# **YARRABILBA**

- EPBC ACT REFERRAL APPROVAL - REF: 2013/6791

**Annual Compliance Report 2016** 

Reporting Period: 15 October 2015 to 15 October 2016



## **DOCUMENT VERSION CONTROL**

Rev No	Date	Description	Author	Revision Purpose
1	03/01/17	Final	R. Ball	Website Posting / DoE Submission
2				
3				
4				

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### 1 INTRODUCTION

### 1.1 General

The Yarrabilba Priority Development Area (PDA) is located in approximately midway between Brisbane and the Gold Coast in the southern growth corridor of South-east Queensland.

While Yarrabilba is situated in the Logan City Council local authority area, as a declared PDA, Yarrabilba's planning and development approval processes are administered by Economic Development Qld (EDQ) under the Economic Development Act.

EDQ is a division under the Qld State Government Department of Infrastructure, Local Government & Planning (DILGP).

The land component of the Yarrabilba PDA under Lendlease management is approximately 2015ha. To support its previous planning assessments and applications, the Yarrabilba PDA, including the Lendlease managed land, has been the subject of a wide variety of environmental assessments, including those specifically related to threatened fauna. These studies have been variously commissioned by Lendlease (e.g. Yurrah 2004; Carrick 2010; Austecology 2012a & b; Natura 2012a-c); Beaudesert City Council (e.g. Chenoweth 2004 & 2006), Logan City Council (e.g. GHD 2010 and RPS 2010), and the then Urban Land Development Authority (now EDQ) (Saunders Havill 2011).

The Yarrabilba PDA Development Scheme was gazetted in Oct 2010. Based on the findings of that work, the protection of fauna habitat and retention of locally significant fauna movement corridors are strong planning elements within the Development Scheme.

In 2013, Lendlease submitted a referral, as required under the federal Environmental Protection & Biodiversity Conservation Act, to the Minister of the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC).

Following an extensive assessment process, the EPBC Act Referral Approval, Ref: 2013/6791, was issued by the Minister on 13 November 2014.

In early 2015, a request to a minor amendment to the plan in Appendix 3 of the original approval was submitted. This was approved by the Minister's delegate on 1 April 2015.

Copies of both the original Approval Notice and Variation Approval Conditions are included in Appendix A.

Subsequent to the approval being issued, all correspondence was submitted to the Post Approvals Section, Compliance & Enforcement Branch, Environment Assessment & Compliance Division of the Australian Government Department of the Environment (DoE).

### 1.2 Purpose of Compliance Report

This report is the first in a series of annual reports on the progress of the activities being undertaken to comply with the conditions of EPBC Act Referral Approval, Ref: 2013/6791, as is required under Condition 12 of those approvals. In line with DoE guideline requirements an Approval Conditions Compliance Table, summarising the status of each condition compliance for the report period, has been prepared and is in Appendix B.

### 2 DECLARATION OF ACCURACY

### **Declaration of accuracy**

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed

Full name (please print)

Robert Ball

Position (please print)

Senior Development Manager

Organisation (please print including ABN/ACN if applicable)

Lendlease Communities (Yarrabilba) Pty Ltd - ACN 103 578 436

Date

03,01,2017

### 3 COMPLIANCE ACTIVITIES

### 3.1 Activities Description

Activities have been carried out in the period from the date of issue of the original Referral Approval, ie 13 November 2014, to the end of this reporting period, ie 15 October 2016, to satisfy compliance requirements of the approval conditions.

These activities can be categorised as those required:

- Prior to "Commencement of the Action" (as defined in the Approval)
- Following "Commencement of the Action"

#### 3.2 Activities Prior to Commencement of the Action

Various planning and physical activities were required to be carried out by the Approval Holder prior to the commencement of the construction phase of the project in the Area 2 of the subject land.

### Fencing.

The primary site activity required in this phase was to construct temporary koala exclusion fencing adjacent to the fauna corridor interface with Waterford-Tamborine Road, per Condition 2.

The design of the fence was based upon the 1.5m high mesh and steel post stock fence installed along the balance of the Yarrabilba boundary, and modified to include a 600mm wide sheet metal strip along the top.

