



**Lee Point Master-planned Urban Development, Darwin NT  
(EPBC 2015/7591) – Annual Compliance Report  
September 2023-2024**

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## Purpose

Approval EPBC 2015/7591 (the approval) was varied, effective **15 June 2023** with a correction notice issued **21 June 2023**. As part of the variation, conditions 10A, 10B and 10C were added to the approval. These conditions relate to the requirement to prepare annual compliance reports.

- Condition 10A** requires Defence Housing Australia (the approval holder) to prepare a compliance report for each 12-month period following the date of commencement. The current reporting periods is as follows:
  - 29 September 2023 to 29 September 2024
- Condition 10C** requires the compliance report to be published on the relevant website within 60 business days following the end of the 12-month period for which that compliance report is required. Additionally, the approval holder must notify the Department within 5 business days of the date of publication and provide a weblink for the compliance report.

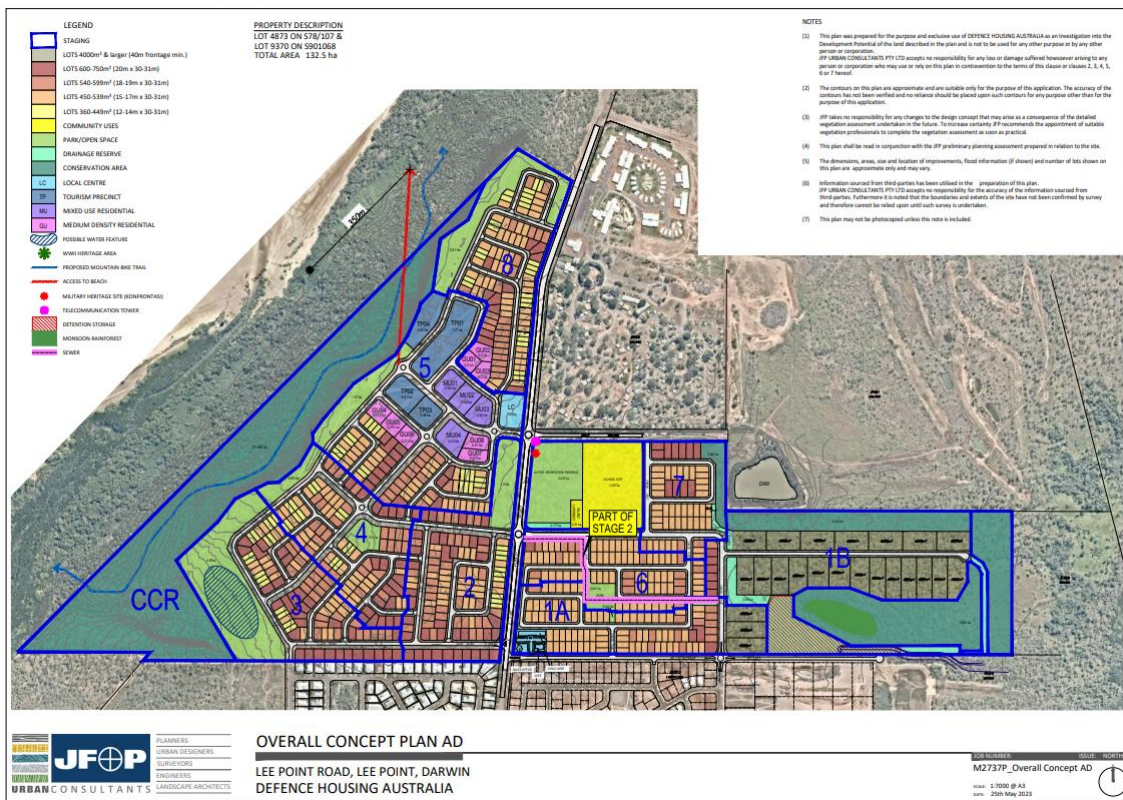
## Background

The subject land comprises L9370 and L4873, 577 Lee Point Road, Lee Point and covers an area of 132.5 hectares. The surrounding area is a mix of residential properties, Darwin Hospital, Casuarina Coastal Reserve and Crown Lease land.

At the time of the Approval EPBC 2015/7591 L9370 was owned and managed by Defence Housing Australia (ABN: 72 968 504 934). L4873 is held by DHA pursuant to a Crown Lease subject to an exclusive development agreement between Northern Territory of Australia and DHA.

