



COMMISSIONER  
FOR SUSTAINABILITY  
AND THE  
ENVIRONMENT



# INDEPENDENT AUDIT OF THE GUNGAHLIN STRATEGIC ASSESSMENT

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**November 2017**



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## Acronyms

ACT	Australian Capital Territory
ANU	Australian National University
CEMPs	Construction Environmental Management Plans
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)
EPSDD	Environment, Planning and Sustainable Development Directorate
MNES	Matters of National Environmental Significance
NC Act	Nature Conservation Act 2014 (Australian Capital Territory)
OCSE	Office of the Commissioner for Sustainability and the Environment
PIT	Plan Implementation Team
SEWPaC	Commonwealth Department of Sustainability, Environment, Water, Population and Communities, now Department of Environment and Energy
The Plan	The Gungahlin Strategic Assessment Biodiversity Plan Final June 2013

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# Commissioner's Foreword



**‘In terms of size, connectivity, diversity and condition [of White Box – Yellow Box – Blakely’s Red Gum Grassy Woodlands and Derived Native Grasslands], the ACT remnants are exceptional, especially the presence of larger patches (over 100 hectares) in good condition.’<sup>1</sup>**

**‘Natural temperate grasslands provide habitat that supports populations of a large number of endangered native animals ... animals endangered by the diminishment of natural tussock grasslands include the Golden Sun Moth (*Synemon plana*) which depends on tussocks of Wallaby Grass (*Rytidosperma spp*) for its egg laying ... and populations of Striped Legless Lizards (*Delma impar*).’<sup>2</sup>**



This independent audit is provided in accordance with a direction from the Australian Capital Territory Minister for Environment and Climate Change, at a time when research undertaken for the 2016 Commonwealth State of the Environment Report demonstrates

*‘... that Australia’s biodiversity is under increased threat and has, overall, continued to decline’.<sup>3</sup>*

In response to State of the Environment Reports (Commonwealth and Australian Capital Territory (ACT)), it is very clear we must continue to take action to protect the environment, including threatened and endangered species and ecological communities. Climate change makes this responsibility all the more urgent.

This report provides an independent audit of the ACT’s compliance with commitments made in the *Gungahlin Strategic Assessment Biodiversity Plan Final June 2013* (the Plan). It is not a function of this audit to re-examine the Plan commitments and how they were established under Commonwealth legislation. I understand this is the first independent audit undertaken on strategic assessment commitments nationally. The Plan is intended to operate over 20 years and there will be further independent audits at intervals of 5 years.

Independent audits such as this one of the Plan are just one of the methods used to test, reflect, and comment upon government commitments to protect the environment where Matters of National Environmental Significance under the *Environment Protection and Biodiversity Conservation Act 1999* are potentially impacted. Recommendations and Corrective Action Requests have been made.

- 1 ACT Government 2004 in Commonwealth Threatened Species Scientific Committee, 17 May 2006, White Box – Yellow Box – Blakely’s Red Gum Grassy Woodlands and Derived Native Grasslands listing advice and conservation advice, accessed 10 November 2017
- 2 RH Groves, 2014, ‘Foreword’ to Nicholas S.G. Williams, Adrian Marshall and John W. Morgan (eds), 2014, *Land of Sweeping Plains. Managing and restoring the native grasslands of south-eastern Australia*, CSIRO Publishing Canberra
- 3 2016 State of the Environment Report (Commonwealth of Australia) <https://soe.environment.gov.au/sites/g/files/net806/f/soe2016-biodiversity-launch-version2-24feb17.pdf?v=1488792935>

The opportunities and challenges associated with strategic assessment processes are represented in the infographic which follows.

The opportunities are landscape scale outcomes, early assessments of Matters of National Environmental Significance, improved co-ordination, and consideration of cumulative impacts. The challenges inherent in strategic assessments are inflexibility, lack of compliance and enforcement, lack of continuity in staff and operational timeframes over short-term budget cycles which are unsuited to long-term land management requirements.

The Plan was developed from a draft document which was submitted to community scrutiny. Environmental non-government organisations were amongst the groups and individuals who responded to this invitation. Matters raised, included but were not confined to the following – requests for information about the financial arrangements; the protection of Superb Parrot nesting trees; questions about the use of the Commonwealth offset policy and calculator; bushfire asset protection zones; and the clarification of the role of the Plan Implementation Team.

The environmental objectives of the Plan include the protection of Matters of National Environmental Significance. These are the Golden Sun Moth,<sup>4</sup> Striped Legless Lizard,<sup>5</sup> Superb Parrot<sup>6</sup> and White Box-Yellow Box-Blakely's Red Gum Grassy Woodlands and Derived Native Grasslands.<sup>7</sup> While direct impacts have been avoided, measures for protection of the Pink-tailed Worm-lizard<sup>8</sup> are also included in the Plan. The Plan makes provision for environmental offsets and research, and provides for expenditure to advance objectives.

Matters which have emerged as serious concerns in the examination of the ACT's compliance with the commitments in the Plan include the following:

- the recurrent failure to meet target dates across a whole range of commitments indicates a potential risk to the Matters of National Environmental Significance if allowed to continue (five Corrective Action Requests have been issued, with two due 20 December 2017, two due 20 January 2018 and one due 20 February 2018),
- the need to scrupulously and immediately launch investigations in circumstances where there has been a potential impact on a species or ecological community – in this case the critically endangered Golden Sun Moth,

- the need to keep accurate, accessible and auditable records of investigations and investigation processes, and of analysis, outcomes and actions taken,
- the need for a formal process, for the establishment and application of clear information management frameworks for delivery of commitments, and the maintenance of appropriate and publicly accessible records, and
- a need to address the lack of continuity in the membership of the project teams engaged in supervising compliance – at both the Commonwealth and Territory levels – as this has resulted in lapses in attention to detail which could have been addressed by the establishment of a formal, organised and orderly process.

Given the fact that this is the first independent audit on a strategic assessment undertaken in the ACT and nationally, there is a real leadership opportunity for the ACT Government in responding to the issues which have been documented here.

Recommendations and Corrective Action Requests have been made to assist the ACT Government to assume this strategic assessment leadership role.

**Professor Kate Auty**

Commissioner for Sustainability and the Environment  
Australian Capital Territory

4 Golden Sun Moth Action Plan (ACT) [https://www.environment.act.gov.au/\\_\\_data/assets/pdf\\_file/0011/576533/actionplans7.pdf](https://www.environment.act.gov.au/__data/assets/pdf_file/0011/576533/actionplans7.pdf), accessed 8 November 2017

5 Striped Legless Lizard Action Plan (ACT) [https://www.environment.act.gov.au/\\_\\_data/assets/pdf\\_file/0011/576542/actionplans2.pdf](https://www.environment.act.gov.au/__data/assets/pdf_file/0011/576542/actionplans2.pdf), accessed 8 November 2017

6 Superb Parrot Action Plan (ACT) [https://www.environment.act.gov.au/\\_\\_data/assets/pdf\\_file/0003/576543/actionplans17.pdf](https://www.environment.act.gov.au/__data/assets/pdf_file/0003/576543/actionplans17.pdf), accessed 8 November 2017

7 Yellow Box Red Gum Woodland Action Plan (ACT) [https://www.environment.act.gov.au/\\_\\_data/assets/pdf\\_file/0008/576548/actionplans10.pdf](https://www.environment.act.gov.au/__data/assets/pdf_file/0008/576548/actionplans10.pdf), accessed 8 November 2017

8 Pink-tailed Worm-lizard Action Plan (ACT) <http://www.legislation.act.gov.au/di/2017-67/current/pdf/2017-67.pdf>, accessed 13 November 2017

# 1.

## Purpose of the Independent Audit





Completion of the Gungahlin development is outlined by the *Gungahlin Strategic Assessment Biodiversity Plan Final June 2013*<sup>1</sup> (the Plan). The Plan seeks to:

- establish a balance of residential, employment and conservation areas within the Gungahlin district, and
- streamline the planning and development process for the remaining urban areas.

The Plan was endorsed under national environmental law on 20 June 2013 under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The actions associated with the Gungahlin development were approved on 17 July 2013.

As a result of the approval, the Plan has streamlined the development process by removing the need for site by site assessment of Matters of National Environmental Significance (MNES). Commitments in the Plan are required to be met as a function of approval by the Commonwealth.

There are three main elements to the reporting framework for the Gungahlin Strategic Assessment:

1. A public annual report highlighting, where relevant, the activities of the Plan Implementation Team (PIT) with respect to the charter as approved upon establishment.
2. A Review of the Plan every four years for the life of the Plan to assess progress in achieving the objectives of the Plan and ensuring investments remain targeted to the affected matters in the most effective manner.
3. An independent third party audit of the Plan every five years for the period of development (20 years).<sup>2</sup>

Chapter 6 (Evaluation and Monitoring), Part 6.1.3 requires an Independent Audit of the commitments in the Plan:

*‘The final element in the evaluation framework for the Plan will be an independent audit of the Plan every five years for the period of the Plan (20 years). The purpose of the audit is to independently verify the outcomes being reported by the Plan Implementation Team, in addition to financial performance of the program.’*

*‘It is considered that an appropriate entity to complete the auditing would be the Commissioner for Sustainability and the Environment, who is an independent authority created under the Commissioner for Sustainability and the Environment Act 1993 (ACT).’*

On 8 June 2016, the Office of the Commissioner for Sustainability and the Environment (OCSE) received a direction from the Minister for Environment and Climate Change, Simon Corbell MLA, to undertake this independent audit.

This Ministerial Direction was made pursuant to sections 12(1)(b) and 21(1)(a) of the *Commissioner for Sustainability and the Environment Act 1993*.

OCSE is specifically not required to audit the financial performance of the program (Commitments 18 and 38 of the Plan) in this audit.

This audit of commitments is a compliance audit. This audit does not scrutinise or evaluate the deliberations which produced the Gungahlin Strategic Assessment and the Plan.



*Box Gum Woodland, Mulligans Flat Nature Reserve. Source Emma Cook*

1 Umwelt, 2013, *Gungahlin Strategic Assessment Biodiversity Plan Final June 2013*, [http://www.environment.gov.au/system/files/pages/b58dc6ac-a4f2-4a9e-9dad-4f0752e0f050/files/gungahlin-biodiversity-plan\\_0.pdf](http://www.environment.gov.au/system/files/pages/b58dc6ac-a4f2-4a9e-9dad-4f0752e0f050/files/gungahlin-biodiversity-plan_0.pdf), accessed 8 November 2017

2 Ibid



# 2.

## **Overview of Strategic Assessments in Australia**



**In addition to dealing with individual projects, the Australian Minister for the Environment can approve actions under the EPBC Act which relate to an endorsed policy, plan or program. These are called strategic assessments.<sup>1</sup>**

A strategic assessment happens early in the planning process and examines the potential impacts of actions which might stem from one or more policy, program or plan. Strategic assessments involve individuals or agencies such as local councils, state ministers or government departments responsible for implementing the policy, plan or program.<sup>2</sup>

## Productivity Commission's Report

*'Major projects are, by their very nature, complex developments.'*<sup>3</sup>

The Australian Government Productivity Commission released a research report in November 2013 on *Major Project Development Assessment Processes*.<sup>4</sup> The report recommended Australia make greater use of strategic assessments:

*'Strategic Planning and Assessment can take into account the cumulative impacts that arise from multiple projects and other activities on landscape-scale ecosystems. In turn, this can result in subsequent project assessment and approval processes being less resource intensive and time consuming, since some of the issues have already been handled.'*<sup>5</sup>

Although introduced in 1999, strategic assessments have only recently become more frequently used. As such, the strategic assessment process needs to build on lessons learnt to ensure that the benefits are derived and the process improves.

The Productivity Commission report recommends changes to approval conditions to improve outcomes including:

- publishing all conditions that are attached to approved major projects, with an explanation of how they mitigate a risk,
- refraining from imposing conditions where legislation already exists to achieve an outcome,
- undertaking public consultation on the assessment agency's draft recommendation, including proposed approval conditions, and
- **providing scope to remove, alter or add conditions when a strong case to do so exists — for example, if evidence shows that conditions are no longer meeting objectives, or that compliance with a condition would have unintended adverse consequences.**<sup>6</sup>

This final dot point is especially relevant to strategic assessments, as discussed below.

1 Commonwealth Department of the Environment, 2013, *Strategic Assessments under the EPBC Act*, [http://www.environment.gov.au/system/files/resources/2b2afb82-db84-4f89-8bb1-5a899dc80ddb/files/strategic-assessment\\_1.pdf](http://www.environment.gov.au/system/files/resources/2b2afb82-db84-4f89-8bb1-5a899dc80ddb/files/strategic-assessment_1.pdf), accessed 10 November 2017

2 Ibid

3 Ibid, page 9

4 Australia Government Productivity Commission, 2013, *Major Project Development Assessment Processes*, <https://www.pc.gov.au/inquiries/completed/major-projects/report/major-projects.pdf>, accessed 2 November 2017

5 Ibid, page 12

6 Ibid, page 26

# Opportunities and Challenges of Strategic Assessments

Key steps for achieving positive outcomes for MNES in potential development areas are understood to be:

**AVOID → MITIGATE → OFFSET → ADAPT**

23 strategic assessments have been developed across Australia.

Only 12 strategic assessments have been officially endorsed and commenced. Three of these 12 are in the ACT – the Gungahlin Strategic Assessment, the Molonglo Strategic Assessment and the West Belconnen Strategic Assessment.<sup>7</sup> Accordingly, the process is in its infancy<sup>8</sup> and governments and agencies could benefit from reviewing lessons learnt from independent audits in early cases.

This audit is understood to be the first independent audit of a strategic assessment in Australia<sup>9</sup> and it has therefore provided an opportunity to reflect on how well the strategic assessment approach is working.

In 2009, Dr Allan Hawke undertook an independent review of 10 years of the EPBC Act. This review received a large number of submissions during public consultation. One of the key topics scrutinised was strategic assessments.<sup>10</sup>

Submitters suggested numerous mechanisms by which the quality of strategic assessments could be improved. Three themes that arose in these submissions were that strategic assessments should be:

- rigorous, of high quality and deliver environmental outcomes,
- sufficiently flexible and capable of adaptive management, and
- efficient, provide certainty and benefit proponents by reducing regulatory burden.<sup>11</sup>

One of the advantages of using a strategic assessment approach is that it enables long-term monitoring of the environment. Long-term monitoring:

- provides essential evidence upon which to base good environmental decisions,
- needs to adapt to remain effective, and
- requires partnerships to ensure it informs on-ground actions.<sup>12</sup>

Strategic assessments of developments are recognised as providing clear benefits (opportunities) over alternative approaches using smaller release areas.

Strategic assessments also have challenges. They cover broad areas which makes them more complicated and any challenges are amplified as a result.

The specific wording in the original agreement of the strategic assessment is also critical, as no alterations to the commitments are possible. This makes adaptive management challenging.

These opportunities and challenges are represented in the infographic *Opportunities and Challenges of strategic assessments* below.

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10  
–

7 Australian Government Department of Environment and Energy (DoEE), <http://www.environment.gov.au/protection/assessments/strategic>, accessed 2 November 2017

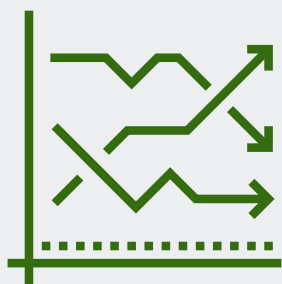
8 WWF, 2009, *Response to the Australian Government's Discussion Paper seeking views to inform the Independent Review of the EPBC Act*, <http://www.environment.gov.au/system/files/pages/dacbabf4-0bca-46ee-9271-2fa95ce1b6dc/files/181-world-wildlife-fund-australia.pdf>, accessed 8 November 2017

9 Carissa Louend and Rick Sammons (DoEE), pers comms, 15 February 2017

10 Hawke, Allan, 2009, <http://www.environment.gov.au/resource/independent-review-environment-protection-and-biodiversity-conservation-act-1999-interim>

11 Ibid

12 Lindenmayer, D., 2017, *Five things about long-term monitoring: good decisions for the environment need an eye on the longer term*, Decision Point, July 2017.



# OPPORTUNITIES & CHALLENGES OF STRATEGIC ASSESSMENTS IN THE ACT

## OPPORTUNITIES

1

LONGER, TEMPORAL AND  
LARGER LANDSCAPE SCALE  
CONSERVATION OUTCOMES

2

ASSESSMENT OF MATTERS OF NATIONAL  
ENVIRONMENTAL SIGNIFICANCE EARLY IN  
PLANNING PROCESS

3

CUMULATIVE IMPACTS  
OF DEVELOPMENT ARE  
CONSIDERED COHESIVELY

4

STREAMLINES DEVELOPMENT  
APPLICATION PROCESSES

5

ENSURES COORDINATED  
IMPLEMENTATION OF  
ACTIONS ON OFFSET SITES

## CHALLENGES

1

NO ALTERATIONS OF  
AGREED COMMITMENTS  
ONCE ENDORSED BY  
COMMONWEALTH

2

LACK OF COMPLIANCE  
AND ENFORCEMENT OF  
STRATEGIC ASSESSMENTS  
IN COMMONWEALTH  
LEGISLATION

3

HIGH STAFF TURNOVER IN  
ACT OR COMMONWEALTH  
GOVERNMENT AFFECTS  
COORDINATION AND  
IMPLEMENTATION OF  
THIS LONG-TERM PROJECT

4

BUDGET CYCLES ARE SHORT-TERM AND  
ESTABLISHMENT COSTS ARE HIGHER THAN  
ONGOING COSTS WHICH IS NOT SUITED TO  
LONG-TERM LAND MANAGEMENT

**3.**

# **Background to the Gungahlin Strategic Assessment**



Planning for the development of Gungahlin, the northern-most district in the ACT, commenced in the 1970s when the first surveys of the area were commissioned. The location and details of future urban areas were identified in 1989 and these have been refined over the past two decades. This has included the addition of significant areas of land into nature reserve.

The Gungahlin development commenced in 1991. This followed consideration of the development through an Environmental Impact Statement that was finalised under the now repealed *Environment Protection (Impact of Proposals) Act 1974*.

More recently, land releases have required approval under the provisions of Part 9 of the EPBC Act in relation to MNES.

## The Gungahlin Strategic Assessment – The Plan

In October 2012, the ACT and Commonwealth Governments entered into an agreement to undertake a strategic assessment of the Gungahlin districts under Part 10 of the EPBC Act.

The focus of this agreement was to assess the potential development impacts on MNES protected under the EPBC Act in the remaining greenfield sites<sup>1</sup> in Gungahlin.

This agreement enabled consideration of the ACT's proactive history of protecting MNES, particularly in Gungahlin, where significant areas had already been withdrawn from potential development and permanently protected for conservation.<sup>2</sup>

### KEY LEGISLATION

In addition to the EPBC Act, there are four key pieces of legislation pertinent to the planning and management of conservation matters in the Territory:

- The Commonwealth *Australian Capital Territory (Planning and Land Management) Act 1988*, which establishes the National Capital Plan to ensure that Canberra and the Territory are planned and developed in accordance with their national significance,
- The ACT *Planning and Development Act 2007* which seeks to provide a planning and land system that contributes to orderly and sustainable development of the ACT,
- The ACT *Nature Conservation Act 2014* (NC Act) which establishes a framework for the conservation and protection of biodiversity through the listing of threatened species and communities, and the establishment of Action Plans and management of reserved areas, among other administrative functions, and
- The ACT *Pest Plants and Animals Act 2005* which aims to protect the ACT's land and aquatic resources from the threats of pest plants and animals through strategic and sustainable pest management.