This was in line with the recommendations of most guidelines for koala exclusion and confirmed as suitable by qualified fauna consultant, Austecology's Lindsay Agnew. In addition, timber post & outreach assemblies were also installed at regular intervals on the Waterford-Tamborine Road side of the fence to provide an easier escape route for any koalas inadvertently caught between the fence and the road. Completion of this fencing work was notified to DoE Post Approvals section on 10 August 2015, ie prior to Commencement of the action.

Photos of the installed fence and location plan are in Appendix C.

### Management Plans

Per Condition 4, a Habitat Rehabilitation and Management Plan (HRMP) was prepared by a qualified environmental consultant, Natura Consulting on behalf of the Approval Holder.

The HRMP was prepared to address all of the listed Condition 4 criteria (a) to (f), and submitted to DoE on 26 Feb 2015 for review and approval.

Per Condition 6, an Offset Management Plan (OMP) was prepared by a qualified fauna consultant, Austecology on behalf of the Approval Holder.

The OMP was prepared to address the protection and management of 195 ha of Fauna Corridor, Greenspace Corridor and Environmental Protection Zone to be provided as environmental offset, and was submitted to DoE on 26 Feb 2015 for review and approval. Further to this it also addressed the listed Condition 7 criteria, which reached full compliance with the subsequent DoE approval.

Following their respective review processes, formal approval of the both the HRMP dated March 2015 and OMP dated 31 March 2015 was issued by DoE on 20 May 2015.

Copies of the DoE approval and approved plans are in Appendix D.

### **Pre-Commencement Assessments**

Prior to the commencement of any works within the Approval reference Area 1, Vegetation Management Plans (VMPs) were produced and endorsed by EDQ as part of pre-requisite Pre- Construction Approvals. It is noted that, while titled VMPs for simplicity, these documents included reference to both flora and fauna assessments and management needs generally in accordance with the Condition 1 requirements. A copy of the EDQ endorsed Precinct 2 Village 1 VMP, which forms the north west section of Area 1, is in Appendix E, as an example of such documents.

Continuing in compliance with Condition 1, prior to the commencement of any works within the first section of Approval reference Area 2, which constituted the defined "Commencement of the Action", a VMP was produced and endorsed by EDQ as part of pre-requisite Pre- Construction Approvals. A copy of the EDQ endorsed Precinct 2 Village 3 VMP is in Appendix F, being the trigger activity area for Commencement of the Action.

Following the DoE approval of the HRMP & OMP, site investigation work was commenced in mid-2015 to assess the habitat quality of the nominated Koala habitat Offset areas within the Fauna Corridor, Greenspace Corridor and Environmental Protection Zones of the Yarrabilba site. This work established a baseline set of data for the habitat rehabilitation and management program in those Offset Rehabilitation Unit (ORU) areas. This baseline report was completed in September 2015. A copy of this report is in Appendix G.

### 3.2 Activities Following Commencement of the Action

Various activities were required to be carried out by the Approval Holder with the commencement of the construction phase of the project in the Area 2 of the subject land.

### Notification of "Commencement of the Action"

In compliance with the Condition 9 requirement, DoE's officer Manel Samarakoon of the Post Approvals Section, Compliance & Enforcement Branch, Environment Assessment & Compliance Division, was notified by email dated 19 October 2015, that the actual date of commencement of the action was **15 October 2015**.

### Site Monitoring Studies

Following on from the baseline study carried out for the ORU, in early 2016 further site studies were carried out to provide baseline monitoring information to direct the rehabilitation works associated with Koala habitat within the identified 'Koala habitat areas to be protected and managed' of the Yarrabilba site (HRU). This was detailed in the Habitat Rehabilitation Monitoring Report HRU Baseline - Yarrabilba dated 30 July 2016. A copy of this report is in Appendix H.

With the ORU baseline information established, the Year 1 monitoring program was initiated and continued through the reporting period at 63 sites within the ORU areas.

The initial data broadly indicates that a range of approximately 30% of the sites are already meeting final benchmark requirements for habitat rehabilitation, while others have a range of rehabilitation needs most commonly where previous pine plantation activities occurred.