A section of the property contains a protected area of Monsoon Rainforest and Gouldian Finch Habitat as outlined under the EPBC Correction Notice [EPBC 2015/7591].

**Overall Concept plan** – see Appendix A for larger copy of below plan



**Reporting Period: 29 September 2023 to 29 September 2024**

Condition Number/Reference	Condition	Compliance	Comments
1	For the protection of EPBC Act listed species and the Environment, the approval holder must not clear more than 110 ha within the project area.	Compliant	Stage 1A commenced clearing 29 September 2021. Stage 2 commenced clearing 3 July 2023. Stage 3 commenced clearing 2 May 2024.
2	To mitigate and manage impacts to EPBC Act listed species and the Environment, the approval holder must comply with and implement the Stormwater Management Plan - 2CRU, Stormwater Management Plan - Muirhead North and Water Quality Monitoring Plan.	Compliant	DHA initially implemented the 2CRU and Muirhead North stormwater management plan and water quality monitoring plan in November 2022. Implementation is ongoing as required at both 2CRU and Muirhead North.
2A	<p>To mitigate and manage impacts to Gouldian Finch in the project area and Migratory Shorebirds at the Sandy and Buffalo Creek roosts, the approval holder must submit to the department, for the Minister’s approval, a revised version of the Construction Environmental Management Plan. The revised Construction Environmental Management Plan must include details of:</p> <ul style="list-style-type: none"> <li>a) measures to mitigate the impacts of clearing to Gouldian Finch, including but not limited to: <ul style="list-style-type: none"> <li>i. pre-clearance surveys;</li> <li>ii. tree felling protocols; and</li> <li>iii. the oversight of all clearing by fauna spotter catcher(s).</li> </ul> </li> <li>b) additional measures to those in the Construction Environmental Management Plan that avoid, mitigate and manage impacts of the action to Migratory Shorebirds;</li> <li>c) measures to plant native grass species where gamba grass is removed in conservation areas; and</li> <li>d) activities to monitor and ensure the efficacy and integrity of these measures, including trigger values and corrective actions that will be implemented if trigger values are realised.</li> </ul> <p>The approval holder must not undertake any clearing in the project area, other than stage 1A, stage 2 and stage 3 and clearing up to 20 meters from the perimeters of these stages (as required to facilitate</p>	Under review	

	<p>construction), unless the Minister has approved the revised Construction Environmental Management Plan in writing.</p> <p>The approval holder may undertake clearing where required for the removal of contamination, noxious weeds (including gamba grass), and/or the creation and maintenance of fire breaks.</p> <p>The approval holder must implement the revised Construction Environmental Management Plan approved by the Minister.</p>		
3	<p>For the protection of the heritage values of the Environment on the project area the approval holder must:</p> <ul style="list-style-type: none"> <li>a) retain the existing Konfrontasi Cruciform and Lee Point bunkers at their current location</li> <li>b) engage a heritage expert to develop and install signage and interpretation material for the Konfrontasi Cruciform and Lee Point bunkers which must be maintained until at least the expiry date of approval.</li> </ul>	Compliant	DHA continues to maintain, preserve and protect both sites.
4	<p>In the event of a discovery of a heritage place item (including an object) within the project area, the approval holder must:</p> <ul style="list-style-type: none"> <li>a) cease work within 20 meters of the discovery, fence and cover the area from further disturbance</li> <li>b) seek advice from the relevant authority administering the NT Heritage Act; and</li> <li>c) document, salvage and store the discovery consistent with advice received in accordance with condition 4(b), prior to any recommencement of work within 20 meters of the discovery.</li> </ul>	Compliant	Eight additional artefacts were identified during the reporting period. The artefacts (including two previously identified artefacts) have been removed from site in the presence of a Larrakia Traditional Owner and relocated to Larrakia Development Corporation for future placement in the Larrakia Cultural Centre (currently under construction), in accordance with work approval received from the Heritage Council.
5	<p>To minimise light pollution impacts to turtles, the approval holder must restrict artificial lighting on buildings above 15 meters in height, and any other lighting directly visible from the beach, by:</p> <ul style="list-style-type: none"> <li>a) only permitting lights of a long-wavelength (560 nanometres or longer) to which turtle hatchlings are not sensitive</li> <li>b) ensuring lighting is directed in a downwards direction and faced away from the Casuarina Coastal Reserve and</li> <li>c) At least once each year prior to turtle hatching season, conducting an audit of compliance with 5.a) and 5.b) and replace or correct any non-compliant light source</li> </ul>	Not applicable	