<sup>1</sup> Definition of greenfield: a site located in a rural area which has not previously been built on (Collins English Dictionary)

<sup>2</sup> Umwelt, *Gungahlin Strategic Assessment Biodiversity Plan FINAL*, June 2013





# The Matters of National Environmental Significance

The primary impacts relevant to this project protected under the EPBC Act relate to four MNES:

1. White Box – Yellow Box – Blakely’s Red Gum Grassy Woodlands and Derived Native Grasslands (Box Gum Woodland) (Critically Endangered Ecological Community),<sup>3</sup>
2. Golden Sun Moth (Critically Endangered),<sup>4</sup>
3. Striped Legless Lizard (Vulnerable),<sup>5</sup> and
4. Superb Parrot (Vulnerable).<sup>6</sup>

**‘Within Gungahlin, there are 1875 hectares of Box Gum Woodland, which is listed as critically endangered under the EPBC Act. This equates to 23% of the total extent of the EPBC listed Box Gum Woodland in the ACT.’<sup>7</sup>**



*Box Gum Woodland in Kinlaysia. Source Kate Auty*



*Golden Sun Moth. Source Draft ACT Native Grassland Conservation Strategy and Action Plans*

<sup>3</sup> <http://www.environment.gov.au/cgi-bin/sprat/public/publicshowcommunity.pl?id=43>, accessed on 09 November 2017

<sup>4</sup> [http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon\\_id=25234](http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=25234), accessed 10 November 2017

<sup>5</sup> [http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon\\_id=1649](http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=1649), accessed 10 November 2017

<sup>6</sup> [http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon\\_id=738](http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=738), accessed on 09 November 2017

<sup>7</sup> Mulvaney, M., 2012, *The Extent and Significance of Gungahlin’s Biodiversity Value, Technical Report 24, March 2012*, ACT Government.



*Striped Legless Lizard. Source Interim report: The experimental reintroduction of the Striped Legless Lizard, (Delma impar) from the development sites in Gungahlin (ACT), to Scottsdale (NSW)*



*Superb Parrot. Source Technical Report: Breeding ecology of the Superb Parrot (Polytelis swainsonii) in northern Canberra*

## Overview of the Commitments

The Plan identifies a range of commitments to be undertaken by the ACT Government addressing the MNES affected by urban development in the Gungahlin district.

Commitments in the Plan build upon the long history of strategic environmental planning in the ACT, addressing the avoidance and mitigation of environmental impacts resulting from development.

The principal commitment under the Plan is to maintain and improve MNES values in the avoidance offset areas. Further, while commitments in the Plan are directed at addressing the affected MNES, they also consider broader biodiversity and conservation management objectives. The rationale for this is that while these matters are important to the ACT under Territory legislation, they are also matters of significance at other scales, including regional connectivity in the Southern Tablelands. To this effect, it is intended that implementation of the Plan would not only serve to maintain or enhance the conservation status of affected MNES in the ACT but also produce benefits to biodiversity more broadly.

In summary, the commitments relate to the following matters:

- avoidance of areas that support habitat for MNES on land presently designated as developable (either RZ1 – Suburban (including Future Urban Area) or NUZ1 – broadacre),
- increased investment in habitat enhancement beyond the minimum level required under the Territory's statutory obligation,<sup>8</sup> and
- increased investment in research targeted at the affected MNES and guided by action-planning objectives.

Direct impacts on MNES have either been avoided (such as in relation to the Pink-tailed Worm-lizard, Superb Parrot breeding sites and important migratory bird habitat) or minimised through protecting core, well connected endangered woodland, Golden Sun Moth or Striped Legless Lizard habitat.

The Plan has outlined urban development and conservation directions in Gungahlin. These relate to:

- construction of residential, commercial, community and open space land uses and related infrastructure within the district of Gungahlin over the next 20 years, which are subject to approval under the *ACT Planning and Development Act 2007*,
- variation to the Territory Plan to reflect changes in land use identified in this document,
- a biodiversity offsets package which will place an additional 781 hectares of land supporting threatened species and communities into protected areas within the district, and
- a financial contribution (refer to Section 5.3 of the Plan) for:
  - direct offsets through habitat enhancement in areas identified as being of strategic importance for the persistence of MNES in the Gungahlin district, and
  - indirect offset actions for the benefit of the MNES affected by the Gungahlin development and biodiversity in general in the ACT and surrounding areas, e.g. through research projects.

<sup>8</sup> The minimum statutory obligation is considered to be defined by the land use objectives under the various zones of the Territory Plan in addition to the obligations on land holders as established through approved policy and legislation relevant to the ACT whether under Territory or Commonwealth jurisdictions.



The Gungahlin Strategic Assessment, agreed to by the Commonwealth and the ACT Government, proposes a loss of:

- 126 hectares of the critically endangered ecological community, White box – Yellow box – Blakely’s Red Gum Grassy Woodlands and Derived Native Grasslands,
- 180 hectares of habitat for the critically endangered Golden Sun Moth. Impacted habitat occurs in grassy woodland (34 hectares or 19%) and exotic pasture (146 ha or 81%), not Natural Temperate Grassland,
- up to 20 hectares of Striped Legless Lizard habitat, including 14 hectares in Gungahlin Town Centre (east) and potential impact on up to six hectares within Kenny, and further
- key indirect impacts relevant to the Gungahlin development relating to development in areas adjacent to potential and known breeding habitat of Superb Parrot.

See **Figures 2, 3, 4 and 5** for distribution of MNES.

## Challenges

Chapter 6 of the Plan (Dealing with Uncertainty), in Part 6.3, outlines some of the uncertainties which may be experienced over the 20 year timeframe of the Gungahlin Strategic Assessment. These include:

- climate change, and
- the achievement of objective gains in habitat quality.

There is currently uncertainty around the impacts of climate change and therefore it is difficult to determine how climate change may further impact or increase pressures on issues associated with enhancement of the vegetation communities or individual species.<sup>10</sup>

The achievement of objective gains in habitat quality is a key uncertainty. While research has been undertaken elsewhere in Australia in relation to improvement in understorey diversity of grassy ecosystems, improvement has not yet been accomplished on the scale proposed under this Plan, producing a ‘listed ecological community’.<sup>11</sup>

## The Plan Implementation Team

The PIT was established pursuant to the Plan to oversee the implementation of direct and indirect offset measures for the Gungahlin Strategic Assessment.

On 1 July 2016, the responsibility for compliance monitoring and reporting was transferred to Planning Delivery within the Environment, Planning and Sustainable Development Directorate (EPSDD).<sup>9</sup> Current membership of the PIT includes staff from:

- Land Development and Corporate (Chief Ministers, Treasury and Economic Development Directorate),
- Treasury (Chief Ministers, Treasury and Economic Development Directorate),
- Planning Delivery (EPSDD), and
- Parks and Conservation Service (EPSDD).

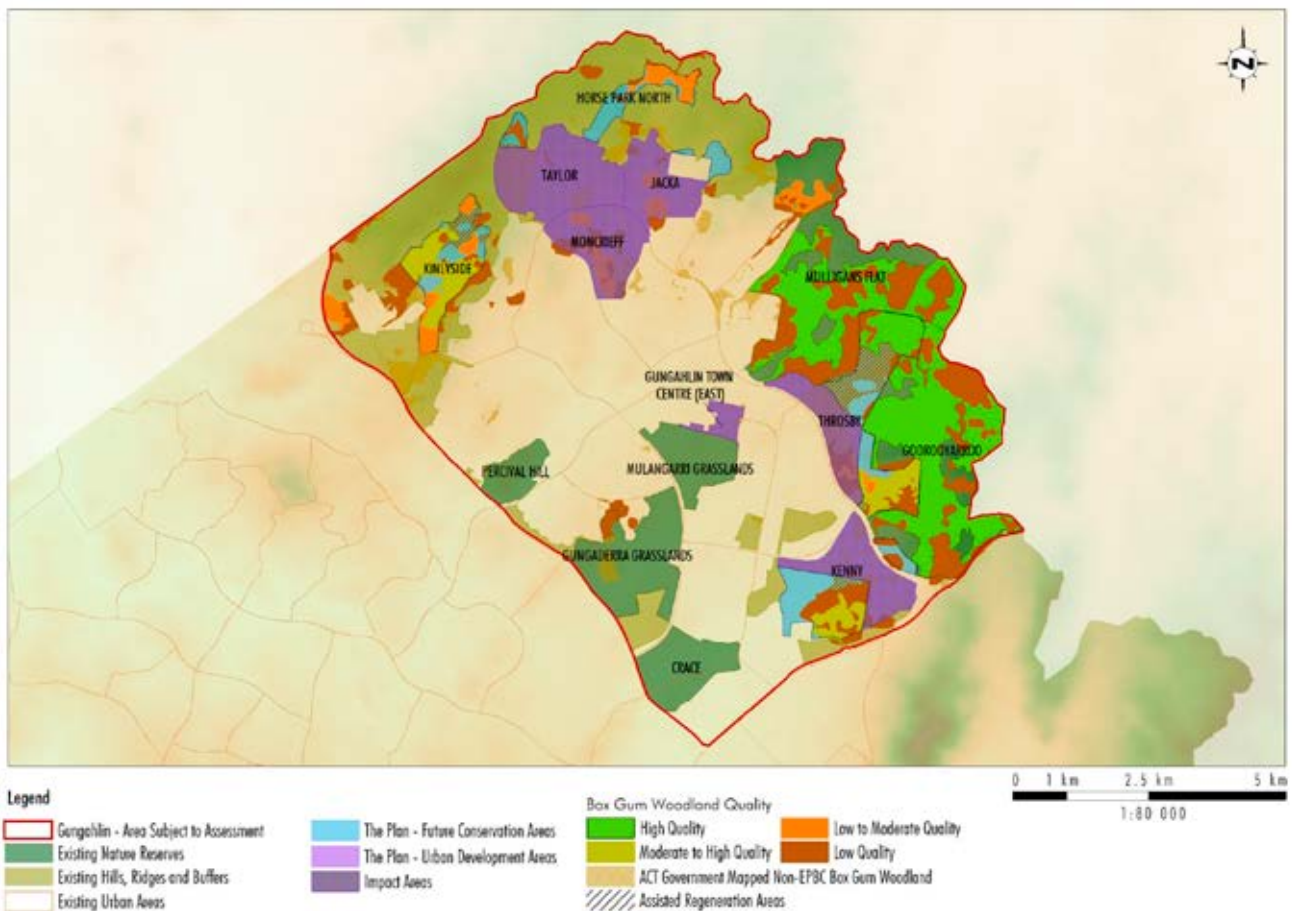
The PIT was established to operate subject to a framework of adaptive management. The monitoring, review and reporting process for the project provides for adaptive management in the Plan, of which this independent audit is an aspect.

9 EPSDD, January 2017, *Gungahlin Strategic Assessment Annual Report 2015–16*

10 Umwelt, *Gungahlin Strategic Assessment Biodiversity Plan FINAL*, June 2013

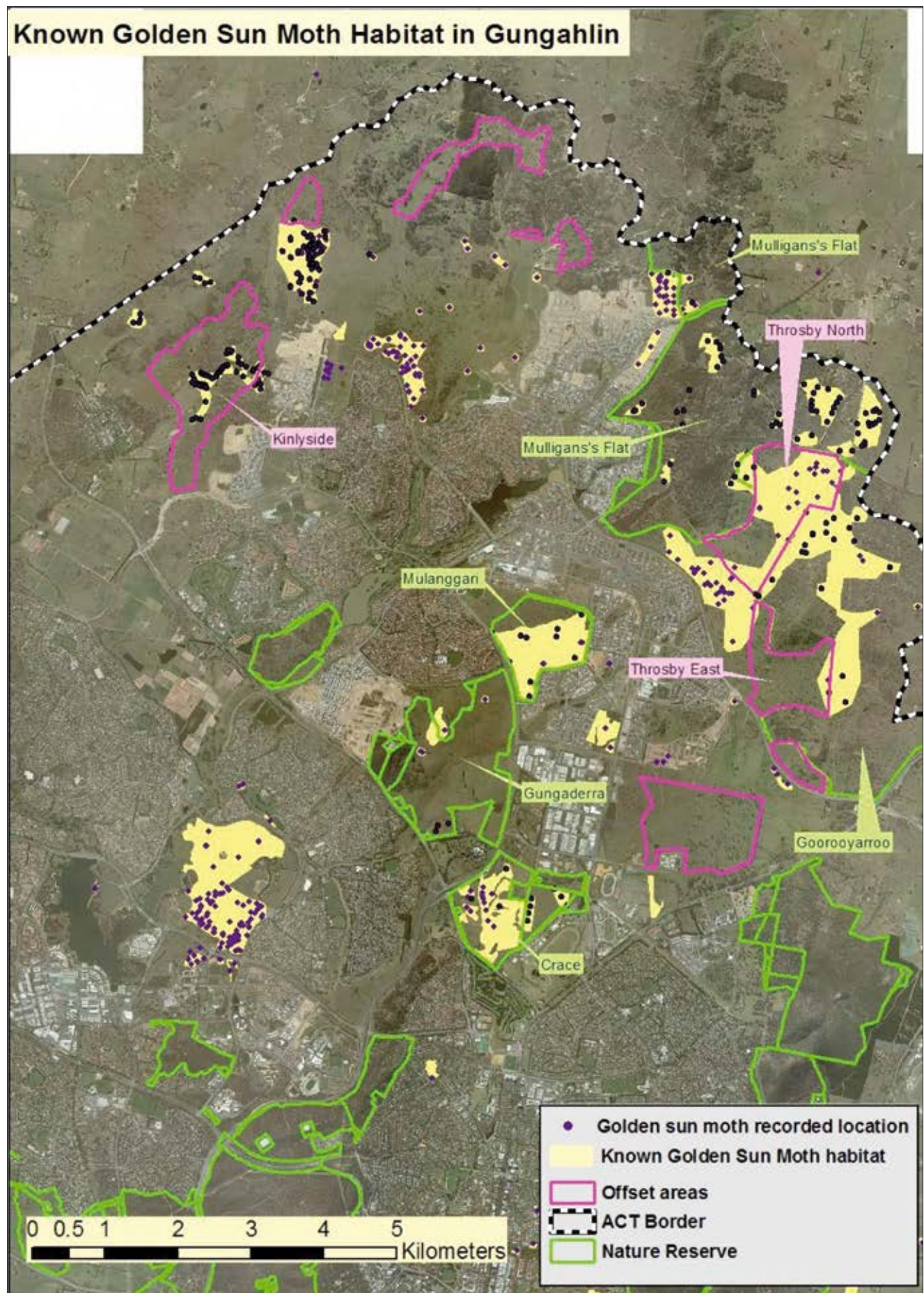
11 Umwelt, *Gungahlin Strategic Assessment Biodiversity Plan FINAL*, June 2013

**FIGURE 2: THE GUNGAHLIN DISTRIBUTION OF BOX GUM WOODLAND (PAGE 8 OF THE WHITE BOX-YELLOW BOX-BLAKELY'S RED GUM GRASSY WOODLAND AND DERIVED NATIVE GRASSLAND CONDITION IMPROVEMENT PLAN, MARCH 2015).**



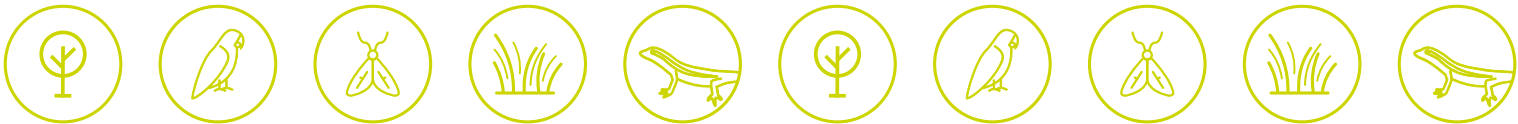
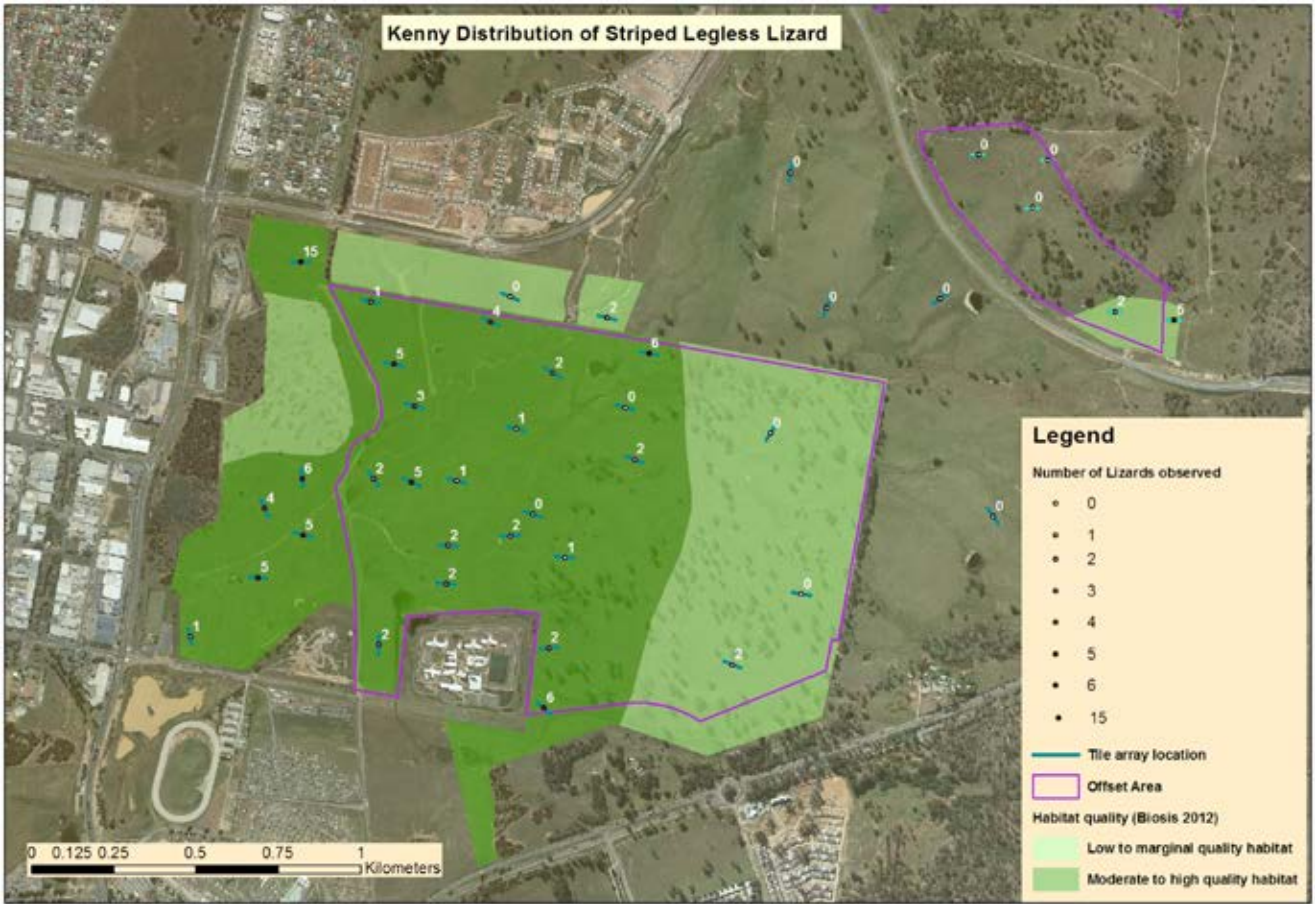