Overall, this assessment reveals that rehabilitation needs to prioritise weed control and infill planting. The Koala Habitat Rehabilitation Monitoring Report - ORU 1st Monitoring Period Yarrabilba dated 15 November 2016 was prepared which outlines the monitoring methodologies and findings in detail. A copy of this report is in Appendix I.

Monitoring studies for the HRU areas are also in progress. The first monitoring report for these areas will be forwarded to DoE once completed and included in the summarised information for the Oct 16 to Oct 17 period.

### DoE Officers Compliance Inspection

It is noted that DoE officers carried out a compliance inspection of the Yarrabilba site and activities being conducted under the Referral approval on Friday 22<sup>nd</sup> July 2016.

Anecdotally it appeared that the officers were satisfied that a good level of compliance was being achieved. No formal advice has been received from DoE to indicate that this was not the case.

### Rehabilitation Activities

As recommended by the monitoring studies cionducted to date and the approved HRMP & OMP, the primary rehabilitation activities carried out over the reporting period centred around the removal of remnant slash pine regrowth and other undesirable tree species in conjunction with weed management. Work in retained vegetation corridors in the earlier development areas excluded from the referral process has shown that vigorous regeneration of native canopy & lower storey growth will occur if the pine, in particular, is removed.

This is now being assessed in the ORU & HRU areas to determine where additional infill planting is needed to assist in promoting suitable cover.

### Other Related Activites

In line with the requirements of the OMP, negotiations have been taking place with both Qld Department of National Parks, Sports & Racing (Qld Parks & Wildlife service) and Logan City Council to set a mechanism in place to ensure that the prescribed Offset areas will be retained in the most appropriate form of tenure to provide the protection required for its long term viability.

This protection is initially proposed to be secured through a Voluntary Declaration over the Offset land prior to ownership transfer to either public entity.

Infrastructure Agreements which also reference this obligation are near completion and are expected to be completed by mid 2017.

## APPENDIX A

- 1. Approval Decision Notice dated 13 November 2014
- 2. Variation Approval Conditions Notice dated 1 April 2015



### Approval

# Yarrabilba residential development and associated infrastructure, Queensland (EPBC 2013/6791)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

### Proposed action

person to whom the approval is granted	Lend Lease Communities (Yarrabilba) Pty Ltd
proponent's ACN	103 578 436
proposed action	To construct the Yarrabilba residential development and associated infrastructure approximately 40 kilometres south east of Brisbane, Queensland [See EPBC Act referral 2013/6791 and request to vary proposal dated 5 August 2013].

### Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approve
	1 25 1

### conditions of approval

This approval is subject to the conditions specified below.

### expiry date of approval

This approval has effect until 30 October 2050.