6	<p>For the protection of the environment the approval holder must determine if PFASs are known or likely to be present on the project area using the procedures outlined in the National Environment Protection (Assessment of Site Contamination) Measure 1999, which must include a desktop historical review of past fire suppression practices. If PFASs are known to be or likely to be present, prior to commencement of clearing or other works which have the potential to disturb areas of known or potential PFAS contamination, the approval holder must submit a PFAS Management Plan for the written approval of the Minister. If PFASs are known to be or are likely to be present the approval holder must not commence the action until the PFAS Management Plan is approved by the Minister in writing. The PFAS Management Plan must:</p> <ul style="list-style-type: none"> <li>a) identify the extent and concentrations of possible contamination within the project area</li> <li>b) identify possible exposure pathways and ecological receptors including from stored material</li> <li>c) identify possible risks tailored to the identified concentrations, pathways and receptors</li> <li>d) outline management strategies to be undertaken, as well as any remediation action plans or strategies, to manage any identified or potential risks and provide for ongoing monitoring</li> <li>e) commit to: <ul style="list-style-type: none"> <li>i. any PFAS contaminated material (including but not limited to excavated soil or sediment, leachate from soil or sediment, water arising from de-watering of soil or sediment, concrete, tarmac, appliances, pumps, pipes, hoses, fittings) will be handled in accordance with current best practice and disposed of in an approved receiving facility such that the PFAS content is unlikely to enter/spread into the environment</li> <li>ii. any PFAS contaminated material with a PFOS, PFHxS or PFOA content above 50 milligrams per kilogram or litre (mg/kg or L) will be stored or disposed of in an approved receiving facility such that there will be no release of its PFAS content into the environment.</li> </ul> </li> </ul>	Compliant	Agon Environmental completed a full PFAS audit of both 2CRU and Muirhead North sites as at 30 July 2021. The Audit confirmed no PFAS present.
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7	<p>To offset the loss of Black-footed Tree-rat habitat from 2CRU, the approval holder must provide the following to the Department:</p> <ul style="list-style-type: none"> <li>a) a title search demonstrating that the title for the Black-footed Tree Rat offset area has been transferred by the approval holder to the Northern Territory Government. The Black-footed Tree Rat offset area must contain at least 21.5 ha of Black-footed Tree-rat habitat;</li> <li>b) documentation demonstrating that the Northern Territory Government is satisfied with the management funding provided by the approval holder for the management and monitoring required by Northern Territory Government of the Black-footed Tree Rat offset area;</li> <li>c) the offset attributes and shapefile for the Black-footed Tree Rat offset area required by condition 7(a).</li> </ul> <p>Unless otherwise agreed to in writing by the Minister, the approval holder must not continue the action at 2CRU for more than 36 months from the date of commencement of the action unless the approval holder has provided the requirements of condition 7(a-c) to the department.</p>	Compliant	
8	<p>To offset the loss of 10 ha of Black-footed Tree-rat habitat from Muirhead North, within 12 months of commencement of the action at Muirhead North the approval holder must submit a Black-footed Tree Rat Offset Plan to the department for the Minister's approval. The approval holder must not undertake the action at Muirhead North for more than 24 months from the date of commencement of the action unless the Minister has approved the Black-footed Tree Rat Offset Plan in writing, and the provisions of condition 2A and 8B have been met.</p> <ul style="list-style-type: none"> <li>a) The Black-footed Tree Rat Offset Plan must provide a framework for how the clearance of Black-footed Tree-rat habitat will be offset, and must: <ul style="list-style-type: none"> <li>i. Include a review of relevant approved conservation advices, recovery plans and threat abatement plans;</li> <li>ii. identify threats to Black-footed Tree-rat, and potential recovery actions and research opportunities; and</li> <li>iii. specify a process for developing Black-footed Tree Rat Offset Projects, and a staged process for submitting</li> </ul> </li> </ul>	Compliant	<p>Black-footed Tree-rat (BFTR) Offset Plan submitted to DCCEEW on 29 September 2022 (i.e. within 12 months of commencement of the action).</p> <p>Revised plan submitted 28 July 2023 in response to DCCEEW comments and revised EPBC Act conditions (15 June 15 2023).</p> <p>BFTR Offset Plan is currently being reviewed by DCCEEW.</p>