**FIGURE 3: KNOWN GOLDEN SUN MOTH HABITAT IN GUNGALHIN (PAGE 9 OF THE GOLDEN SUN MOTH HABITAT IMPROVEMENT PLAN, MARCH 2015).**

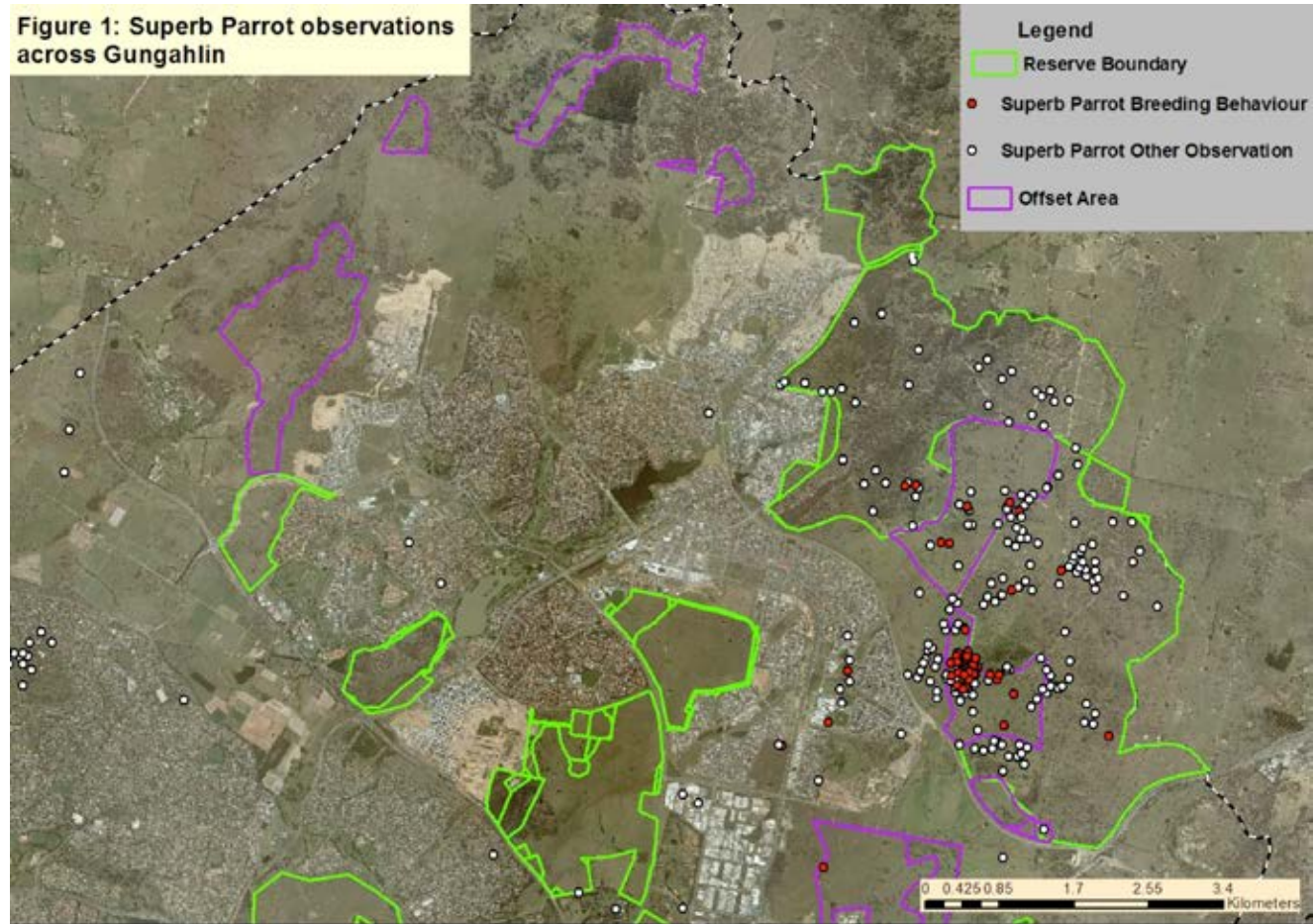




**FIGURE 4:** KENNY DISTRIBUTION OF STRIPED LEGLESS LIZARD (PAGE 8 OF THE *STRIPED LEGLESS LIZARD HABITAT IMPROVEMENT PLAN*, MARCH 2015).



**FIGURE 5:** SUPERB PARROT OBSERVATIONS ACROSS GUNGAHLIN (PAGE 10 OF THE *SUPERB PARROT HABITAT IMPROVEMENT PLAN*, MARCH 2015).



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# 4.

## Community Engagement



## During Establishment of the Strategic Assessment

Three main draft documents for the Gungahlin Strategic Assessment were available for public comment from 22 March to 19 April 2013.

As a requirement of the strategic assessment process, following the public consultation period, the *Gungahlin Strategic Assessment Supplementary Report* was prepared to:

- provide an overview of public submissions received on the draft reports, and
- detail how the final Plan and assessment reports had been amended from the consultation draft to address these issues.

The consultation draft of the Plan was amended to produce a more concise and direct statement on the activities and commitments proposed by the ACT Government in undertaking the Gungahlin development.

The following observations summarise how key issues raised in the public consultation process were addressed in the final Plan:

1. The financial component was added to Section 5.3 of the Plan.
2. Management of Superb Parrot nesting trees was discussed. The key concern was the development of Throsby and the proximity of the boundary of the suburb to known and potential nesting trees. The 100m buffer was accepted as an accurate expression of research from a variety of sources. Controls were to be imposed to protect nesting birds.
3. Questions about the use of the Commonwealth Offset Policy and calculator providing a basis for determining proposed 'offsets' were answered.
4. Demonstrations were provided as to how previous conservation measures in Gungahlin were considered in the Gungahlin Strategic Assessment.
5. An outline of which activities were allowed in the Hills Ridges and Buffers zone was included.
6. It was confirmed that bushfire asset protection zones would be finalised during detailed design in consultation with the PIT. However, the following assumptions have been taken into account during assessment of all landscape metrics and impacts for the Gungahlin Strategic Assessment:
  - inner asset protection zones will be within the urban development area. This generally includes an edge road and managed verge, and
  - outer asset protection zones will be within reserved areas.
7. The role of the PIT in overseeing the implementation of direct and indirect offsets was clarified.<sup>1</sup>

## During Implementation of the Strategic Assessment

The Plan outlines the role of the PIT.

The role of the PIT, as outlined in the Plan, is to guide input from various agencies, directorates and relevant experts (including community-based organisations) in respect of mitigating construction stage impacts. It is intended to achieve this as a function of collaboratively developed management plans.

Part 5.2 (Indirect Offsets) of the Plan outlines the actions to be completed as part of this component of the Gungahlin Strategic Assessment.

Indirect actions or offsets address several themes. These include knowledge, community involvement, innovation and environmental management. This is to be achieved by the PIT, as outlined in the PIT Charter.

The PIT has an obligation to consult with other agencies and community groups, however, no third parties are entitled to a vote in any decision making.

The PIT has met with representatives of the ACT Conservation Council on a number of occasions<sup>2</sup> to discuss relevant issues. Documents have also been sent to them for their comment.

Furthermore, the PIT sought comment on the habitat improvement plans from the ACT Flora and Fauna Committee and the ACT Natural Resource Management Advisory Committee. This took place prior to referral to the Commonwealth. The Mulligans Flat Sanctuary Management Committee and ACT Conservation Council have also provided comments on the *Extension to the Mulligans Flat and Goorooyarroo Nature Reserves Offset Management Plan*.

These meetings are outlined in the Gungahlin Strategic Assessment Annual Reports.

A commitment to community engagement reflects research by Ives et al. which has shown that:

*'Recent conservation science literature has recognised that good outcomes often depend more on favourable social conditions that enable implementation of actions (including human values, attitudes, behaviours and political conditions), than on accurate ecological information.'*<sup>3</sup>

<sup>1</sup> Umwelt, 2013, *Gungahlin Strategic Assessment Supplementary Report Final May 2013*.

<sup>2</sup> PIT, 2013–14, 2014–15, 2015–16 and 2016–17, [http://www.planning.act.gov.au/topics/design\\_build/da\\_assessment/environmental\\_assessment/offsets\\_register](http://www.planning.act.gov.au/topics/design_build/da_assessment/environmental_assessment/offsets_register), accessed 8 November 2017

<sup>3</sup> Ives, C. Et al, 2015, *Using social data in strategic environmental assessment to conserve biodiversity*, Landuse Policy, 47, 332–341 (page 333)



# Engaging the Community Through the Media

One of the ways in which the community has been, and can continue to be engaged regarding the Gungahlin Strategic Assessment, is through the media.

This year, Gungahlin has featured in the media on a number of occasions. Population growth, infrastructure development, cat containment issues and erosion works are some of the stories which have been featured. Each of these commentaries serves to inform the community about actions and responsibilities in respect of planning and development pressures and issues:

- 28 June 2017 – in respect of population pressure – it was reported that 2016 census figures ‘showed Gungahlin as Australia’s second-fastest-growing district, with 71,000 residents up from 47,000 in 2011’ (Canberra Times).
- 1 July 2017 – Gungahlin was described as the new ‘nappy valley’ for the ACT, taking over from Tuggeranong. A couple with children represents 56.4 per cent of the Gungahlin population, which is almost 10 per cent more than the rest of the ACT. The residents of Gungahlin are younger, are more likely to be paying off a mortgage and there is a higher percentage of children in the district. However, the establishment of basic infrastructure is lagging behind the population growth in Gungahlin (Canberra Times).
- 8 August 2017 – it was reported that new aerial images of Gungahlin chart how rapidly the landscape of Australia’s second-fastest-growing region has changed over the past five years, with population numbers rising by 50 per cent (All Homes). According to 2016 census data, the ACT has recorded the largest population growth of all states and territories over the past five years, with the Gungahlin region driving the boom.

2011



2016



- 14 August 2017 – Taylor was declared a cat containment suburb due to its close proximity to Kinlyside Nature Reserve (City News). This is to protect the MNES values in the area, such as the Golden Sun Moth and Pink-tailed Worm-lizard.
- 6 September 2017 – significant earthworks were reported to be underway on Halls Creek, a tributary of the Murrumbidgee in Kinlyside to stop some of Canberra’s worst erosion and to protect the vulnerable MNES habitat (ABC News).

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*The erosion control project on Halls Creek. Source ABC News*

# Specific Actions – Case Studies

Two examples of the work undertaken in Gungahlin are explored in the following case studies.

## Case Study 1

### MULLIGANS FLAT WOODLAND SANCTUARY



*Eastern Bettong (Bettonia gaimardi). Source Woodlands and Wetlands Trust*

Mulligans Flat Woodland Sanctuary covers 750 hectares and is situated within the Mulligans Flat Nature Reserve. The Sanctuary was established in 1995 and is owned and managed by the ACT Government in partnership with the Woodlands and Wetlands Trust.<sup>4</sup> The Sanctuary demonstrates how ACT Government can work in partnership with research institutions and the community to draw on shared knowledge, resources and a collective passion for the environment, to successfully manage MNES areas.

#### Woodland Recovery

Recovery of Box Gum Woodland at the Sanctuary has been undertaken to restore the ecological processes that existed before European settlement.<sup>5</sup> In partnership with the Australian National University (ANU), the ACT Government has implemented a range of experimental management techniques, including:

- controlled burning to manage vegetation,
- adding dead wood structure at the Sanctuary for animal habitats,
- controlling exotic predators, which are a major threat to woodland fauna, and
- excluding kangaroos to limit impacts on plant biomass.<sup>6</sup>

These actions demonstrate innovative solutions for MNES management and the important role of the Sanctuary for ongoing research and improvements to biodiversity conservation.

<sup>4</sup> <https://woodlandsandwetlands.org.au/governance/> accessed 07 November 2017

<sup>5</sup> <https://mulligansflat.org.au/about-us/>, accessed 07 November 2017

<sup>6</sup> <https://mulligansflat.org.au/restoring/#1455856538389-eda54065-cd27> accessed 09 November 2017



## Species Reintroductions

Translocation of Eastern Bettongs from Tasmania has been undertaken in partnership with the Tasmanian Parks Service. In 2012 a total of 32<sup>7</sup> Eastern Bettongs were reintroduced to the Sanctuary.<sup>8</sup> The Eastern Bettong reintroduction program supports the broader Sanctuary ecosystem as the marsupials rejuvenate the soil in their search for food. It has also enhanced the mainland population of the species for further reintroductions, protecting the surviving Tasmanian population.<sup>9</sup> The program has been successful with the Eastern Bettong population increasing to 179 at the last count in 2014.<sup>10</sup>

*'Bettongs also play an important role in a healthy woodland ecosystem – they are 'ecosystem engineers'. This means they have an important ecological role that benefits a range of other woodland species.'*<sup>11</sup>

On 28 June 2017, Minister Gentlemen reported that in 2016–17 a total of 14 Eastern Quolls were released into the Sanctuary. This marked the first time in over 80 years that Eastern Quolls have been seen on mainland Australia.<sup>12</sup>

In addition to the Eastern Bettong and the Eastern Quoll, the following species have been successfully reintroduced at the Sanctuary:

- Bush-Stone Curlew (*Burhinus grallarius*),
- New Holland Mouse (*Pseudomys novaehollandiae*),
- Brown Treecreeper (*Climacteris picumnus*),
- Southern Brown Bandicoot (*Isodon obesulus*), and
- Rosenberg's Monitor (*Varanus rosenbergi*).

The reintroduction of species must also meet the challenges of competitive grazing and biomass management that occur at the Sanctuary. These competing priorities demonstrate the complexities of MNES management and the important role the Sanctuary plays as a centre for testing and developing adaptive management strategies.

## Predator-Proof Fence

In 2009 a 1.5km predator-proof fence was built at the Sanctuary.<sup>13</sup> The fence is designed to keep out feral species including cats, rabbits and foxes. There are 19 self-closing gates located along the fence that allow for vehicle and visitor access and maintain the integrity of predator protection.<sup>14</sup> Remote sensing technology on each gate alerts rangers to any malfunctions. This innovative strategy demonstrates how technology helps to support Box Gum Woodland recovery and the reintroduction of native species at the Sanctuary.

## Community Engagement

The Sanctuary offers a series of community engagement programs which facilitate greater synergies between people and the environment.<sup>15</sup> There has been an enthusiastic uptake of programs, including night tours for spotting reintroduced species and school excursions where students directly engage with threatened species conservation. It is expected that this interest will only increase with more residents moving into the new Gungahlin suburbs.

The Sanctuary is also working to construct an ecotourism visitors centre which will become a gateway to one of Australia's unique and threatened woodlands. The visitors centre will provide a focal point for people from different backgrounds to work together to learn about woodland restoration.

Community engagement at the Sanctuary demonstrates the important role that education and participation programs play in changing community values towards conservation areas. It creates a sense of 'ownership' for the environment which is essential for the long-term success of MNES management and protection, in an area so close to people's homes.

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7 <http://www.canberratimes.com.au/act-news/bettongs-breeding-success-means-mulligans-flat-woodland-sanctuary-could-treble-in-size-20150211-13bnm8.html>, accessed 09 November 2017

8 <https://mulligansflat.org.au/restoring/#1455857220453-d265c172-d00b>, accessed 09 November 2017

9 Ibid

10 <http://www.canberratimes.com.au/act-news/bettongs-breeding-success-means-mulligans-flat-woodland-sanctuary-could-treble-in-size-20150211-13bnm8.html>, accessed 09 November 2017

11 <http://bettongs.org/learn-more/bettongs/>, accessed 10 November 2017

12 Minister Gentleman, Estimates 28 June 2017, p.175

13 <https://mulligansflat.org.au/history/>, accessed 09 November 2017

14 <https://mulligansflat.org.au/restoring/#1455856538458-b884eeab-30a2>, accessed 09 November 2017

15 <https://mulligansflat.org.au/learning/>, accessed 07 November 2017

## SUPERB PARROT IN THROSBY



Superb Parrot (*Polytelis swainsonii*). Source Henry Cook

The Superb Parrot is listed as a vulnerable species under the EPBC Act<sup>16</sup> and lives in areas of Box Gum Woodland.<sup>17</sup> Threats to the conservation of the Superb Parrot include:

- clearing of Box Gum Woodland habitat including living and dead trees,
- inappropriate fire regimes,
- uncontrolled grazing by livestock,
- rural tree dieback,<sup>18</sup> and
- the use of chemicals.<sup>19</sup>

As part of the Gungahlin Strategic Assessment, the ACT Government commissioned research on the breeding patterns and movements of the Superb Parrot.<sup>20</sup>

The research found that the Throsby area is a highly productive breeding territory for Superb Parrots, comprising multiple suitable nest trees and supporting high rates of nesting success.<sup>21</sup> The research concluded that Throsby is one of two key breeding sites in the ACT.<sup>22</sup> Protection of areas of large habitat trees in Throsby is critical for maintaining breeding populations of the Superb Parrot.<sup>23</sup>

*'Conservation planning for the Superb Parrot must account for the high vulnerability of migratory species that are dependent on scarce, declining and/or slow developing resources.'*<sup>24</sup>

As a result of this research, areas with a high number of quality breeding trees in Throsby will not be exposed to development impacts and have been placed in the nature reserve. This action achieves the adaptive management principles underpinning the Gungahlin Strategic Assessment by balancing urban development with the protection of high value biodiversity areas.

Ongoing Superb Parrot research has been completed by the ANU Fenner School of Environment and Society. The most recent investigations conducted from September 2016 to January 2017 collected data on:

- characteristics and dimensions of nesting hollows,
- breeding success,
- nest site competition, and
- tree hollow visitation rates.<sup>25</sup>

*The Breeding Ecology of the Superb Parrot (Polytelis swainsonii) in Northern Canberra: 2016 Nest Monitoring Report*<sup>26</sup> was published in June 2017. The report found only five active Superb Parrot nests in the Throsby offset areas (compared with 12 in 2015).<sup>27</sup> The research also found that as breeding areas appear to be moving south east with the expected future impacts of climate change, the Throsby area will become increasingly important to maintain the Superb Parrot population.<sup>28</sup>

The report concluded that there is high temporal variability in the ACT's Superb Parrot population and ongoing research is required to understand the habitat and breeding requirements of the species.<sup>29</sup>

Findings in the most recent research demonstrate the ongoing challenges for MNES within Throsby, as urban development will occur on the edge of Superb Parrot breeding areas. This will require the management of impacts of increasing numbers of people living close to Superb Parrot breeding sites, especially during breeding season. In order to meet this challenge, ongoing research and adaptive management principals are required to balance community engagement and use of the nature reserve with the protection of valuable Superb Parrot breeding sites.