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_			011	-111	Q.	101

name and position

Deb Callister

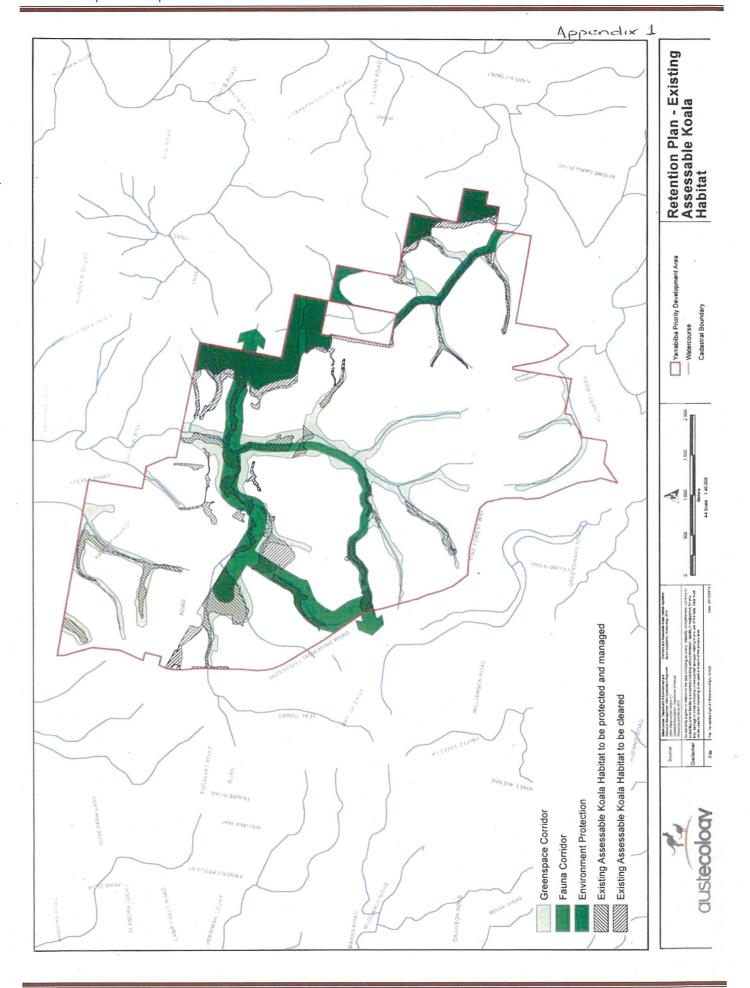
**Assistant Secretary** 

Queensland and Sea Dumping Assessment Branch

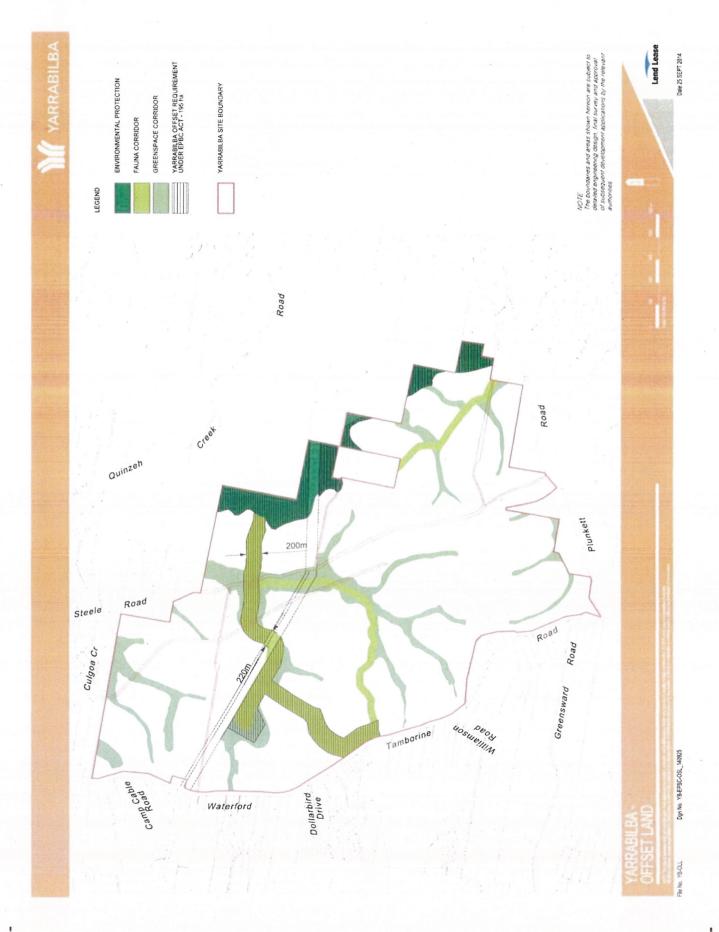
signature

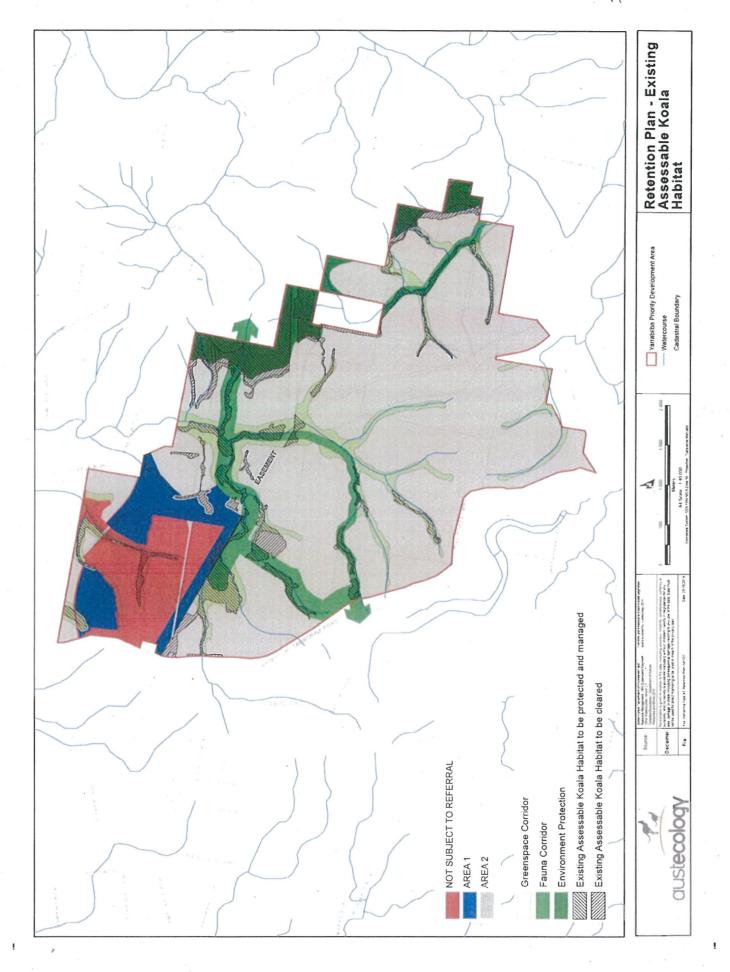
date of decision

13 November 2014



Appendix 2







