is provided under each.

- a. GTPL, in collaboration with the Working Group, 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.

GTPL have continued to issue a Welcome Information Pack, develop the quarterly newsletter, periodically update the information on googong.net and the Googong Facebook page, and roll-out a program of seminars and events. GTPL and ACT-PCS are also continuing their collaborative work 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.

- b. Post approval of the DA for the adjacent Neighbourhood 1B, 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:
 - construction of the 'Type 1' fence along Stage 1 as illustrated in Figure 9.1 of the GFIMS; and

- completion of an intensive program of woody weed control/removal throughout the portions of the GFIMS Area adjacent to NH1B.

As noted above, GTPL engaged a qualified weed control contractor to undertake a second season of intensive woody weed control/removal (between November 2015 and January 2016). This follow-up weed control primarily targeted reshooting Blackberry and Sweet Briar (treatment via poisoning and physical removal) and covered the entire PTWL Conservation Area.

GTPL will continue to maintain Stage 1 of the PTWL Conservation Area fence and manage weeds within the PTWL Conservation Area.

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 (the 'Working Group').

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.

Since approval of Googong Township, Working Group meetings (May and November each year) 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. 2014-16) 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.

- 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.

- 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 fourth compliance report required by CoA 6 (the first dated 10 September 2013, second dated 29 July 2014 and third dated 19 August 2015). This report is being provided to the Department and will be published on 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 was 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