

10 September 2013

Mr. Shane Gaddes  
Assistant Secretary  
Compliance and Enforcement Branch  
Department of Sustainability, Environment, Water, Population and Communities



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**

We write to you to satisfy Condition 6 of the EPBC Act Approval of the Googong township. Each of the Conditions of Approval (CoA) is repeated in italics below followed by a statement of compliance.

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.*

*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 approved Pink-tailed Worm-Lizard Protection and Management Plan must be implemented.*

The Pink-tailed Worm-lizard Protection and Management Plan (PTWL-P&MP) was prepared pursuant to the above requirements 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'). To date no construction has commenced within the Year 0 Trigger Line, and as such the works to establish the PTWL Conservation Area have not yet commenced.

Notwithstanding the above, as recommended in the PTWL-P&MP, to avoid the species' proliferation and associated future increased control burden, the approx. 50 Serrated Tussock (*Nassella*

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*trichotoma*) plants identified within the PTWL Conservation Area have been spot-sprayed with Glyphosate. A follow-up inspection will be undertaken in October 2013 to check that the herbicide application has been successful and to identify and treat any plants that may have subsequently germinated.

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.*

A Draft Googong Foreshores Interface Management Strategy (Draft Strategy) has been prepared by Biosis on behalf of Googong Township Pty Ltd (GTPL) pursuant to the requirements of CoA 2.

The Draft Strategy was provided to the members of the Googong Foreshores – Township Interface Working Group (comprising SEWPac, ACTEW Corporation, Queanbeyan City Council, the Department of Finance and Deregulation, ACT Parks and Conservation, ACT Environment and Sustainable Development Directorate) on 26 August 2013 for consideration. A workshop with attendance of each of these stakeholders is scheduled for 26 September 2013. After consideration of

matters raised during the consultation period, the Strategy will be finalised and lodged for Ministerial approval in Q4 2013.

To date no construction has taken place in Neighbourhoods 1B, 4 or 5.

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 the Googong township to SEWPaC as a potential controlled action under the EPBC Act, Googong Development Corporation undertook extensive consultations with key stakeholders which lead to the establishment of the Googong Foreshores Township Interface Working Group (Working Group).

Since approval of the Googong township, Working Group meetings have continued to monitor and advance the resolution of issues arising in the planning and development of the Googong township and its interface with the Googong Foreshores and Matters of National Environmental Significance. In particular, Working Group meetings and site tours have focused on the preparation of the Pink-tailed Worm-lizard Protection and Management Plan and more recently the Draft Googong Foreshores Interface Management Strategy.

GTPL has called and chaired the meetings and distributed minutes to the attendees.

The Working Group is comprised of representatives from SEWPaC, ACT Parks and Conservation, ACTEW Corporation, Queanbeyan City Council, the Department of Finance and Deregulation and Googong Township Pty Ltd.

On 30 November 2012 SEWPaC 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 have been fenced and signs placed identifying the habitat as a 'no go area'.

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 SEWPaC of the commencement of the action. On 4 June 2012 GTPL handed over position of Stage 1A of Neighbourhood 1A to the civil contractor who commenced work a short time 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 report is the first report required by CoA 6. It is being provided to SEWPaC 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.*

In addition to the EPBC Act approval, the Googong Township Integrated Water Cycle Project (Googong IWC Project) was also approved under Section 75J of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act), with conditions. The Section 75J CoA D9 requires the preparation (in consultation with the NSW Office of Environment and Heritage (OEH)) and implementation of an Aprasia Conservation Management Plan.

Given the equivalence in content, requirements and approach, GTPL proposed that the existing PTWL-P&MP, approved by the Delegate, adequately addressed the requirements for an Aprasia Conservation Management Plan as required by the Section 75J CoA D9. As such, on 16 October 2012 GTPL provided the OEH a copy of the approved PTWL-P&MP, requesting comment from the OEH on the PTWL-P&MP, as required by CoA D9.

In accordance with a request from the OEH, GTPL has agreed to commission an additional monitoring event in spring 2013. The purpose of this monitoring event will be to collect baseline PTWL population data (as per the specifications provided in the PTWL-P&MP) prior to any potential impacts from the early stages of the Googong Township being felt within the PTWL Conservation Area.

Whilst the additional monitoring event does not constitute an activity otherwise than in accordance with the approved PTWL-P&MP, GTPL decided to make a revision of the PTWL-P&MP to include the

additional monitoring event and to describe the applicability of the revised PTWL-P&MP to the CoA of the EP&A Act approval.

The revised PTWL-P&MP (Version 3, dated 25 June 2013), has been provided to SEWPaC for Ministerial 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 publicized 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.*

Only the plan referred to in CoA 1 has been approved. It has been published on the GTPL website and may be found here

<http://googong.net/upload/file/news/Googong-Township-Pink-tailed%20Worm-lizard-Protection-and-Management-Plan.pdf>

I am happy to discuss any questions you may have.

Yours sincerely,  
GOOGONG TOWNSHIP PTY LTD



**Michael Nolan**  
**Development Manger**