## Australian Government

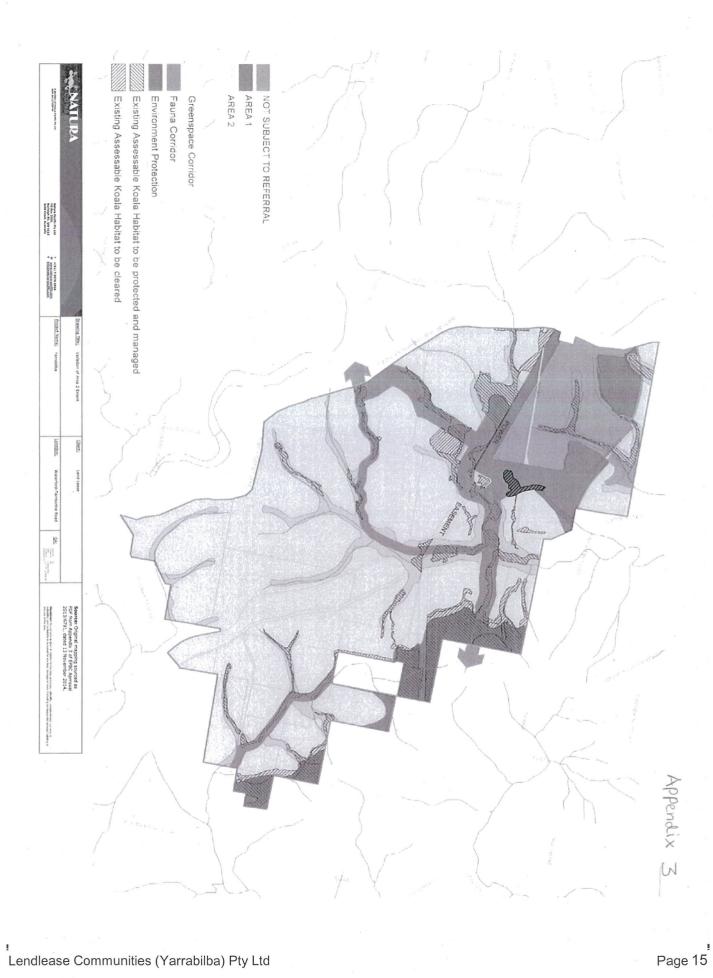
## Department of the Environment

### VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Yarrabilba residential development and associated infrastructure, Queensland EPBC 2013/6791

This decision to vary a condition of approval is made under section 143 of the *Environment Protection* and *Biodiversity Conservation Act* 1999 (EPBC Act).