16 [http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon\\_id=738](http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=738), accessed 09 November 2017

17 <http://www.environment.gov.au/cgi-bin/sprat/public/publicshowcommunity.pl?id=43>, accessed 09 November 2017

18 Rural dieback has also been documented in other tree species including the Red Stringybark in the Aranda Bushland as outlined in the *Implementation Status Report on ACT Government's Climate Change Policy* published by the Commissioner for Sustainability and the Environment in September 2017

19 [https://www.environment.act.gov.au/\\_\\_data/assets/pdf\\_file/0011/576470/Superb\\_parrot.pdf](https://www.environment.act.gov.au/__data/assets/pdf_file/0011/576470/Superb_parrot.pdf), accessed 09 November 2017

20 [http://www.environment.act.gov.au/\\_\\_data/assets/pdf\\_file/0006/906945/Breeding-ecology-of-the-superb-parrot.pdf](http://www.environment.act.gov.au/__data/assets/pdf_file/0006/906945/Breeding-ecology-of-the-superb-parrot.pdf), accessed 10 November 2017

21 Ibid

22 Ibid

23 [http://www.cmd.act.gov.au/open\\_government/inform/act\\_government\\_media\\_releases/corbelt/2016/act-research-into-threatened-superb-parrot-a-national-first](http://www.cmd.act.gov.au/open_government/inform/act_government_media_releases/corbelt/2016/act-research-into-threatened-superb-parrot-a-national-first), accessed 09 November 2017

24 Ibid

25 Fenner School of Environment and Society, Australian National University and ACT Government (2016) *The Breeding ecology of the Superb Parrot (Polytelis swainsonii) in Northern Canberra: 2016 Nest Monitoring Report*

26 Ibid

27 Ibid

28 Ibid

29 Ibid

**5.**

# **Approach to the Audit and Methodology**



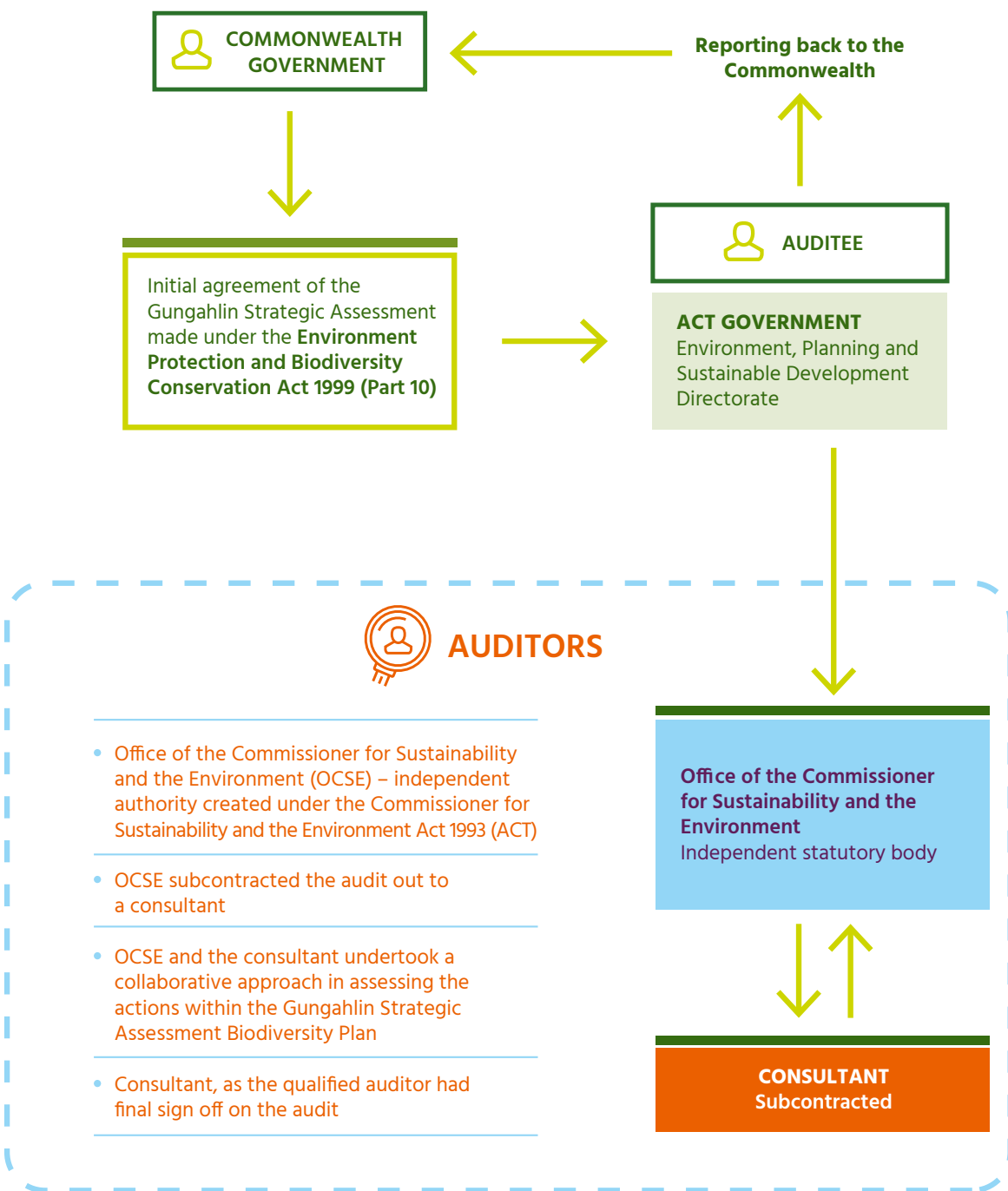
The audit team was established in May 2017, comprising of OCSE and NGH Environmental staff. The audit team and experience is reflected in **Appendix A**.

An audit plan was developed by the audit team to outline the approach to the audit and identify roles and responsibilities.

The roles and responsibilities of different parties in relation to the Gungahlin Strategic Assessment are outlined below.

# ROLES & RESPONSIBILITIES

## IN RELATION TO THE GUNGAHLIN STRATEGIC ASSESSMENT BIODIVERSITY PLAN



# Methodology

The Audit Criteria Methodology Template which has guided this audit is found at Appendix B of the *Independent Audit and Audit Report Guidelines for controlled actions which have been approved under Chapter 4 of the EPBC Act*.<sup>1</sup>

The ISO19011 audit process,<sup>2</sup> the international standard that provides guidelines for management systems auditing, has also been referenced.

## Audit Assessment Criteria

The objectives of this audit are guided by Ministerial Terms of Reference, which include:

- 1. assessment of all approval commitments as being *Compliant*, *Non-compliant* or *Undetermined*,
- 2. issuing corrective actions as appropriate, and
- 3. noting any observations.

Further assessment criteria were established by the audit team, namely:

- compliance was assessed against the commitments as phrased and approved,

- compliance was assessed in terms of the status in meeting the requirements of each commitment, against dates and timelines specified in the Plan,
- where a commitment output had been officially endorsed or accepted by the Commonwealth, the commitment has been deemed compliant, and
- where required, the Plan was referenced to assist interpretation of the meaning of commitments in relation to the required deliverable.

## Risk Assessment

Where actions against a commitment have been found *Non-compliant*, *Compliant with Observation*, or *Undetermined*, a risk rating has been identified.

The risk assessment methodology is consistent with AS/NZ ISO 14004:2004 (Environmental Management Systems)<sup>3</sup> and AS/NZS ISO 31000:2009 (Risk Management).<sup>4</sup>

Risk rating is a function of the likelihood of the impact occurring and the consequence of the impact, as determined through the risk rating matrix in **Table 1**.

Where risks are rated as moderate or higher this is likely to result in creation of an *Observation* or *Corrective Action Request*.

TABLE 1: RISK RATING MATRIX UTILISED

		CONSEQUENCE				
		NEGLIGIBLE	MINOR	MODERATE	MAJOR	CATASTROPHIC
LIKELIHOOD	REMOTE	Low	Low	Low	Medium	Medium
	UNLIKELY	Low	Low	Medium	Medium	High
	POSSIBLE	Low	Medium	Medium	High	Very High
	LIKELY	Low	Medium	Medium	Very High	Extreme
	ALMOST CERTAIN	Low	Medium	High	Extreme	Extreme

1 Australian Government Department of the Environment, 2015, *Independent Audit and Audit Report Guidelines for controlled actions which have been approved under Chapter 4 of the EPBC Act*, <http://www.environment.gov.au/system/files/resources/76c1a1c5-a793-432f-9e3e-f85fb75fb039/files/independent-audit-report-guidelines.pdf>, accessed 8 November 2017

2 <https://www.iso.org/standard/50675.html>, accessed 13 November 2017

3 <https://infostore.saiglobal.com/en-au/Standards/AS-NZS-ISO-14004-2004-393346/>, accessed 10 November 2017

4 [https://infostore.saiglobal.com/store/getpage.aspx?path=/publishing/shop/promotions/AS\\_NZS\\_ISO\\_31000:2009\\_Risk\\_Management\\_Principles\\_and\\_guidelines.htm&site=RM](https://infostore.saiglobal.com/store/getpage.aspx?path=/publishing/shop/promotions/AS_NZS_ISO_31000:2009_Risk_Management_Principles_and_guidelines.htm&site=RM), accessed 10 November 2017



## Definitions

Categories of *Audit Status* used in the audit table below have been taken from the *Independent Audit and Audit Report Guidelines*<sup>5</sup> and have been altered slightly to reflect the requirements of the current audit.

All categories of *Audit Status* have been given a risk rating which reflects the auditors' analysis of the risks associated with achievement of each commitment. This process has resulted in the identification of key risks and allows EPSDD to prioritise ongoing management requirements in respect of the Gungahlin Strategic Assessment.

This strategic assessment has a further 15 years in which to deliver outcomes and it will be audited every 5 years until completion.

### COMPLIANT

The auditors have deemed a commitment '*Compliant*' where it has been found to comply with the specific requirements of the Plan.

### COMPLIANT WITH OBSERVATION

The auditors have used this assessment where the commitment is compliant at the time of the audit according to the Plan but where issues relevant to that commitment have been noted, to inform and assist with future management. In this assessment, the auditors have observed a deficiency in documentation or actions which has impacted, or has potential to impact, on meeting a commitment.

### NON-COMPLIANT

This audit categorisation relates to the non-fulfilment of a specified requirement of the Plan.

### UNDETERMINED

When a commitment falls inside the scope of the audit but there is insufficient evidence to make a judgement on compliance or non-compliance at the time the audit was undertaken, the categorisation '*Undetermined*' has been used.

### NOT APPLICABLE

Where a specific requirement of the Plan falls outside the scope of the audit, is addressed or duplicated by another commitment, or has not been triggered, this categorisation has been used.

## CORRECTIVE ACTION REQUEST

Corrective Action Requests have been made by the Commissioner for Sustainability and the Environment where the relevant government agency should undertake action to either:

- eliminate the cause of a non-compliance,
- reduce risks associated with a non-compliance, or
- prevent the non-compliance recurring in relation to meeting the intent of the relevant commitment.



*Lizard on fence post in Kinlyside. Source Kate Auty*

## Undertaking the Audit

The main steps in undertaking this audit are shown in the following diagram.

<sup>5</sup> Department of the Environment, 2015, *EPBC Act Independent Audit and Audit Report Guidelines*, <https://www.environment.gov.au/epbc/publications/independent-audit-report-guidelines>, accessed 31 October 2017





# PROJECT TIMELINE

## 2017

- 12 MAY ○ AUDIT INCEPTION
- 30 MAY ○ AUDIT SCOPING
- JUNE ○ GENERAL INFORMATION REQUEST
- 20 JUNE ○ 1<sup>ST</sup> SITE VISIT
- 18 AUG ○ 1<sup>ST</sup> INFORMATION REQUEST
- 22 SEP ○ 2<sup>ND</sup> INFORMATION REQUEST
- 10 OCT ○ PRELIMINARY FINDINGS
- 11 OCT ○ 2<sup>ND</sup> SITE VISIT
- EARLY NOV ○ DRAFT AUDIT REPORT
- 20 NOV ○ FINAL AUDIT REPORT
- 20 DEC ○ REPORT TO COMMONWEALTH

# Sources of Information Reviewed

Evidence was sourced in a manner of ways including:

- site visits (20 June 2017 with eight participants and 11 October 2017 with nine participants),
- research of publicly available information,
- direct emails to key stakeholders to seek information,
- discussions and meetings with key stakeholders such as the Impact Assessment Team in EPSDD, and
- correspondence, reports, minutes and other documentation.

The EPSDD Impact Assessment Team coordinated the two formal information requests, as well as responding to follow-up requests by providing further information on specific commitments.

Construction commencement dates used in the audit are the estate development start dates outlined in **Table 2** below.

**TABLE 2: CONSTRUCTION COMMENCEMENT DATES USED IN THE AUDIT<sup>6</sup>**

SUBURB/ ESTATE	RELEASE YEAR (FY)	ESTATE DEVELOPMENT START DATE
Moncrieff	2013–14	July 2014
Jacka (stage 1)	2011–12	February 2012
Throsby	2015–16	September 2015
Taylor	2016–17	June 2016

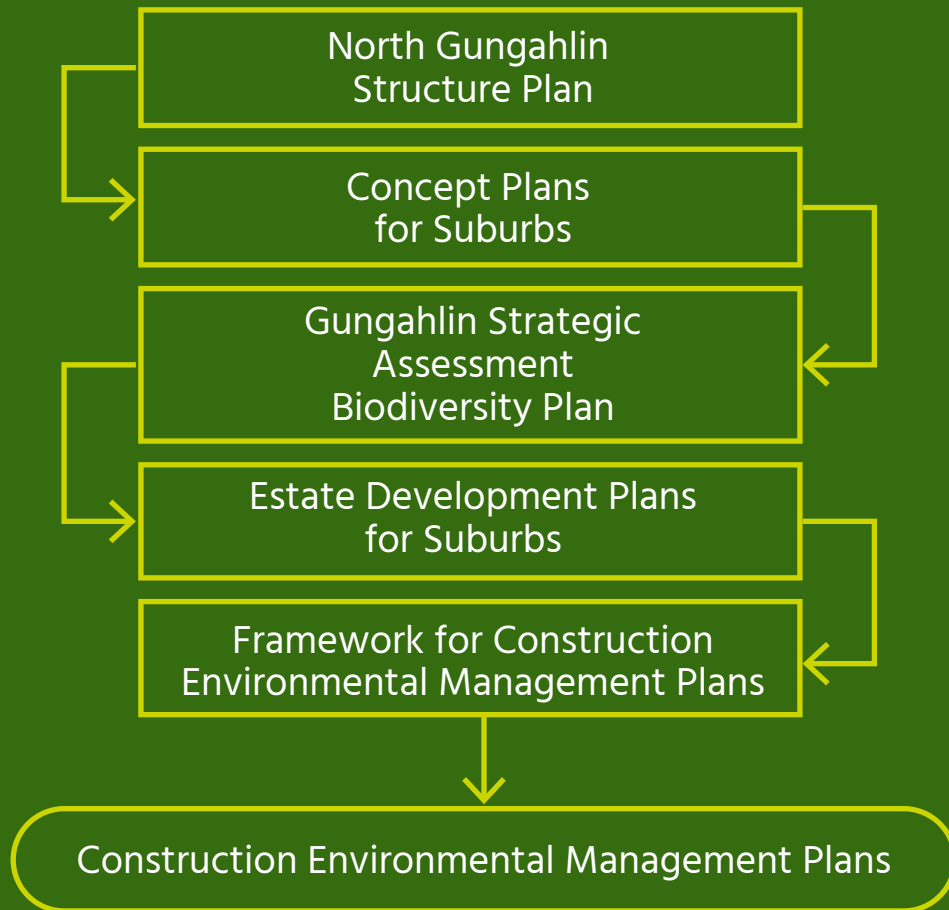
An outline of the plans and legislation relevant to the land development process for the Gungahlin Strategic Assessment is found below. These represent the majority of the evidence used to determine compliance of the commitments.

6 Refer to email from Jennifer Finlay (Land Development Agency) to Serena Farrelly (OCSE) 18 July 2017

# PLANS RELEVANT TO THE LAND DEVELOPMENT PROCESS FOR THE GUNGAHLIN STRATEGIC ASSESSMENT

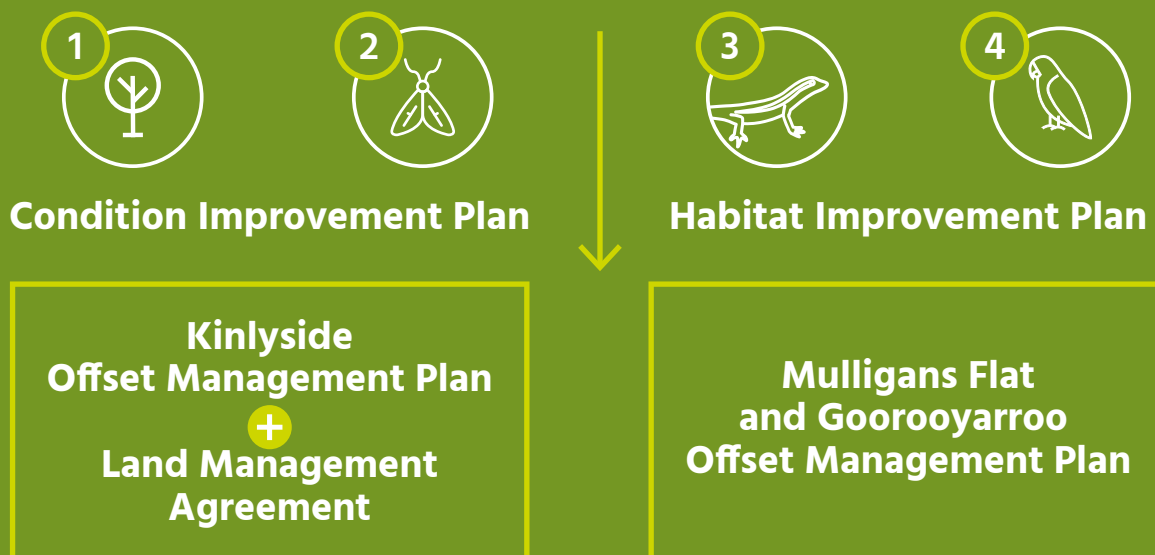
**AIM: Protection of  
Matters of National Environmental Significance**

PLANNING AND  
DEVELOPMENT



**Civil Construction**

CONSERVATION  
IMPLEMENTATION





## RELEVANT LEGISLATION

### MAIN:

- Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

### SUPPORTING:

- ACT Planning and Land Management Act 1988 (Commonwealth)
- Planning and Development Act 2007 (ACT)
- Nature Conservation Act 2014 (ACT)
- Pest Plants and Animals Act 2005 (ACT)



## FIRE

- The ACT Strategic Bushfire Management Plan
- Bushfire Operations Plan
- ACT Government Ecological Guidelines for Fuel and Fire Management Operations



## OTHER PLANS THAT INFORM OFFSET MANAGEMENT

- Eastern Grey Kangaroo: Controlled Native Species Management Plan
- ACT Weeds Strategy
- ACT Pest Animal Management Strategy
- ACT Lowland Woodland Conservation Strategy + Action Plans
- AP2: A New Climate Change Strategy and Action Plan for the ACT

# **6.**

## **Audit of Implementation of the Gungahlin Strategic Assessment**



The results of the audit are found in table-form below.

The *Commitment* and *Timeframe* were taken directly from the Plan and as such, have not been edited.

The *Auditor Comments* provide commentary on the reasoning behind the decisions made in the audit analysis.

The *Audit Status* represents the status of the commitment as determined by the auditors, according to the

categories listed above. A *Risk* rating has been assigned to each commitment, based on the *Audit Status* and the *Auditor Comments*.

Finally, the *Commitment Status* identifies whether the commitment has been completed or is ongoing. This will assist in determining the commitments to be audited in the next independent audit, due 20 June 2023.

# Summary of Audit Table Results

A summary of the audit results is in **Table 3** below.