Approved action	
Person to whom the approval is granted	Lend Lease Communities (Yarrabilba) Pty Ltd ACN 103 578 436
Approved action	To construct the Yarrabilba residential development and associated infrastructure approximately 40 kilometres south east of Brisbane, Queensland [See EPBC referral 2013/6791 and request to vary proposal dated 5 August 2013].
Variation	
Variation of conditions of approval	<ul> <li>The variation is:</li> <li>Replace Appendix 3 attached to the approval notice of 13 November 2014 with the new Appendix 3 attached to this variation notice.</li> </ul>
Date of effect	This variation has effect on the date the instrument is signed
Person authorised to ma	ke decision
Name and position	Shane Gaddes
	Assistant Secretary
	Compliance & Enforcement Branch
Signature	S. Gaddes
Date of decision /	April 2015



## **APPENDIX B**

# EPBC approval ref: 2013/6791 conditions compliance table

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments
1	To protect, rehabilitate and expand habitat for Koalas on the Yarrabilba site, the approval holder must:  a. not remove or fragment more than 55 hectares of koala habitat. Impacts to koala habitat must be limited to areas indicated in Appendix 1  b. undertake the proposed action in Area 1 and Area 2 in accordance with the Koala Management Plan and the Fauna Corridor Infrastructure Master Plan.	Compliant	The assessment and approvals processes for the development areas to date include requirements for detailed Vegetation Management Plans to be prepared by qualified consultants and endorsed by Economic Development Qld, as the administering development authority.  Through this process, the compliance with this condition is monitored and controlled.
2	To ensure koalas do not enter the Waterford-Tamborine Road Corridor, as defined in Appendix 1, the approval holder must install temporary koala exclusion fencing adjacent to the fauna corridor interface with Waterford-Tamborine Road prior to the commencement of the action.	Compliant	The temporary exclusion fencing was installed to the extent required in 2015, prior to the commencement of the Action. Refer Appendix C for location plan and photo evidence of installed fencing.  DoE's officer Manel Samarakoon of the Post Approvals Section, Compliance & Enforcement Branch, Environment Assessment & Compliance Division, was notified by email dated 10 August 2105.

3	Within 6 months of koala-friendly crossings being installed at Waterford-Tamborine Road, the approval holder must remove the temporary koala fencing set out in condition 2.	Not applicable	The timing of removal of the temporary exclusion fencing is subject to confirmation from Qld Dept. of Transport & Main Roads on the program for the upgrade of the corresponding section of Waterford-Tamborine Road.  As an indication, this is not expected to be prior to 2020.

4	The approval holder must prepare and
	submit, at least 3 months prior to
	commencement of the action, for the
	Minister's written approval, a Habitat
	Rehabilitation and Management Plan. The
	Habitat Rehabilitation and Management
	Plan must:

- a. clearly define the management measures and reflect an adaptive management approach to improve koala habitat quality within the Fauna Corridor, Greenspace Corridor and Environmental Protection Zone (as identified in Appendix 2):
- b. state clear and concise outcomes and performance indicators against which achievement of the outcomes identified will be measured:
- c. state the timeframe for implementation of the plan;
- d. specify a method to monitor the impact and effectiveness of the management measures described above;
- e. identify the contingency measures and appropriate corrective actions that will be undertaken if the performance indicators or outcomes are not being met;
- f. be consistent with Koala Management Plan and Fauna Corridor Infrastructure Master Plan.

### Compliant

A Habitat Rehabilitation and Management Plan that addressed all of the listed criteria was prepared by Natura Consulting on behalf of Lendlease, as the approval holder, and submitted to DoE on 26 Feb 2015.

It was subsequently approved by DoE on 20 May 2015.

5	The approved Habitat Rehabilitation and Management Plan must be implemented by the approval holder.	Compliant	The investigation & monitoring of the fauna corridor areas has commenced, in line with the regime specified within the approved Habitat Rehabilitation and Management Plan.
6	To offset residual significant impacts to koalas (55 ha of habitat critical to the survival of the koala), the approval holder must submit, at least 3 months prior to commencement, for the Minister's written approval, an Offset Management Plan for the protection and management of 195 ha of Fauna Corridor, Greenspace Corridor and Environmental Protection Zone provided as environmental offset as shown in Appendix 2.	Compliant	An Offset Management Plan, that addressed all of the required criteria, was prepared by Austecology on behalf of Lendlease, as the approval holder, and submitted to DoE on 26 Feb 2015.

7	The approval holder must not commence	Compliant	An Offset Management Plan prepared by Austecology, per Condition 6
	unless the Minister has approved the	Jonnphant	requirements and addressing all of the listed criteria, was approved by DoE
3-5	Offset Management Plan. The Offset		on 20 May 2015.
1 1	Management Plan must:		011 20 May 2010.
	a. identify desired outcomes, benchmarks,		
	readily measurable performance indicators		
*,	and goals, timeframes for reporting and		
	implementation, corrective actions and		
	contingency measures;		
K			
*	b. be consistent with the Department's		
	Environment Protection and Biodiversity	100	
	Conservation Act 1999 Environmental		
	Offset Policy (October 2012); and		
. 6			
	c. include details of how the offset has		
	been legally secured within 2 years of the		
	commencement to ensure its long-term	F	
	protection.		
8	The most recent approved versions of all	Compliant	Current versions of all approved management plans are accessible via the
O	plans and programs described in these	Compliant	Current versions of all approved management plans are accessible via the Yarrabilba website.
	conditions must remain accessible to the		rarrapiipa website.
		,	
	public on the website of the approval	,	
	holder for the duration of the approval.	4.	
9	Within ten days after the commencement	Compliant	DoE was notified by email dated 19 October 2015, that the actual date of
	of the action, the approval holder must	- Compilarit	commencement of the action was 15 October 2015.
	advise the Department in writing of the		Commoncement of the action was 13 October 2013.
	actual date of commencement.	27 4 7	
	actual date of commencement.		

10	The approval holder must maintain	Compliant	Noted. Accurate records of all monitoring, compliance and rehabilitation
	accurate records substantiating all		activities are being retained as required by this condition.
	activities associated with or relevant to the	¥	
	conditions of approval, including measures		
	taken to implement the plans required by		
	this approval, and make them available	8	
	upon request to the Department. Such		
	records may be subject to audit by the		·
	Department or an independent auditor in		×
	accordance with section 458 of the EPBC		
	Act, or used to verify compliance with the	*	
	conditions of approval. Summaries of		
	audits will be posted on the Department's		
	website. The results of audits may also be		
	publicised through the general media.		
-			
11	Any potential or suspected non-	Not Applicable	No potential or suspected non-compliance has been identified to date to
	compliance with these conditions of		trigger this requirement.
	approval must be reported to the		
	Department in writing within 48 hours of		
	the approval holder becoming aware of the		
	potential or suspected non-compliance.		

12	Within three months of every 12 month	Compliant	This report represents the first of the those required to meet compliance on
-	anniversary of the commencement of the	P 1	this condition.
	action, the approval holder must publish a		
	report on their website addressing		
	compliance with each of the conditions of		
	this approval, including implementation of		
	any plans/programs as specified in the		* · ·
	conditions. Documentary evidence		
· .	providing proof of the date of publication		•
	must be provided to the Department at the	_ *	·
	same time as the compliance report is	3	
	published. Reports must remain on the		
	approval holder's website for the duration	9	
	of this approval.		
13	Upon the direction of the Minister, the	Not Applicable	No ministerial direction requiring an independent audit of compliance has
	approval holder must ensure that an		been received to date.
	independent audit of compliance with the		
7	conditions of approval is conducted and a	A	
	report submitted to the Minister. The		
	independent auditor and audit criteria must		
	be approved by the Minister prior to the		
19	commencement of the audit. The audit		in the second se
	report must address the criteria to the		
	satisfaction of the Minister.	1	

14	If the approval holder wishes to carry out any activity otherwise than in accordance with a plan as specified in the conditions, the approval holder must submit to the Department for the Minister's written approval a revised version of that plan. The varied activity shall not commence until the Minister has approved the varied plan in writing. If the Minister approves the revised plan, that plan must be	Compliant	Subsequent to the original DoE approval, a minor variation was sought to the approved plan. This variation approval was received from DoE on 1 April 2015. Refer Appendix A.
45	implemented in place of the plan originally approved.		
15	If the Minister believes that it is necessary or convenient for the better protection of	Not Applicable	No notification of request has been received from the Minister in relation to this condition.
	listed threatened species and ecological communities to do so, the Minister may		
	request that the approval holder make		
	specified revisions to a plan specified in the conditions and submit the revised plan		
77	for the Minister's written approval. The approval holder must comply with any		
	such request. The revised approved plan		
	must be implemented. Unless the Minister has approved the revised plan, then the	5	
	approval holder must continue to		
	implement the plan originally approved, as specified in the conditions.	,	, ,