**TABLE 3: SUMMARY OF AUDIT TABLE RESULTS**

AUDIT STATUS		NUMBER OF COMMITMENTS	
Compliant		14	
Compliant with Observation		5	
Non-compliant		13	
Not applicable		5	
Undetermined		2	
Corrective Action Requests	1.	Provide a plan on how to address the compliance and enforcement for cat containment. Due 20 December 2017. (Commitment 5)	
	2.	The PIT will review the Taylor Stage 1 CEMP, and work undertaken in relation to this CEMP, to identify whether any breaches in relation to MNES have occurred and develop an appropriate plan of action to address this if necessary. Due 20 January 2018. (Commitment 11a)	
	3.	Prepare a process document outlining the steps required to document or report investigations into any real or potential breaches of commitments of the Plan. Due 20 January 2018. (Commitment 15)	
	4.	Ensure the fire hazard management strategies are completed. Due 20 February 2018. (Commitment 28)	
	5.	Prepare and provide educational documentation for residents moving into Throsby and for people buying the remaining blocks in the suburb. Due 20 December 2017. (Commitment 30)	
TOTAL NUMBER OF COMMITMENTS		39	

Following the Audit Table is an outline of the key risks that have been identified during the audit process. These should be a focus for future management in terms of ongoing implementation of the Gungahlin Strategic Assessment.

# Audit Table

ITEM	COMMITMENT	TIMEFRAME	AUDITOR COMMENTS	AUDIT STATUS	RISK	COMMITMENT STATUS
1	<b>Territory Plan</b>  Variation to the Territory Plan and amendment to the National Capital Plan for all proposed land use changes.	Commence variation prior to commencement of construction of any new urban areas.	<b>Key Dates: Estate Development Dates<sup>1</sup></b>  <b>Jacka Stage 1 – February 2012</b> <b>Gungahlin East Town Centre – November 2013, construction January 2014</b> <b>Moncrieff – July 2014</b> <b>Throsby – September 2015</b> <b>Taylor – June 2016</b>  Although the concept plans for Jacka and Moncrieff changed after the Gungahlin Strategic Assessment was completed, the documents provided are sufficient to show that the process for the variation of the Territory Plan had commenced prior to the commencement of construction in any new areas. This meets the commitment.	Compliant	No risk due to compliance.	Ongoing
2	<b>Offset Framework</b>  Framework for investment in offsets, monitoring, reporting, adaptive management, compliance and enforcement: <ul style="list-style-type: none"> <li>• monitoring program,</li> <li>• reporting requirements,</li> <li>• process for review, improvement, approval and incorporation of new procedures within an adaptive management framework, and</li> <li>• compliance and enforcement procedures associated with design, construction and operation phase activities.</li> </ul>	Within 6 months of establishment of the PIT.	<b>Key Dates: PIT established 17 January 2014</b>  The <i>Framework for investment in offsets, monitoring and reporting, adaptive management, compliance and enforcement</i> was due 17 July 2014 and was submitted to Commonwealth on 30 July 2014.  The Framework was 2 weeks late.  The Framework was approved by the Commonwealth on 2 November 2014.  The delay is not expected to have had an impact on outcomes under the Plan.	Non-compliant	Low risk. No corrective action required.	Completed

<sup>1</sup> Email from Jennifer Finlay (Land Development Agency) to Serena Farrelly (OCSE) 18 July 2017



ITEM	COMMITMENT	TIMEFRAME	AUDITOR COMMENTS	AUDIT STATUS	RISK	COMMITMENT STATUS
3	<b>Estate Development Plans</b>  Provide documented guidance on the development of concept plans to ensure appropriate land use planning for areas adjacent to MNES habitat and associated buffers for all urban development including specific consideration of the estate design/layout. This is inclusive of requirements for Asset Protection Zones between the buffer zone and any residential development.	Prior to lodgement of Estate Development Plan for each suburb.	<b>Key Dates: Estate Development Dates<sup>2</sup></b> <b>Jacka Stage 1 – February 2012</b> <b>Gungahlin East Town Centre – from November 2013</b> <b>Moncrieff – July 2014</b> <b>Throsby – September 2015</b> <b>Taylor – June 2016</b>  <i>The Guidance on Planning for Taylor, does not include any details about asset protection or buffer zones as per requirements for commitment. Note that it was endorsed by the PIT in 2014.</i>  The response from EPSDD identified that concerns regarding asset protection or buffer zones are addressed through the review of Estate Development Plans by relevant government agencies.  However, no evidence was provided of how these asset protection and buffer zones were addressed.	Undetermined	Medium risk. No corrective action required.	Ongoing
4	<b>Land Management Agreements</b>  Review and update Land Management Agreements or management plans for all avoided areas of Non-Urban – Hills, Ridges and Buffers.	Commence review and update of Land Management Agreements within 12 months of endorsement of the Plan.	<b>Key Dates: Plan endorsed 20 June 2013</b>  Land Management Agreements have not yet been developed but the process of review and update of Land Management Agreements commenced within the 12 month timeframe as required in the Plan.  <b>Observation:</b>  <i>Land Management Agreements have not been finalised. While this is not a non-compliance, it represents a very high risk to delivery of commitments in all the leasehold areas.</i>  <i>See Key Risks Section for more detail.</i>	Compliant with Observation	Very High risk. Refer to Observation.	Ongoing

<sup>2</sup> For the purposes of this audit, the estate development start dates are used as the audit criteria

ITEM	COMMITMENT	TIMEFRAME	AUDITOR COMMENTS	AUDIT STATUS	RISK	COMMITMENT STATUS
5	<b>Cat Containment Policy</b>  Implement cat containment policy in all urban development areas.	During detailed planning of each suburb.	<p><b>Key Dates: Estate Development Dates<sup>3</sup></b></p> <p><b>Jacka Stage 1 – February 2012</b>  <b>Gungahlin East Town Centre – November 2013, construction January 2014</b>  <b>Moncrieff – July 2014</b>  <b>Throsby – September 2015</b>  <b>Taylor – June 2016</b></p> <p>Gungahlin East Town Centre is non-compliant as there is no cat policy available for the area and construction commenced in January 2014.</p> <p>EPSDD have advised this policy is progressing.</p> <p>Transport Canberra and City Services is currently in the process of developing a comprehensive plan, the Cat Plan, with EPSDD.</p> <p>The Animal Welfare and Management Strategy<sup>4</sup> was recently released and includes detail on the need for a compliance and enforcement program focusing on domestic animals (Objective 5).</p> <p>However, a funded compliance program (p. 40 of the Plan) has not yet been established which is a key part of implementing this commitment. The Animal Welfare and Management Strategy does not include objectives relating to cat containment.</p> <p><b>Corrective Action Request:</b></p> <p><b><i>Provide a plan on how to address compliance and enforcement for cat containment (due 20 December 2017).</i></b></p> <p><b><i>See Key Risks section for more detail.</i></b></p>	Non-compliant	High risk. Corrective Action Required.	Ongoing
6	<b>Plan Implementation Team (PIT)</b>  Establishment of the 'Plan Implementation Team' (PIT) and submission of initial / indicative team membership and charter to SEWPaC for approval. This will also include a Charter to describe the governance arrangements pertaining to operation of the Team that will guide it in the discharge of its duties in addition to strategies for engagement of community groups for input on the adaptive management process and MNES as appropriate.	Establishment of PIT within 3 months of Plan endorsement.  Submission of Charter to SEWPaC within 12 months of Plan endorsement.	<p><b>Key Dates:</b></p> <p><b>Plan endorsed 20 June 2013</b>  <b>PIT established 17 January 2014</b>  <b>Charter submitted 5 May 2014</b></p> <p>The Plan was endorsed 20 June 2013, the PIT was established on 17 January 2014 as per 2016–17 Annual Report, Timing and Date column. The establishment of the PIT should have been 20 September 2013. This was 4 months late. Delay not expected to have had an impact on outcomes under the Plan.</p> <p>The PIT Charter was submitted to the Commonwealth on 5 May 2014. This was within 12 months of Plan endorsement so it was on time.</p> <p>The amended PIT Charter was approved by the Commonwealth on 13 January 2017.</p>	Non-compliant	Low risk. No corrective action required.	Completed

<sup>3</sup> For the purposes of this audit, the estate development start dates are used as the audit criteria

<sup>4</sup> <https://www.tccs.act.gov.au/city-living/pets/animal-welfare/animal-welfare>

ITEM	COMMITMENT	TIMEFRAME	AUDITOR COMMENTS	AUDIT STATUS	RISK	COMMITMENT STATUS
7	<b>Fund Management</b>  Establishment of a suitable mechanism to enable management of funds provided to the PIT for implementation of the Plan.	Within 3 months of SEWPaC approval of the PIT structure and Charter.	<b>Key Dates:</b> <b>PIT Charter approved 3 June 2014 (including fund management)</b>  A suitable mechanism to enable management of funds provided to the PIT for implementation of the Plan was outlined in the PIT Charter under Part 7. (Fund Administration), particularly a) iv, v, and vi.  The original PIT Charter was approved by the Commonwealth on 3 June 2014 and the revised Charter was approved by Commonwealth on 13 January 2017.	Compliant	No risk due to compliance.	Completed
8	<b>Implementation Plan</b>  Develop and submit to SEWPaC for approval a program of implementation of all of the commitments in the Plan.	Within 2 months of SEWPaC approval of the PIT structure and Charter.	<b>Key Dates:</b> <b>PIT Charter approved 3 June 2014 (including fund management)</b> <b>Implementation Plan submitted 11 May 2015</b>  The PIT Charter was approved by the Commonwealth on 3 June 2014. The program should have been submitted to the PIT by 3 August 2014 and was submitted on 11 May 2015. This represents a 9 month delay.  Delay not expected to have had an impact on outcomes under the Plan.	Non-compliant	Low risk. No corrective action required.	Completed
9	<b>Reserve (Offset) Management Plans</b>  Develop a reserve management plan for all new nature reserves.	Within 6 months of reserve creation.	<b>Key Dates:</b> <b>Reserve (offset) management plans submitted September 2015</b>  The Commonwealth approved <i>Framework for investment in offsets, monitoring, reporting, adaptive management, compliance and enforcement</i> notes that reserve management plans have been re-titled “offset management plans” due to the targeted nature of the conservation activities within them (page 10 table 2).  As per extension of time from the Commonwealth, the <i>Kinlyside Nature Reserve and Offset Area Offset Management Plan</i> was due 30 September 2015 and it was delivered on time. Kinlyside is the only new reserve.	Compliant	No risk due to compliance.	Ongoing
10	<b>Reserve (Offset) Management Plans</b>  Develop amended reserve management plans for existing reserves into which additional land is included as a result of the Plan.	Within 6 months of transfer of land into existing reserve.	<b>Key Dates:</b> <b>Reserve (offset) management plans submitted July 2015</b>  As above, the Framework for investments also notes that each offset plan will address management actions appropriate for MNES (Table 7).  As per extension of time from the Commonwealth, the <i>Extension to the Mulligans Flat and Gorooyarroo Nature Reserves Offset Management Plan</i> was due 31 July 2015 and it was delivered on time.	Compliant	No risk due to compliance.	Completed

ITEM	COMMITMENT	TIMEFRAME	AUDITOR COMMENTS	AUDIT STATUS	RISK	COMMITMENT STATUS
11	<b>Construction Environmental Management Plans (CEMPs)</b>  Develop the framework for CEMPs for areas directly or indirectly affecting MNES.	Prior to approval of any CEMP within areas subject to the Plan.	<b>Key Dates:</b> <b>CEMP Framework submitted on 20 December 2013</b>  The PIT was established on 17 January 2014. The framework for the CEMPs was required to be developed and submitted to the Commonwealth within 3 months and was submitted on 20 December 2013 which was on time. The document was approved by the Commonwealth on 3 June 2014.	Compliant	No risk due to compliance.	Completed
11a	<b>Construction Environmental Management Plans (CEMPs)</b>  Review and approve (subject to compliance with the Plan) CEMPs submitted for all new construction projects within the area subject to the Plan.	This is required to occur prior to the commencement of construction in areas identified for conservation in the Plan.	EPSDD noted that following the transfer of the strategic assessment function to EPSDD in July 2016, EPSDD has been working with relevant entities to establish procedures to ensure CEMPs are submitted, reviewed and where required, approved by the PIT.  The CEMP framework notes that it is the obligation of the proponent to ensure CEMPs are prepared, administered, and abided by in line with the approving Authority's requirements. To provide further assurance, where relevant, a standard condition will be included in the Notice of Decision for a Development Application. The ACT Government is liaising with the Commonwealth to further clarify and refine the process to meet the requirements of this commitment.  The Taylor Stage 1 CEMP was prepared in May 2016 and is the most recently prepared CEMP. It has: <ul style="list-style-type: none"> <li>a number of deficiencies in relation to consideration of items identified in the Plan, and</li> <li>did not acknowledge any MNES issues, the EPBC Act or the Plan.</li> </ul> The construction area that the Taylor Stage 1 CEMP relates to does not border any reserves, however it appears to include an area of Box Gum Woodland of low quality, as well as Golden Sun Moth habitat that was used as a larvae source site referred to in the <i>Golden Sun Moth Taylor Kinlyside Translocation Report</i> .  <b>Corrective Action Request:</b>  <i>The PIT will review the Taylor Stage 1 CEMP and work undertaken in relation to this CEMP to identify whether any breaches in relation to MNES have occurred and develop an appropriate plan of action to address this if necessary. Due 20 January 2018.</i>	Non-compliant	Medium risk. Corrective Action Required.	Ongoing



ITEM	COMMITMENT	TIMEFRAME	AUDITOR COMMENTS	AUDIT STATUS	RISK	COMMITMENT STATUS
12	<b>Asset Acceptance</b>  Coordinate with Territory and Municipal Services – Asset Acceptance to ensure all obligations of contractors with respect to management of MNES in accordance with the Plan have been implemented prior to hand-over of assets to the Territory.	Prior to practical completion of each development contract.	<p><b>Key Dates: Estate Development Dates<sup>5</sup></b></p> <p><b>Jacka Stage 1 – February 2012</b>  <b>Gungahlin East Town Centre – November 2013,</b>  <b>construction January 2014</b>  <b>Moncrieff – July 2014</b>  <b>Throsby – September 2015</b>  <b>Taylor – June 2016</b></p> <p>EPSDD noted that this is currently undertaken outside of the Gungahlin Strategic Assessment framework.</p> <p>Development Approvals need to meet requirements of the Plan to protect MNES and conditions put into Notice of Decisions require the protection of MNES. There is currently no coordination through PIT for this action.</p> <p>Following transfer of the strategic assessment function to ESPDD in July 2016, EPSDD is working with relevant entities to establish a procedure to ensure Plan objectives and commitments are met.</p> <p>It is necessary for EPSDD to demonstrate how the obligations of contractors with respect to management of MNES are being met prior to hand-over of assets to the Territory. This is required under the Gungahlin Strategic Assessment commitments and insufficient evidence has been provided to demonstrate if this is occurring.</p>	Undetermined	Low risk. No corrective action required.	Ongoing
13	<b>Baseline Ecological Information</b>  Collection of baseline ecological information for all new reserve areas.	Prior to dedication as nature reserve.	<p><b>Key Dates:</b>  <b>Changes to Territory Plan to dedicate new reserves – 21 October 2014</b></p> <p>The Territory Plan Variation came into effect on 21 October 2014 declaring new nature reserves in the Gungahlin Strategic Assessment. Four habitat improvement plans (Commitment 27) were submitted to the Commonwealth for approval on 4 March 2015.</p> <p>While these documents were submitted to the Commonwealth after the Territory Plan Variation came into effect, the baseline data was collected prior to this and was incorporated into the habitat improvement plans.</p>	Compliant	No risk due to compliance.	Ongoing
14	<b>Ongoing Ecological Monitoring</b>  Ongoing collection of key ecological information for monitoring and reporting requirements.	As required to inform annual report.	Monitoring requirements to date have been completed as per Table 9 in the <i>Kinlyside Nature Reserve and Offset Area Offset Management Plan</i> and Table 10 in the <i>Extension to the Mulligans Flat and Gorooyarroo Nature Reserves Offset Management Plan</i> .	Compliant	No risk due to compliance.	Ongoing

<sup>5</sup> For the purposes of this audit, the estate development start dates are used as the audit criteria

ITEM	COMMITMENT	TIMEFRAME	AUDITOR COMMENTS	AUDIT STATUS	RISK	COMMITMENT STATUS
15	<b>Breaches of Commitments</b>  Any action that results in a breach of commitments of the Plan and adversely affects MNES values will be investigated and reported to SEWPaC with identified recommendations for rectification, remediation or additional compensation. Remedial actions or additional compensation will be undertaken for controllable or avoidable actions which lead to a decline in MNES values with respect to the stated outcomes of the Plan.	Breaches to be investigated and SEWPaC notified immediately. Investigation report to be finalised and submitted to SEWPaC within 2 weeks of the incident coming to the attention of the PIT.  Decline in MNES values as determined by trend analysis to be investigated upon identification of trend in the Plan Review Report. Report to SEWPaC with recommended course of action to be submitted within 2 months.	<b>Key Dates:</b> <b>EPSDD made aware of fence impingement – 10 May 2017</b>  Parks and Conservation Service advised that a temporary perimeter exclusion fence was inadvertently erected by Woden Contractors in October 2015 in the wrong location for a length of approximately 500 metres along the north-eastern boundary of Throsby. This was within the offset area that is part of Mulligans Flat Nature Reserve, covering an estimated 0.3 hectares and is located within areas mapped as Golden Sun Moth habitat in Figure 1 of the <i>Golden Sun Moth Habitat Improvement Plan</i> . Subsequently, in Spring and Summer 2015 and in October 2016, baseline Golden Sun Moth surveys and habitat monitoring were undertaken, however, no new maps of Golden Sun Moth habitat were produced.  The boundary fence misalignment allowed construction to encroach onto the edge of the offset area.  At a meeting regarding the predator-proof fence on 10 May 2017, staff in Parks and Conservation Service were notified of the misalignment of the fence. After inspection of the site, a Parks and Conservation Service staff member contacted the Commonwealth verbally on 13 June 2017 regarding the fence impinging on the offset area. This was not within the required timeframe of 2 weeks. The response from the Commonwealth was that the area impacted was too small to warrant taking any compliance action under the EPBC Act. No written evidence of this contact was available and the PIT was not informed of the issue. An investigation report was not prepared or submitted to the Commonwealth.  On 12 May 2017, Eco Logical Australia inspected the land and provided a report to Woden Contractors with recommendations for remediation.  On 11 August 2017, Woden Contractors were issued with a Repair Damage Direction under section 229 of the NC Act to rehabilitate the impacted area. This rehabilitation cannot be done until the construction of the predator-proof fence in this area has been completed.  Eco Logical Australia notes in the report that the impacted area was originally in low condition. Eco Logical Australia also noted that following remediation works, <i>'the area is expected to eventually return to a very similar pre-disturbance state...and will be constrained in values to threatened fauna species by... its poor connectivity to other habitat.'</i>  <b>Corrective Action Request:</b>  <b><i>Prepare a process document outlining the steps required to document or report investigations into any real or potential breaches of commitments of the Plan. Due 20 January 2018.</i></b>  <b><i>See Key Risks section for more detail.</i></b>	Non-compliant	High risk. Corrective action required.	Ongoing