16	If, at any time after five (5) years from the	Compliant	 The Action was commenced as of 15 October 2015 and notified to DoE per
Acceptance of the second	date of this approval, the approval holder		Condition 9 reported status.
	has not commenced the action, then the		•
	approval holder must not commence the		
	action without the written agreement of the		
	Minister.		
		AC 7 16-	

## **APPENDIX C**

## 1. Photos of Koala Exclusion Fencing



## APPENDIX D

- 1. DoE Letter dated 20 May 2015 confirming approval of HRMP & OMP
- 2. Habitat Rehabilitation & Management Plan Yarrabilba dated March 2015 (Natura Consulting)
- 3. Offset Management Plan Yarrabilba PDA dated 31 March 2015 (Austecology)



Our reference: 2013/6791

Contact Officer: Manel Samarakoon Telephone: (02) 6274 1080 Facsimile: (02) 6274 1878 Email: post.approvals@environment.gov.au

Mr Rob Ball Yarrabilba Senior Development Manager Lend Lease Communitites (Yarrabilba) Pty Ltd P.O. Box 1512 MILTON QLD 4064

Dear Mr Ball,

Yarrabilba residential development and associated infrastructure, Queensland – EPBC 2013/6791 - Approval of the Habitat Management and Rehabilitation Plan and the Offset Management Plan

I write in relation to the submission of the Habitat Management and Rehabilitation Plan (HMRP) and Offset Management Plan (OMP) as required by conditions 4 - 7 of the approval of 13 November 2014 under the *Environment Protection and Biodiversity Conservation Act* 1999 (EPBC Act) for the above project.

Officers of the Post Approvals Section have reviewed the HMRP and OMP and found them to satisfactorily meet the requirements of the relevant approval conditions. On this basis, and as delegate of the Minister for the Environment, I have decided to approve the Habitat Management and Rehabilitation Plan, Yarrabilba March 2015 and the Offset Management Plan Yarrabilba 31 March 2015. You must now undertake the action in accordance with the approved plans.

Please ensure that you maintain accurate records of all activities associated with, or relevant to the conditions of approval, so that they can be made available to the Department on request. Such documents may be subject to audit and used to verify compliance. Summaries of results of audits may be published by the Department. Information about the monitoring and audit program can be found on the Department's website at <a href="http://www.environment.gov.au/resource/compliance-and-enforcement-policy-environment-protection-and-biodiversity-conservation-act">http://www.environment.gov.au/resource/compliance-and-enforcement-policy-environment-protection-and-biodiversity-conservation-act</a>

You should note that any transfer of this approval to another person must have the consent of the Minister for the Environment under section 145B of the EPBC Act.

If you have any enquiries please contact Manel Samarakoon on 02 6274 1080.

Yours sincerely

Shane Gaddes Assistant Secretary

5. Gaddles

Compliance & Enforcement Branch

20 May 2015

Cc. Mr Kieran Richardt, Natura Pacific

GPO Box 787 Canberra ACT 2601 • Telephone 02 6274 1111 • Facsimile 02 6274 1666 www.environment.gov.au

## **APPENDIX E**

1. EDQ endorsed Precinct 2 Village 1 VMP

## **APPENDIX F**

2. EDQ endorsed Precinct 2 Village 3- EPBC Approval Area VMP

## **APPENDIX G**

1. Habitat Rehabilitation Monitoring Report ORU Baseline - Yarrabilba dated Sept 2015

## **APPENDIX H**

1. Habitat Rehabilitation Monitoring Report HRU Baseline - Yarrabilba dated 30 July 2016

## **APPENDIX I**

1. Koala Habitat Rehabilitation Monitoring Report - ORU 1st Monitoring Period Yarrabilba dated 15 November 2016