ITEM	COMMITMENT	TIMEFRAME	AUDITOR COMMENTS	AUDIT STATUS	RISK	COMMITMENT STATUS
16	<b>Annual Reports</b>  Prepare and submit Annual Reports (n=20). All reports, in addition to any research related to the Plan will be published on the internet in a central location.	Every financial year (within 2 months of the end of the financial year).	<b>Key Dates: Annual Reports due by 31 August every year</b>  Annual reports submitted to Commonwealth: <ul style="list-style-type: none"> <li>• 2013–2014 – final submitted 31 October 2014</li> <li>• 2014–2015 – final submitted 24 September 2015</li> <li>• 2015–2016 – final submitted 6 January 2017</li> <li>• 2016–2017 – final submitted 8 September 2017.</li> </ul> No Commonwealth agreement to extensions have been provided for the 2013–14 and 2015–16 Annual Reports.  EPSDD notes that the 2015–16 Annual Report was provided after the August due date as a result of the transfer of monitoring and reporting functions at the end of the 2015 financial year, and as the PIT Charter was also being revised to reflect new arrangements and changes to directorates.  The annual reports have consistently not been delivered by the original due date with delays of up to 5 months. Ongoing untimely delivery of annual reports is a risk in meeting the commitments in the Plan.  In addition, not all the research related to the Plan has been published on the internet.	Non-compliant	Medium risk. No corrective action required.	Ongoing
17	<b>Plan Review Report</b>  Prepare and submit Plan Review Report (n=5). The final Plan Review Report will include a summarised synthesis of all knowledge gained over the life of the Plan in order that it represent a complete description of actions taken under the Plan, requirements for ongoing management and opportunities for future enhancement beyond the life of the Plan.	Every fourth year from endorsement of the Plan (within 6 months of the end of financial year).	Note – now due 30 June 2018 as agreed by Commonwealth.	Not applicable	Not applicable.	Ongoing
18	<b>Annual Financial Audit</b>  Engage a third party to undertake an annual audit of financial management under the Plan. Findings of the audit are to be included in the annual report.	To coincide with annual reporting.	EPSDD have confirmed that this commitment is not required to be audited by OCSE.	Not applicable	Not applicable.	Ongoing
19	<b>Independent Audit</b>  Engage a third party to undertake an Independent Audit of the Plan's implementation (n=4).	Every fifth year from endorsement of the Plan.	OCSE was engaged by EPSDD to do this audit within the required timeframe.	Compliant	No risk due to compliance.	Ongoing

ITEM	COMMITMENT	TIMEFRAME	AUDITOR COMMENTS	AUDIT STATUS	RISK	COMMITMENT STATUS
20	<b>Nature Reserve Creation</b> Creation of new nature reserves in Kinlyside, Goorooyarroo and Mulligans Flat.	Upon completion of variation to Territory Plan.	<b>Key Dates:</b> <b>Changes to Territory Plan to dedicate new reserves – 21 October 2014</b>  <i>Planning and Development (Plan Variation No 319) Notice 2014</i> came into effect on 21 October 2014. Appropriate areas were rezoned as nature reserve.	Compliant	No risk due to compliance.	Completed
21	<b>Nature Reserve Creation</b> Creation of nature reserve in Kenny.	Prior to commencement of construction in Kenny.	Kenny is currently not on the Government's Indicative Land Release Program (2016/17 to 2019/20). Construction has not commenced.	Not applicable	Not applicable.	Ongoing
22	<b>Nature Reserve Management</b> Commence management of a nature reserve in Kenny (160 hectares).	Prior to commencement of construction in Kenny.	Kenny is currently not on the Government's Indicative Land Release Program (2016/17 to 2019/20). Construction has not commenced.	Not applicable	Not applicable.	Ongoing
23	<b>Nature Reserve Management</b> Commence management of a nature reserve in Kinlyside (201 hectares).	Within 2 years of Plan endorsement.	<b>Key Dates:</b> <b>Plan endorsed 20 June 2013</b>  Funds were released in September 2015. Staff were recruited and on-ground works began in October/November 2015. Management should have commenced within 2 years of Plan endorsement, being 20 June 2015. This was 4-5 months late.  Delay not expected to have had an impact on outcomes under the plan.	Non-compliant	Low risk. No corrective action required.	Completed
24	<b>Nature Reserve Management</b> Commence management of additional 300 hectares to the Mulligans Flat and Goorooyarroo nature reserve complex.	Prior to commencement of construction in Throsby.	<b>Key Dates: Estate Development Dates<sup>6</sup></b> <b>Throsby – September 2015</b>  Funds for weed control were issued in 2015–16 as per Annual Report Financial Audit (p.23). Construction commenced in September 2015 in Throsby so management should have commenced in August 2015. EPSDD advised that commencement of on-ground management was October/November 2015 so it was approximately 2 months late. As for Commitment 23 above, work commenced after funding and resources were obtained.  Delay not expected to have had an impact on outcomes under the plan.	Non-compliant	Low risk. No corrective action required.	Completed

<sup>6</sup> For the purposes of this audit, the estate development start dates are used as the audit criteria



ITEM	COMMITMENT	TIMEFRAME	AUDITOR COMMENTS	AUDIT STATUS	RISK	COMMITMENT STATUS
25	<b>Nature Reserve Management</b>  Commence management of additional 120 hectares to the north-western Hills, Ridges and buffers zone from the urban areas of Taylor and Jacka in addition to the entire area of the north Horse Park broadacre area.	Prior to commencement of construction in Taylor.	<b>Key Dates: Estate Development Dates<sup>7</sup></b> <b>Taylor – June 2016</b>  This needed to occur prior to commencement of construction in Taylor. According to the construction commencement date for Taylor of June 2016, this work started in 2016–17, therefore being at least 1 month late.  Delay not expected to have had an impact on outcomes under the plan.	Non-compliant	Low risk. No corrective action required.	Completed
26	<b>Improvement of Box Gum Woodland</b>  Improvement in the understorey diversity of 104 hectares of Box Gum Woodlands that presently do not meet the definition of the listed community. Areas subject to this action will include those that are presently in nature reserves in addition to areas that will become nature reserve as a result of implementing the Plan.	Within 20 years of endorsement of the Plan.	The <i>White Box–Yellow Box–Blakely's Red Gum Grassy Woodland and Derived Native Grassland Condition Improvement Plan</i> provides management strategies for implementing this commitment in collaboration with the offset management plans.  The commitment is currently reported to be on track and EPSDD notes that management actions will be reviewed as part of the Plan Review Report. Inconsistencies have also been identified in the original Box Gum Woodland mapping which will be ground-truthed in Spring 2017.  EPSDD acknowledges that given the timeframe of the strategic assessment, adaptive management actions may be required to ensure this commitment is achieved within the 20 year timeframe.  EPSDD is currently developing performance targets linked to the monitoring program for all sites and three years of data is needed to enable these targets to be set. In the meantime, delivery of the program is being achieved as outlined in the offset management plans.  <b>Observation:</b>  <b><i>The Habitat Improvement Plan provides guidance to monitoring but does not provide:</i></b> <b><i>1. management prescriptions in relation to improving condition of this vegetation, or</i></b> <b><i>2. benchmarks over time in relation to reaching the objective in 20 years.</i></b>  <b><i>See Key Risks section for more detail.</i></b>	Compliant with Observation	High risk. Refer to Observation.	Ongoing
27	<b>Habitat Improvement Plans</b>  Habitat improvement plans for: <ul style="list-style-type: none"> <li>Box Gum Woodland (approx. 104 hectares of habitat)</li> <li>Golden Sun Moth (up to 140 hectares of habitat)</li> <li>Striped Legless Lizard (up to 111 hectares of habitat)</li> <li>Superb Parrot</li> </ul>	12 months of endorsement of the Plan.	<b>Key Dates:</b> <b>Plan endorsed 20 June 2013</b>  All four plans were due 20 June 2014 (refer to reminder letter from Commonwealth) but were submitted 9 months late on 4 March 2015.  There is a medium risk of this moderate delay impacting on the ability to meet the objectives of the Plan as these plans are critical to the protection of MNES.	Non-compliant	Medium risk. No corrective action required.	Completed

<sup>7</sup> For the purposes of this audit, the estate development start dates are used as the audit criteria

ITEM	COMMITMENT	TIMEFRAME	AUDITOR COMMENTS	AUDIT STATUS	RISK	COMMITMENT STATUS
28	<p>Fire Hazard Management Strategies</p> <p>Fire hazard management strategies that include specific considerations for:</p> <ul style="list-style-type: none"> <li>• Box Gum Woodland</li> <li>• Golden Sun Moth</li> <li>• Striped Legless Lizard</li> <li>• Superb Parrot</li> </ul>	Prior to any construction in areas adjoining the target MNES.	<p><b>Key Dates: Estate Development Dates<sup>8</sup></b></p> <p><b>Jacka Stage 1 – February 2012</b></p> <p><b>Gungahlin East Town Centre – November 2013, construction January 2014</b></p> <p><b>Moncrieff – July 2014</b></p> <p><b>Throsby – September 2015</b></p> <p><b>Taylor – June 2016</b></p> <p>2015–16 Annual Report notes that this is a non-compliance. There is a risk that inappropriate fire management strategies are being implemented.</p> <p>EPSDD notes that all bushfire management activities undertaken by EPSDD are implemented under the direction of the relevant Bushfire Operations Plan. Each line item is referenced with the appropriate Ecological Guidelines.</p> <p>The Bushfire Operations Plan in turn is informed by the Regional Fire Plans and the overarching Strategic Bushfire Management Plan. The draft Bushfire Operations Plan is sent to Conservation Planning and Research for comment before it is signed off by the ACT Bushfire Council and Emergency Services Association Commissioner. Conservation Planning and Research check compliance with the <i>ACT Government's Ecological Guidelines for Fuel and Fire Management Operations</i>.</p> <p>EPSDD reports that these plans are currently being prepared and will include specific ecological guidelines for MNES. However, as they are late, this represents a risk to the protection of the MNES.</p> <p><b>Corrective Action Request:</b></p> <p><b>Ensure the fire hazard management strategies are completed. Due 20 February 2018.</b></p>	Non-compliant	Medium risk. Corrective Action Required.	Ongoing
29	<p><b>Superb Parrot Nesting Trees</b></p> <p>Protect known Superb Parrot nesting trees including exclusion fencing of the interface between Throsby East Reserve and the future urban area to limit pedestrian access points.</p>	Prior to construction commencing in Throsby.	<p><b>Key Dates: Estate Development Dates<sup>9</sup></b></p> <p><b>Throsby – September 2015</b></p> <p>EPSDD notes that fencing has been installed specifically to ensure Superb Parrot nesting trees are protected, to avoid people walking through these areas during nesting season. However, the location of walking tracks within the reserve has not been addressed.</p> <p><b>Observation:</b></p> <p><b>The location of walking tracks in relation to Superb Parrot nesting trees, and the associated risk to the species, requires further consideration.</b></p>	Compliant with Observation	Medium risk. Refer to Observation.	Ongoing

<sup>8</sup> For the purposes of this audit, the estate development start dates are used as the audit criteria

<sup>9</sup> For the purposes of this audit, the estate development start dates are used as the audit criteria

ITEM	COMMITMENT	TIMEFRAME	AUDITOR COMMENTS	AUDIT STATUS	RISK	COMMITMENT STATUS
30	<b>Educational Resources</b>  Establish educational resources including signage and guidelines for residents of east Throsby, including: <ul style="list-style-type: none"> <li>• Description of ecological values and significance of the Mulligans Flat and Gorooyarroo Nature Reserve complex,</li> <li>• No domestic animals in reserves, and</li> <li>• Management of pest species along the urban edge.</li> </ul>	Prior to sale of land to prospective residents.	<p><b>Key Dates:</b>  <b>First land release in Throsby February 2016</b></p> <p>EPSDD notes that the first land releases in Throsby commenced in February 2016, with the first settlements in May 2017. There are no residents currently living in east Throsby near the reserve. Occupation should commence by the end of the 2017 calendar year.</p> <p>General information about the ecological values and significance of the Mulligans Flat and Gorooyarroo Nature Reserves was available on the Land Development Agency Suburban Land website as part of the pre-land sales marketing process, however, nothing specific was included in the sales documentation. This information is promotional in nature, not educational. An education package is currently being prepared and will be distributed to residences. Land Development Agency Suburban Land will commence a community development program 'Mingle for Throsby' residents in the future. In addition, there is activities declaration signage at the entrance to the reserve stating that no cats or dogs are permitted in the reserves.</p> <p>Evidence that educational resources including signage were established prior to the sale of land has not been provided. Risk of not meeting objectives of the Plan is high, as buyers may not have been aware of the significance of MNES in surrounding reserve land at the time of land purchase. This potentially increases the likelihood of non-compliance by residents in relation to management of domestic animals.</p> <p><b>Corrective Action Request:</b></p> <p><b><i>Prepare and provide educational documentation for residents moving into Throsby and for people buying the remaining blocks in the suburb. Due 20 December 2017.</i></b></p> <p><b><i>See Key Risks section for more detail.</i></b></p>	Non-compliant	High risk. Corrective Action Required.	Ongoing

ITEM	COMMITMENT	TIMEFRAME	AUDITOR COMMENTS	AUDIT STATUS	RISK	COMMITMENT STATUS
31	<b>Superb Parrot Research</b>  Commence planning for implementation of focused research on Superb Parrot habitat requirements: <ul style="list-style-type: none"> <li>Research focusing on nest site selection, nest site fidelity, fecundity, population dynamics and methods of reducing or eliminating nest hollow competition from aggressive native species or exotic pests such as Common Myna and European Honeybee.</li> <li>Assisted natural regeneration to facilitate future hollow formation will be undertaken in areas likely to be suitable as future nesting sites.</li> <li>Removal of stock leading to a reduction in localised compaction and concentration of nutrients, improving long term tree survival.</li> </ul>	12 months of endorsement of Plan.	<b>Key Dates:</b> <b>Plan endorsed 20 June 2013</b>  EPSDD notes that Parks and Conservation Services are about to recruit a full-time researcher to undertake this work. They will complete the third year of this research. The research has been undertaken by the ANU for the past 2 years.  <i>Technical Report: Superb Parrot breeding in northern Canberra and Superb Parrot Technical Report II Final June 2017</i> provided an outline of the research currently being undertaken.  Superb Parrot nesting trees have been fenced to avoid stock compaction. In addition, a field officer is also actively managing stock at Throsby with the grazing licence holder.	Compliant	No risk due to compliance.	Ongoing
32	<b>Golden Sun Moth Research</b>  Research Golden Sun Moth habitat requirements: <ul style="list-style-type: none"> <li>may include research into translocation of Golden Sun Moths</li> <li>fragmentation and proximity to urban areas</li> </ul>	As determined by project prioritisation planning process.	Golden Sun Moth research has been completed. Golden Sun Moth translocation (and research) was undertaken for Kinlyside and Taylor.  The Plan notes that Golden Sun Moth research may include research into translocation, however, there is no requirement for this to be undertaken at all sites.  <b>Observation:</b>  <i>There is no process that identifies and justifies what research will be or has been undertaken. Jacka and Moncrieff had Golden Sun Moth habitat according to the Figure 1 of the Golden Sun Moth Habitat Improvement Plan but no translocation has occurred from these suburbs. It is noted that this is not a requirement under the Plan but it would be of value to have a process to identify this research, to ensure a strategic approach is being applied.</i>	Compliant with Observation	Low risk. Refer to Observation.	Ongoing



ITEM	COMMITMENT	TIMEFRAME	AUDITOR COMMENTS	AUDIT STATUS	RISK	COMMITMENT STATUS
33	<b>Ruderal Species Management</b> Undertake control programs of ruderal species.	As indicated by monitoring program.	<p>This is ongoing. Ruderal species were identified in the initial habitat assessment. Identification on where and when control programs are implemented is based on a number of factors including on-ground assessments.</p> <p>European Wasp – at establishment of the nature reserves, advice was sought from Transport Canberra and City Services on the presence of the European Wasp in the area. Recorded numbers were very low. Rangers will continue to monitor for the presence of the European Wasp while out in the field and will seek advice on appropriate control measures as required.</p> <p>Common Myna – the ACT Government has a contract with the Canberra Indian Myna Action Group until 30 June 2019. As part of this contract, Canberra Indian Myna Action Group is required to survey tree hollows for the Common Myna. This is an annual monitoring requirement. Control programs undertaken are in response to these annual surveys.</p>	Compliant	No risk due to compliance.	Ongoing
34	<b>Structural Habitats</b> Undertake salvage and relocation of structural habitat elements such as rocks and logs.	During construction, as specified in CEMP.	Parks and Conservation Service has worked directly with the Throsby developers to stockpile woody debris, vertical stags (trees removed from the Throsby development) and rocks for habitat enhancement in the reserve.	Compliant	No risk due to compliance.	Ongoing
35	<b>Plantings</b> Undertake plantings to improve connectivity and wildlife movement along Gungaharra and Sullivans Creeks, targeting in particular Superb Parrot movement corridors.	As determined by project prioritisation planning process.	<p><b>Key Dates:</b> <b>Plantings were observed at Throsby on the 20 June 2017 site visit</b></p> <p><b>Observation:</b></p> <p><i>While some planting has occurred, no evidence was provided of the planning necessary to meet the objective of improving connectivity and wildlife movement along Gungaharra and Sullivans Creek. The Extension to the Mulligans Flat and Goorooyarroo Nature Reserves Offset Management Plan sets out management requirements for improving connectivity and wildlife movement along creeks, however detailed strategic planning is missing.</i></p>	Compliant with Observation	Medium risk. Refer to Observation.	Ongoing
36	<b>Bushfire Management</b> Undertake all bushfire management activities in line with ACT Government's Ecological Guidelines for Fuel and Fire Management Operations.	As required.	<p>EPSDD notes that the draft Bushfire Operation Plans are sent to Conservation Research to check for compliance with the <i>ACT Government's Ecological Guidelines for Fuel and Fire Management Operations</i>. Once completed, the plans are signed off by the ACT Bushfire Council and the Commissioner, Emergency Services Agency.</p> <p>Evidence provided by EPSDD demonstrates that Conservation Research checked and approved the Bushfire Operations Plans to ensure they met conservation requirements of the MNES for 2012–13, 2013–14, 2014–15, 2015–16 and 2016–17.</p>	Compliant	No risk due to compliance.	Ongoing

ITEM	COMMITMENT	TIMEFRAME	AUDITOR COMMENTS	AUDIT STATUS	RISK	COMMITMENT STATUS
37	<b>Funding</b> The formula for funding set out in Table 5.3 over the 20 year life of the Plan will be implemented.	Upon endorsement of the Plan and approval of the class of actions permitting urban development of Gungahlin.	<p>The formula for funding set out in Table 5.3 of the Plan was compared with the funding that has been allocated for the Gungahlin Strategic Assessment to date and it appears to be consistent. As this audit falls within the first three years of funding implementation (13–14, 14–15, 15–16), startup figures are being used for the calculation.</p> <p>Funding has been approved for a 20 year period. It is noted that funding has been underspent on most of the areas so far, apart from the research component, but that is likely due to the fact that the project is in the early stages and confirmation of the necessary funding is still being finalised.</p>	Compliant	No risk due to compliance.	Ongoing
38	<b>Expenditure Variations</b> Review the funding arrangements to ensure the Plan commitments are being met in the event of total expenditure variations of more than 5 per cent over the 20 year period (+/- \$1.325 million over the 20 year period).	As part of the Plan Review Report process.	EPSDD have confirmed that this commitment is not required to be audited by OCSE.	Not applicable	Not applicable.	Ongoing

# Key Risks Identified in the Audit

This section outlines the key risks identified during the independent audit. These risks relate to future management of the Gungahlin Strategic Assessment and the ability to meet the commitments in the Plan within the 20 year timeframe.

## COMMITMENT 4

### KEY RISK: REVIEW AND UPDATE LAND MANAGEMENT AGREEMENTS

Commitment 4 includes the requirement to ‘review and update Land Management Agreements or management plans for all avoided areas of NUZ3 – Hills, Ridges and Buffers’.

### BACKGROUND

All land in the ACT is leasehold not freehold.<sup>10</sup> While non-residential leases are generally 99 years, the term of rural leases in the ACT varies to reflect planning intentions.<sup>11</sup>

Rural leases must have a Land Management Agreement in place. These agreements are approved by the Minister and signed by the Conservator of Flora and Fauna and the person leasing the property.

In the cases of the rural leases that are involved in the Gungahlin Strategic Assessment, many of these leases have a reduced tenure and a withdrawal clause of 3 months to be used in cases where management is not satisfactory. When managed well, the benefits are that rural lessees contribute to mutually beneficial land management costs such as weed and biomass management.

Horse Park North, Taylor, Jacka and the Kinlyside offset areas fall within rural leases. The Land Management Agreements have **not** yet been updated to reflect the inclusion of these lands into offset areas for the Gungahlin Strategic Assessment.

**‘It is likely that the woodland of the ACT is in better condition overall than in adjacent regions due to the system of leasehold title in the ACT, which meant that short-lease rural lands were unlikely to have been subject to intensive pasture improvement.’<sup>12</sup>**

### DISCUSSION

Advice provided by EPSDD officers during field visits has identified that the leaseholders were not informed, nor were negotiations undertaken with them prior to inclusion of the areas that fall within their rural leases as Direct Offsets sites under the Gungahlin Strategic Assessment.

Further, there is no mechanism, such as monetary compensation, for the existing leaseholders to undertake activities commensurate to meeting the objectives of the offset management plans prepared for each of the offset sites. It is of note that other biodiversity offsetting schemes, including the NSW Biobanking Scheme,<sup>13</sup> include monetary compensation for the owners of that land to undertake activities essential to meeting requirements of managing an offset site.

There are a number of unintended consequences that impact on the ability to meet the objectives of the offset sites when working with the leaseholders.

These include:

1. Poor relationships – lessees don’t feel well treated with poor tenure security, and they may not wish to collaboratively work towards objectives in the offset management plan in respect of weed management, improved condition of Box Gum Woodland, access and fire management.
2. Reduced investment – there is no financial incentive for leaseholders to invest in their leased properties. This impacts on landuse and management practice, potentially influencing stocking rates and weed management activities.
3. Commercial impacts – as rural leases are reduced in size and therefore carrying capacity, commercial returns are compromised. This can result in elevated stocking rate, and potentially overgrazing, which can reduce the condition of the offset.
4. Public relations – risk of negative media.<sup>14</sup>

<sup>10</sup> <http://www.abc.net.au/news/specials/curious-canberra/2016-07-04/can-people-own-land-in-the-act/7550166> accessed on 16 October 2017.

<sup>11</sup> [https://www.planning.act.gov.au/topics/buying\\_selling\\_and\\_leasing\\_property/leases-and-licenses/rural\\_leases](https://www.planning.act.gov.au/topics/buying_selling_and_leasing_property/leases-and-licenses/rural_leases) accessed on 16 October 2017

<sup>12</sup> ACT Government 2004 in Commonwealth Threatened Species Scientific Committee, 17 May 2006, White Box – Yellow Box – Blakely’s Red Gum Grassy Woodlands and Derived Native Grasslands listing advice and conservation advice, accessed 10 November 2017

<sup>13</sup> NSW Office of the Environment and Heritage, <http://www.environment.nsw.gov.au/biobanking/>, accessed 8 November 2017

<sup>14</sup> Pers comms Simon Tozer, Parks and Conservation Service, site visit 11 October 2017

These factors impact on the ability to meet the required outcomes of Direct Offsets under the Plan. See **Figures 6 and 7** for complexity of land management in offset areas.

EPSDD correspondence has advised this issue will be addressed in the Plan Review Report. As a requirement of Commitment 17 a Plan Review Report will need to be submitted to the Commonwealth by 30 June 2018. This is a critical date.

The Plan requires that this report includes a

*‘summarised synthesis of all knowledge gained over the life of the Plan in order that it represent a complete description of actions taken under the Plan, requirements for ongoing management and opportunities for future enhancement beyond the life of the Plan’.*

## OBSERVATION AND KEY RISK

The key risk from inaction in updating the Land Management Agreements to incorporate and facilitate management activities consistent with meeting objectives of the offset management plan, is the potential failure to meet the targets required for improvement to the condition of MNES within the offset areas.

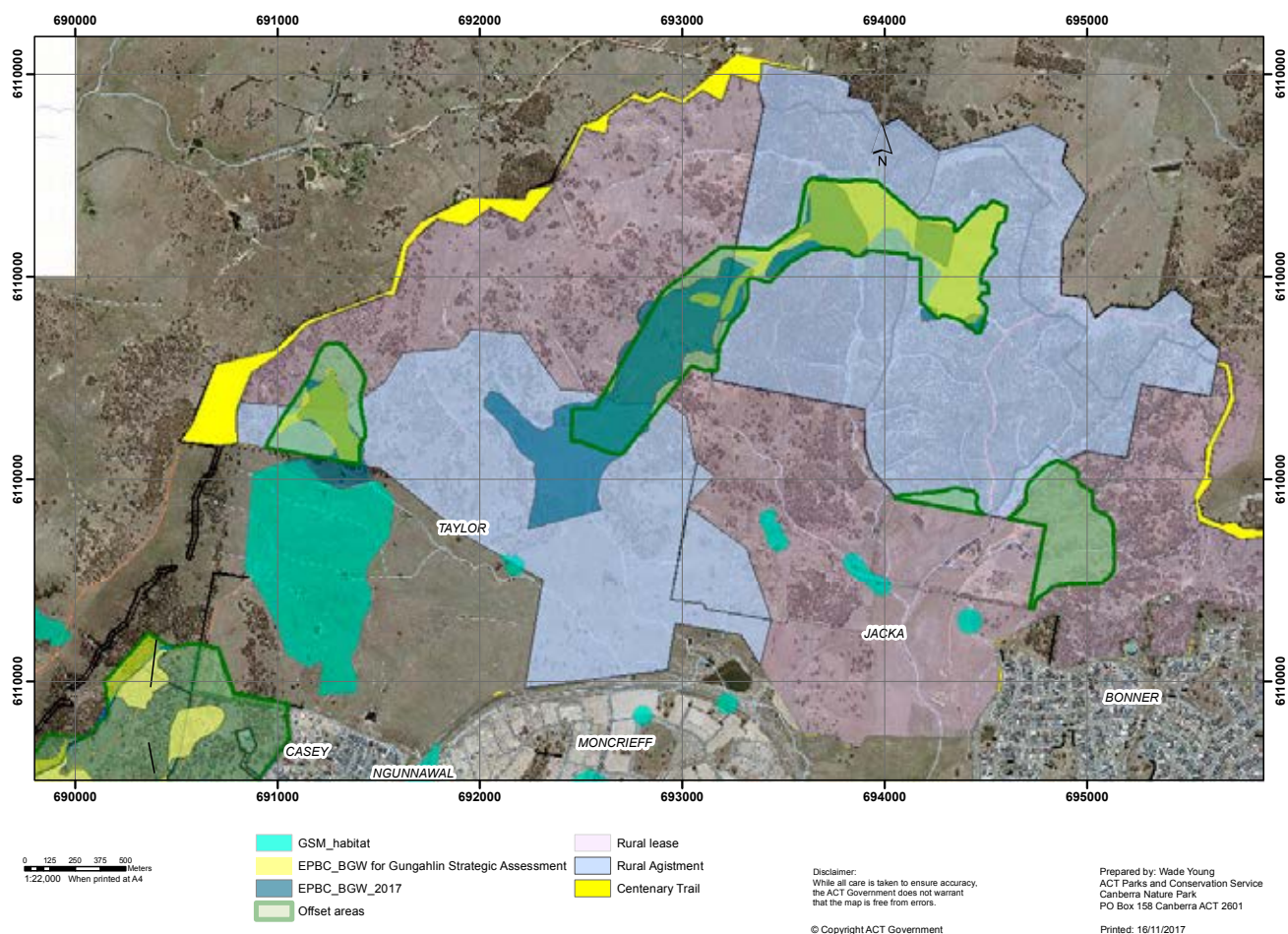
For example, this could compromise meeting the objectives and requirements of Commitment 26, that being improvement in the understory diversity of 104 hectares of Box Gum Woodland.

Addressing this key risk is considered critical to the successful implementation of the offset management plans, particularly in meeting Commitment 26.

**FIGURE 6: LEASED AND AGISTED OFFSET MANAGEMENT AREAS OF NORTH GUNGALHIN.**

The ‘EPBC\_BGW for Gungahlin Strategic Assessment’ are the areas that were originally mapped as EPBC listed Box Gum Woodland in the Plan. The ‘EPBC\_BGW\_2017’ are the areas that were mapped as EPBC listed Box Gum Woodland in June 2017, correcting the error identified in the original mapping.

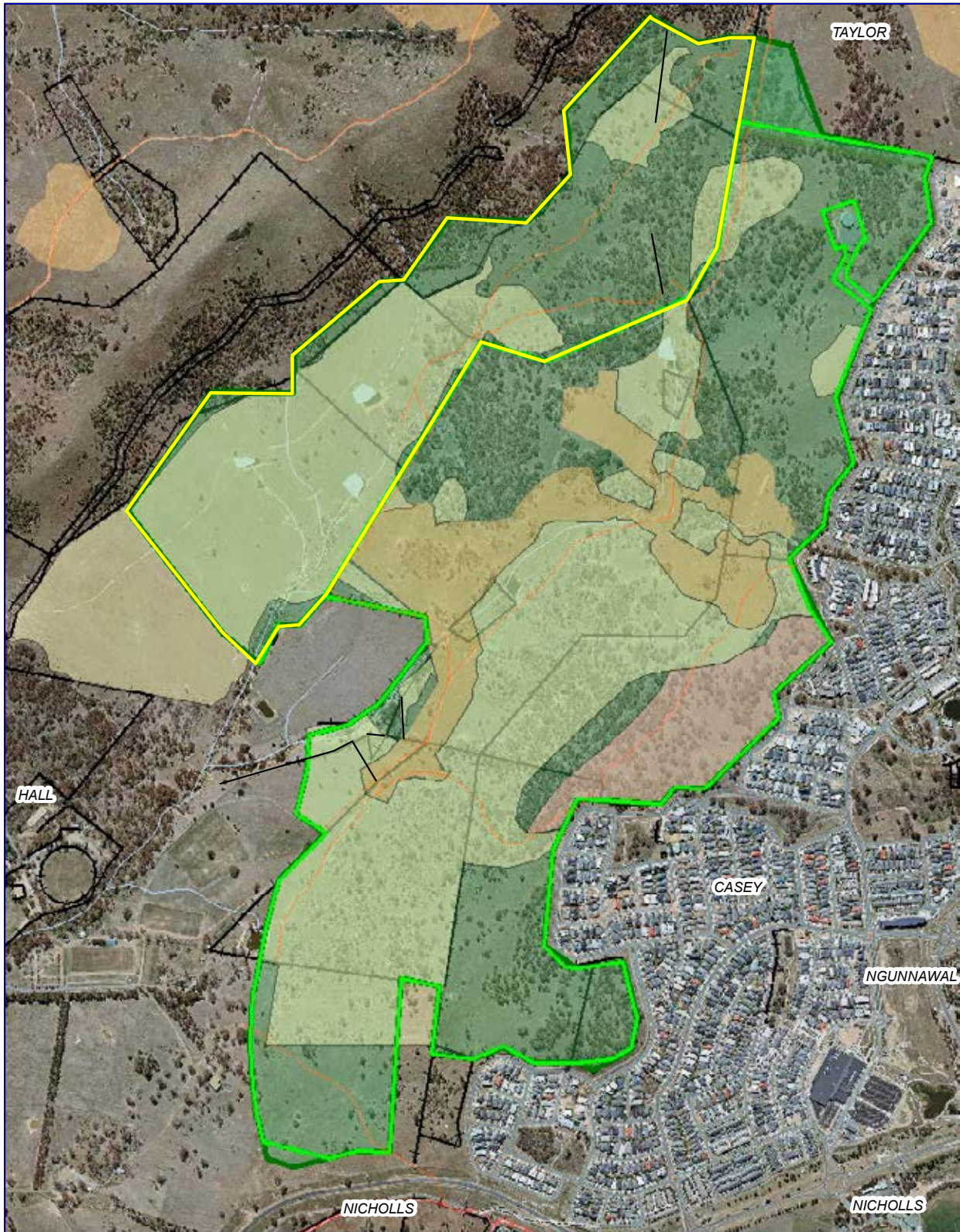
GSM stands for Golden Sun Moth.





**FIGURE 7: KINLYSIDE OFFSET MANAGEMENT AREA, SHOWING THE TWO RURAL LEASEHOLD AREAS AND THE MNES AREAS UNDER MANAGEMENT.**

*PTWL* stands for Pink-tailed Worm-lizard and *GSM* stands for Golden Sun Moth.



- Private lease 1
- Private lease 2
- EPBC Woodland in Kinlyside
- PTWL habitat Kinlyside
- GSM habitat Kinlyside
- Offset areas

0 70 140 210 280 Meters  
1:12,500 When printed at A4

Disclaimer:  
While all care is taken to ensure accuracy,  
the ACT Government does not warrant  
that the map is free from errors.

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## COMMITMENT 5 AND 30

### KEY RISK: MANAGEMENT OF DOMESTIC ANIMALS AND MANAGEMENT OF FERAL ANIMALS ALONG THE URBAN-NATURE RESERVE INTERFACE AND INFORMING EAST THROSBY RESIDENTS OF THE SIGNIFICANCE OF THE ECOLOGICAL VALUES OF MULLIGANS FLAT AND GOOROYARROO NATURE RESERVES.

Commitment 5 requires implementation of a cat containment policy in all urban development areas.

Commitment 30 requires the establishment of educational resources including signage and guidelines for residents of east Throsby prior to the sale of land to prospective residents. These resources need to include:

- description of ecological values and significance of the Mulligans Flat and Goorooyarroo Nature Reserve complex,
- communicating the prohibition of domestic animals in reserves, and
- management of pest species along the urban edge.

### BACKGROUND AND DISCUSSION

The Commissioner received complaints from members of the public in 2015–16 in relation to ineffective cat containment enforcement by the ACT Government. Enquiries were made at the time and a response from the relevant government agency was provided. This indicated that further action would be taken.

Given these circumstances, the independent audit assessment of problematic compliance with this commitment is further reinforced.

The Plan requires containment of domestic animals in order to reduce the risk of predation and disturbance to MNES including the Striped Legless Lizard and Superb Parrot. The Plan outlines the protection of *'Superb Parrots and other woodland birds, in particular species that breed in areas likely to be susceptible to these [predation] effects'*.<sup>15</sup>

Domestic cats prey on native species. Dickman<sup>16</sup> investigated the impact of domestic, stray and feral cats. Barratt<sup>17</sup> used a density estimate of three cats per hectare for outer suburban areas and, based on survey results, estimated that 9.7 individual native prey were taken annually per cat, resulting in an estimation of 480,000 prey being taken in Canberra each year.

While it is acknowledged that an education package is currently being prepared (as advised by EPSDD on 31 October 2017) and will be distributed to residences, evidence has not been provided that demonstrates educational resources were provided to prospective residents prior to the sale of blocks of land.

### OBSERVATION AND KEY RISK

Successful community engagement and 'buy in' by residents is essential for any domestic animal control, including a cat containment policy, to succeed.

Failure to inform prospective buyers, and future residents of Throsby, of the significance of the ecological values of Mulligans Flat and Goorooyarroo Nature Reserves, and that a cat containment policy will be enforced, compromises the community engagement and 'buy in' that would facilitate this.

As prospective residents start to move into Throsby, many are likely to have little or no awareness of the policy, or an understanding of its rationale or justification.

The key risk resulting from the absence of educational resources in relation to describing the ecological values and significance of the adjacent nature reserve, and the need to prevent domestic animals entering the reserve, is the lack of support and compliance with the cat containment policy.

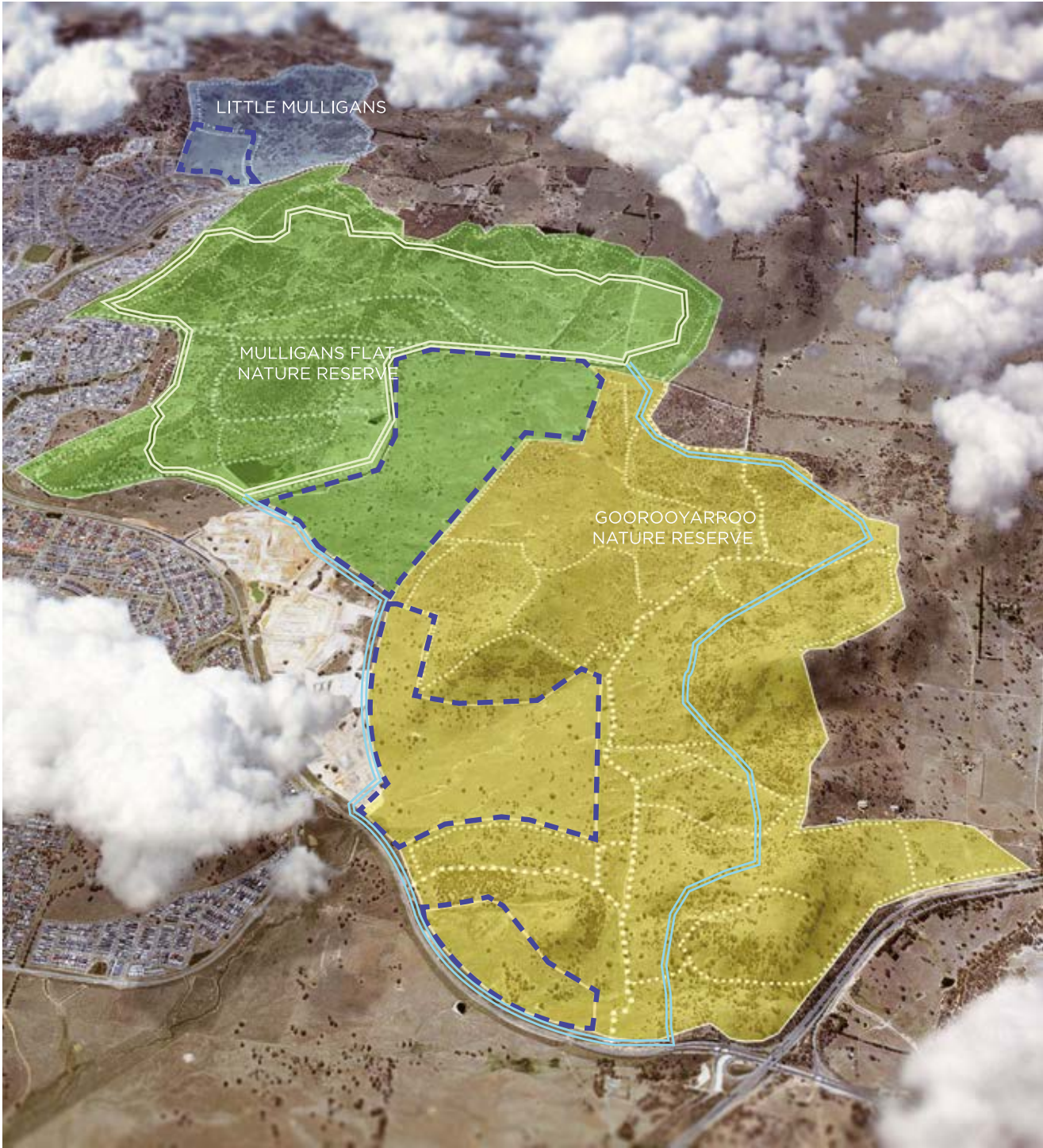
This will potentially result in an increased risk of predation of MNES species, including the Superb Parrot and the Striped Legless Lizard, from domestic animals in the local area. The extension of the predator-proof fence around the three offset areas to the east of Throsby will assist in keeping predators out of this area, see **Figure 8** below.

<sup>15</sup> Umwelt, 2013, *Gungahlin Strategic Assessment Biodiversity Plan, Final June 2013*, page 15

<sup>16</sup> Dickman, C.R (1996) Overview of the Impacts of Feral Cats on Australian Native Fauna, a report prepared for the Australian Nature Conservation Agency

<sup>17</sup> Barratt, D.G. Predation and movement by house-based domestic cats *Felis catus* (L.) in suburban and rural habitats – preliminary findings. In *Wildlife conservation and management on private land*, ed. A. Bennett. Royal Zoological Society of New South Wales, Sydney, pp. 181–7

**FIGURE 8:** LOCATION OF EXISTING PREDATOR-PROOF FENCE AND EXTENDED PREDATOR-PROOF FENCE.



**Legend**

- Little Mulligans
- Mulligans Flat Nature Reserve
- Goorooyarroo Nature Reserve
- Offset Area
- Existing Sanctuary Fence
- Extended Sanctuary Fence

## COMMITMENT 15

### KEY RISK: BREACH OF COMMITMENTS OF THE PLAN

Commitment 15 requires that any action that results in a breach of commitments of the Plan, and adversely affects MNES values, will be investigated and reported to the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC as it was then).

This would include recommendations for rectification, remediation or additional compensation. It further requires that remedial actions or additional compensation will be undertaken for controllable or avoidable actions which lead to a decline in MNES values with respect to the stated outcomes of the Plan.

The commitment requires that breaches be notified immediately to the federal department –SEWPaC (as it was then) – and investigated. The investigation report must be finalised and submitted to SEWPaC (as it was then) within 2 weeks of the incident coming to the attention of the PIT, with a report including a recommended course of action submitted within two months.

### BACKGROUND AND DISCUSSION

During the audit, staff in Parks and Conservation Services identified a potential breach of commitments.

In 2015, the incorrect installation of site fencing impinged on areas mapped as Golden Sun Moth Habitat as outlined in Figure 1 of the *Golden Sun Moth Habitat Improvement Plan* (finalised in March 2015). Advice from Parks and Conservation Services was that this habitat was identified from modelling and it is unclear as to whether any Golden Sun Moth have been found on the area, however, this is the latest mapping of Golden Sun Moth habitat.

Advice was received that the incident was reported to the Commonwealth, however, this was only verbal and no written evidence of this reporting is available. The plan requires that reporting be completed within two weeks, however, it occurred approximately five weeks after the occurrence. The Commonwealth determined that the area impacted was too small to warrant taking any compliance action under the EPBC Act. Instead, it was determined that a breach under the **NC Act** had occurred. According to the report undertaken by Eco Logical Australia for remediation requirements, the impacted land was of low condition with poor connectivity to other habitat areas, so it was likely that no Golden Sun Moths were present, but it cannot be guaranteed.

During the review of information provided and assessing compliance with Commitment 15, it became evident that EPSDD had not developed a procedure for reporting potential breaches of the commitments of the Plan to the PIT and the Commonwealth within appropriate timeframes.

It is noted that EPSDD has advised of an intention to prepare a procedure.

### OBSERVATION AND KEY RISK

The lack of a procedure for documenting and reporting of a breach as required by the Plan, introduces the risk of breaches that impact on MNES going undetected. Delay in reporting, and/or substandard reporting is also a concern.

Key risks:

1. delays in reporting have the potential to impact on identifying the extent, impact and root cause of any breach,
2. delays could also impact on the ability to:
  - issue a recommendation for rectification, remediation or additional compensation in relation to a breach, and
  - develop improvements to implementation of procedures and systems aimed at reducing the risk of a recurrence of a similar breach, and
3. result in a non-compliance in relation to Commitment 15 of the Plan.

Development and implementation of a procedure for reporting potential breaches of commitments of the Plan to the PIT and the Commonwealth within appropriate timeframes is essential to ensure EPSDD meets Commitment 15.

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## COMMITMENT 26 AND 27

### KEY RISK: ABILITY TO MEET OFFSET REQUIREMENTS BY 2033

Commitment 26 includes a requirement for

*‘Improvement in the understorey diversity of 104 hectares of Box Gum Woodlands that presently do not meet the definition of the listed community. Areas subject to this action will include those that are presently in nature reserves in addition to areas that will become nature reserve as a result of implementing the Plan’.*

The Plan requires action across the 20 years of the Plan.

Commitment 27 includes a requirement for *‘Habitat improvement plans for...Box Gum Woodland (approximately 104 hectares of habitat)’.*

### BACKGROUND AND DISCUSSION

#### Direct Offsets

Table 5.1 of the Plan expresses a key action and outcome, that habitat improvement through assisted natural regeneration of areas that presently do not meet the definition of the EPBC listed community, will be achieved to EPBC listing standard.

The Plan identifies these areas as those currently mapped as ‘Box Gum Woodland’ under ACT listing (by ACTMAPi). It also states that these would be transferred to nature reserve.

The Plan includes ‘indicative areas’ for regeneration in Figure 5.1 and the *White Box – Yellow Box Blakely’s Red Gum Grassy Woodland and Derived Native Grassland Condition Improvement Plan* provides a more recent map of these potential areas for improvement.

#### Condition Improvement Plan

The *White Box – Yellow Box Blakely’s Red Gum Grassy Woodland and Derived Native Grassland Condition Improvement Plan* has been prepared to meet the requirements of Commitment 27. This plan provides management strategies for implementing this commitment in collaboration with the offset management plans.

The *White Box – Yellow Box Blakely’s Red Gum Grassy Woodland and Derived Native Grassland Condition Improvement Plan* states on page 10 that:

*‘There are 104 hectares of non-EPBC woodland within the conservation areas created by the Plan, with a further 30.5 hectares of land used to support this woodland type, but which is now dominated by exotic pasture species. All of these 134.5 hectares will be managed in a way to enhance their condition over the life of the Plan so that they meet the criteria for EPBC listed Box Gum Woodland.’*

It should be noted that the improvement of the 30.5 hectares is additional to the original commitment under the Plan. The PIT is currently developing performance targets linked to the monitoring program in relation to the Box Gum Woodland offset sites. Advice provided by EPSDD suggests that three years of data is necessary to enable targets to be set with authority. During these three years, EPSDD will deliver the program as outlined in the offset management plans.

#### Identification of the 104 hectares

EPSDD, in correspondence received on 19 September 2017, has identified inconsistencies in the original Box Gum Woodland mapping, which was allegedly based on desktop assessment. EPSDD provided a map of Box Gum Woodland in the north Gungahlin sites as an example of the updated mapping. This requires ground truthing. This will be undertaken in Spring 2017.

During a site visit with representatives of the PIT on 11 October 2017 it was apparent that the location of the 104 hectares ‘within the conservation areas’ which were outlined in the map on page 13 of the *White Box – Yellow Box Blakely’s Red Gum Grassy Woodland and Derived Native Grassland Condition Improvement Plan* may need to be altered due to issues which have arisen in relation to improving the areas identified within Kinlyside Nature Reserve.

Kinlyside Nature Reserve is located within a rural lease, where misalignment of management purposes has the potential capacity to compromise the ability of EPSDD to improve the condition of the Box Gum Woodland located there. This is related to the key risks identified in relation to Commitment 4 above.

Due to this difference in management purposes, it was indicated that parts of the 104 hectares of non-EPBC woodland will now potentially be located within the Hills, Ridges and Buffers zone and not within the nature reserve.

This would conflict with the requirement of Commitment 26, that *‘areas subject to this action will include those that are presently in nature reserves in addition to areas that will become nature reserve as a result of implementing the Plan’.*

As such, these areas of woodland will be less secure if they are not within a designated nature reserve.

## OBSERVATION AND KEY RISK

A key commitment of the Plan is the improvement and enhancement in the condition of the 104 hectares of Box Gum Woodland within offset areas. This is intended to meet the criteria for EPBC listing.

EPSDD has stated that given the 20 year timeframe of the strategic assessment, adaptive management may be required to ensure this commitment is achieved.

Further, it is important that plantings are staged in order for the resulting outcome to be a healthy, diverse ecological community. Plantings need to be completed at various stages in the 20 year timeframe. This cannot be left until 2033.

While enhancement of 104 hectares of currently non-listed EPBC woodland to attainment of the status of a listed condition may be achievable in the next 15 years, there is a high risk of not attaining this goal. The challenges are:

1. Misalignment of management purposes within Kinlyside Nature Reserve, where rural leases are currently held.
2. Potential inclusion of some of the 104 hectares into the Hills, Ridges and Buffers zone, parts of which are within leasehold lands. This limits the ability of the ACT Government to manage these lands according to the commitments of the Plan.
3. Change in original condition mapping of the Box Gum Woodland which was included in the Plan due to an error being identified, means that the actual condition of the area is not correctly described.
4. There is no financial incentive for leaseholders to manage the land to improve the ecological condition. By way of contrast, the Biobanking system in NSW, pays leaseholders to undertake works or compensates them for loss in productivity associated with improving environmental outcomes.

Addressing these risks in the implementation of the *White Box – Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grassland Condition Improvement Plan*, and the development of necessary adaptive management actions will assist EPSDD in meeting Commitment 26.

## EVIDENCE FOR COMMITMENT 31: SUPERB PARROT NESTING TREES HAVE BEEN FENCED TO AVOID STOCK COMPACTION.





**EVIDENCE FOR COMMITMENT 34:** PCS HAS WORKED DIRECTLY WITH THE THROSBY DEVELOPERS TO STOCKPILE WOODY DEBRIS, VERTICAL STAGS (TREES REMOVED FROM THE THROSBY DEVELOPMENT) AND ROCKS FOR HABITAT ENHANCEMENT IN THE RESERVE.



**EVIDENCE FOR COMMITMENT 35: PLANTINGS OBSERVED TO HAVE TAKEN PLACE AT THROSBY ON A SITE VISIT ON 20 JUNE 2017.**



# 7.

## Conclusion and Recommendations





The ACT Government is at the five year interval of a 20 year strategic assessment.

The recommendations below have been derived from the results of this independent audit and they are offered on the basis that the ACT Government has the opportunity to show leadership in the ongoing management of this strategic assessment.

The successful acquittal of the Gungahlin Strategic Assessment is critical to MNES being protected in accordance with the EPBC Act.

## Recommendations

**1. It is recommended** that the ACT Government ensures the completion of the five Corrective Action Requests detailed in the Audit Table on or before the critical dates provided:

- Provide a plan on how to address compliance and enforcement for cat containment by 20 December 2017 (Refer to Commitment 5).
- Review the Taylor Stage 1 CEMP, and work undertaken in relation to this CEMP, to identify whether any breaches in relation to MNES have occurred by 20 January 2018 (Refer to Commitment 11a).
- Prepare a process document outlining the steps required to document or report investigations into any real or potential breaches of commitments of the Plan by 20 January 2018 (Refer to Commitment 15).
- Ensure the fire hazard management strategies are completed by 20 February 2018 (Refer to Commitment 28).
- Prepare and provide educational documentation for residents moving into Throsby and for people buying the remaining blocks in the suburb by 20 December 2017 (Refer to Commitment 30).

**2. It is recommended** that the ACT Government adheres to prescribed timeframes for delivery of all commitments and/or formalises with the Commonwealth the approval process to be adopted in the event of changes to due dates on commitments.

Commentary: The delivery of the Annual Report in particular has occurred later each year, apart from the 2016–17 Annual Report. It is important that these reports are delivered on time each year to comply with both the letter and spirit of the Plan. In the interim between independent audits, these plans are an essential reporting and compliance tool.

**3. It is recommended** that the ACT Government improves the process for collection of evidence on implementation of the commitments in the Plan.

**4. It is recommended** that the ACT Government ensures that all the research undertaken as a function of the Gungahlin Strategic Assessment and the Plan is made publicly available on the web, is accessible and easy to find, and includes historical research as well as the most recent scholarship and reports.

**5. It is recommended** that the ACT Government notes the Key Risks section and incorporates the recommendations in this section into future management.

**6. It is recommended** that the ACT Government further investigate the commitments that have been termed *Undetermined*.

**7. It is recommended** that the ACT Government notes the Observations detailed in the Audit Table and uses this to inform future management.

**8. It is recommended** that the ACT Government ensures adaptive management principles are carefully scrutinised and considered for incorporation into implementation of the commitments for this Plan.

Commentary: Finding a means to incorporate adaptive management principles is critical given the complexity and long-term timeframe of the Plan and will facilitate the success of the project.

# Appendices



# Appendix A: Audit Team

NAME AND ROLE FOR THIS PROJECT	EXPERTISE
<b>NGH ENVIRONMENTAL</b>	
<b>Lead Auditor</b> Nick Graham-Higgs (B.App.Sc, CEnvP, FEIANZ)	<p>Nicholas Graham-Higgs is the founding Director of NGH Environmental, a company with over 45 environmental professionals. This dynamic and expanding environmental management and planning consultancy has offices in Canberra, Sydney, Newcastle, Bega, Wagga Wagga, and Bathurst.</p> <p>Nick is well known in south-eastern Australia, where he has practiced in environmental consultancy since July 1992, and he has a reputation for professionalism, integrity and expertise in his field. In 2011 this was formally recognised with the award of Fellowship of the Environment Institute of Australia and New Zealand (FEIANZ). This was awarded in recognition of Nick's role as a leading environmental professional and commitment to high standards of professional and ethical conduct in the areas of environmental impact assessment and management. Nick has been a Certified Environmental Practitioner (CEnvP) under the EIANZ's certification scheme, since 2005.</p> <p>Nick has provided environmental services since July 1992, specialising in environmental management, biodiversity assessment and impact assessment. He has managed and prepared documentation for a wide range of projects, of varying scales and affecting a diverse range of natural and constructed environments.</p> <p>Nick has been involved in a number of roles as an Auditor. Recent examples include:</p> <ul style="list-style-type: none"> <li>• NSW Department of Planning approved Environmental Representative to Boco Rock Wind Farm, with the role of '<i>principal point of advice in relation to the environmental performance of the project</i>'. The role of the position included auditing compliance of the project with environmental approvals (State and Commonwealth).</li> <li>• NSW Department of Planning approved Environmental Independent Representative for the Murrumbidgee to Googong Water Transfer Project. Provide auditing services, and review of all audit reports for the Bulk Water Alliance Joint Venture.</li> <li>• NSW Department of Planning approved Environmental Representative of Young to Wagga Wagga Looping Pipeline Project.</li> </ul> <p>Nick's work demands an in-depth knowledge of ACT and Commonwealth planning and environmental legislation, in addition to a comprehensive understanding of development-related impacts. He has acquired his knowledge in this field over the last 25 years, during which time he has worked with a number of land management organisations within and outside Australia.</p>
<b>Audit support</b> Brooke Marshall (B.Nat.Res. Hons1)	<p>Brooke has prepared numerous general impact and biodiversity impact assessments. She has prepared environmental management plans and undertaken compliance and auditing of consent conditions for large projects including wind farms.</p> <p>Key ACT projects have included:</p> <ul style="list-style-type: none"> <li>• Stromlo vegetation mapping and assessment for suitable offset sites, for ACT Government Land Development Agency, and</li> <li>• Preliminary Risk Assessment of the Molonglo Valley Urban Development Stage 2 and supporting Infrastructure, for the Land Policy Section of EPSDD.</li> </ul>



NAME AND ROLE FOR THIS PROJECT	EXPERTISE
<b>Technical support</b> Sam Patmore Bsc Sc. (Hons)	<p>Sam graduated from the University of Canberra in 1999, with a Bachelor of Applied Science majoring in water science (freshwater ecology) and environmental research and design, and completed a post-graduate research honours project in 2001 investigating the distribution, abundance, habitat use and movement patterns of the vulnerable Green and Golden Bell Frog at sites in the NSW southern tablelands.</p> <p>Sam has a strong background in both environmental consulting as well as town planning, with over 12 years combined professional experience in these fields, and across a variety of jurisdictions, including the ACT, NSW and Queensland. Sam has considerable professional experience in the areas of Environmental Impact Assessment and Statements of Environmental Effects, rehabilitation design and monitoring, development of Management Plans, as well as in preparing Development Applications including the provision of strategic planning advice on environmental and planning legislative requirements that underpin development proposals, particularly in the ACT. Sam has also had previous experience in the preparation of expert witness reports for Land and Environmental Court proceedings in Queensland.</p> <p>Through this professional experience, Sam has developed strong skills in the preparation of complex environmental reporting and problem solving, as well as having the ability to bring together information from a wide variety of disciplines and stakeholders, with excellent interpersonal skills and sound project management abilities. Sam provided support, particularly advice regarding ACT planning context and biodiversity matters.</p>
<b>OFFICE OF COMMISSIONER FOR SUSTAINABILITY AND THE ENVIRONMENT</b>	
<b>Audit Manager</b> Serena Farrelly BA/BSci.	<p>Serena holds a Bachelor of Arts/Science with majors in Sociology and Human Ecology at ANU, which included a broad range of environmental management subjects.</p> <p>Serena has worked in Nature Conservation Policy in the ACT Government for 4 years, focussing on the development of the ACT Environmental Offsets Policy and the management of threatened species and ecological communities in the ACT through her work with the ACT Scientific Committee.</p>
<b>Audit support</b> Kirilly Dickson B (Env) Eng. (Hons) Cert General Management (Harvard Business School)	<p>Kirilly holds a Bachelor of (Environmental) Engineering degree with Honours from the University of Wollongong and a Certificate in General Management from Harvard Business School.</p> <p>Kirilly worked in the utility sector for more than 14 years managing the environmental, safety and quality requirements for the water business including audit and risk functions.</p> <p>Kirilly recently audited the implementation of the ACT Government's climate change policy on behalf of the Commissioner, and is evaluating the restoration of the Lower Cotter Catchment.</p>

## Appendix B: Photos from Site Visits

### GUNGAHLIN SITE VISIT – 20 JUNE 2017



*Rabbit management and woody debris, Kenny broadacre*



*Revegetation in Throsby East*



*Heritage site at Throsby North*

## GUNGAHLIN SITE VISIT – 11 OCTOBER 2017



*Evidence of overgrazing at Horse Park North*



*Offset area Horse Park North – between two ridges and agisted land*



*Remnant vegetation Horse Park North*



*Offset area Horse Park North – between two ridges and agisted land*





*Sheep grazing offset area in Horse Park North*



*North border, One Tree Hill (Centenary Trail)*



*North border, base of One Tree Hill – natural revegetation occurring*



*Erosion works at Kinlyside*



*Revegetating gully drainage, Kīnlyside*



*Kīnlyside Box Gum Woodland*



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