	<p>proposed Black-footed Tree Rat Offset Projects and milestones for completion of Black-footed Tree Rat Offset Projects to the Department for approval by the Minister.</p> <p>b) Offset Projects submitted to the Department for approval in accordance with Condition 8.a)iii. must:</p> <ul style="list-style-type: none"> <li>i. specify the location and nature of Offset Project activities;</li> <li>ii. include project goal/s, budget and a detailed Black-footed Tree Rat Offset Project description, including timeframes for the elements of the Black-footed Tree Rat Offset Project, and reporting and publishing of the Black-footed Tree Rat Offset Project results;</li> <li>iii. demonstrate how the Black-footed Tree Rat Offset Project is consistent with the Black-footed Tree Rat Offset Plan;</li> <li>iv. describe advice obtained to develop the Black-footed Tree Rat Offset Project;</li> <li>v. explain how the Black-footed Tree Rat Offset Project complies with the principles of the EPBC Act Environmental Offsets Policy and, if relevant, provide details of how the Black-footed Tree Rat Offset Project meets the criteria for research and educational programs identified in Appendix A of the EPBC Act Environmental Offsets Policy; and</li> <li>vi. identify and manage risks associated with implementing the Black-footed Tree Rat Offsets Project.</li> </ul> <p>The approval holder must not implement any Black-footed Tree Rat Offset Project until it has been approved in writing by the Minister. Each approved Black-footed Tree Rat Offset Project must be implemented. The approval holder must expend an amount equivalent to at least \$78,750 (excluding GST) on implementation of the Black-footed Tree Rat Offset Projects approved in accordance with Condition 8(a) and 7(b).</p>		
8A	<p>The approval holder must not clear more than 94.64 ha of Gouldian Finch breeding habitat and 62.05 ha of Gouldian Finch foraging habitat within the project area. All clearing of Gouldian Finch breeding habitat and Gouldian Finch foraging habitat within the project area must be offset in accordance with the requirements of conditions 8B and 8C.</p>	Compliant	



8B	<p>To compensate for the loss of Gouldian Finch breeding habitat and Gouldian Finch foraging habitat within the project area, the approval holder must submit to the department a Gouldian Finch Strategy and Offset Plan (GFSOP) for the Minister’s approval. The approval holder must implement the GFSOP approved by the Minister.</p> <p>The approval holder must not undertake any clearing in the project area, other than stage 1A, stage 2 and stage 3, and clearing extending no more than 20 meters from the perimeters of these stages (as required to facilitate construction), unless the Minister has approved the GFSOP.</p> <p>The approval holder may undertake minor clearing where required for the removal of contamination, noxious weeds (including gamba grass), and/or the creation or maintenance of fire breaks</p>	Under review	
8C	<p>The GFSOP must be prepared by a suitably qualified independent expert, and must:</p> <ul style="list-style-type: none"> <li>a. be consistent with the department’s published Environmental Management Plan Guidelines;</li> <li>b. include an ecological survey of Gouldian Finch breeding habitat and Gouldian Finch foraging habitat within the project area, conducted by a suitably qualified independent expert;</li> <li>c. specify the actual area of Gouldian Finch breeding habitat and Gouldian Finch foraging habitat that will be cleared;</li> <li>d. for any areas of Gouldian Finch breeding habitat and / or Gouldian Finch foraging habitat to be retained within the project area: <ul style="list-style-type: none"> <li>i. identify and assess the likelihood and consequence of potential project-related impacts that may lead to the functional loss of retained areas of Gouldian Finch breeding habitat and Gouldian Finch foraging habitat;</li> <li>ii. include details of measures that will be implemented to avoid, mitigate, monitor and manage risks for the period of effect of approval to prevent the functional loss of retained areas of Gouldian Finch breeding habitat and Gouldian Finch foraging habitat. Where applicable,</li> </ul> </li> </ul>	Not applicable	GFSOP is currently being drafted with expectation of being lodged in the next reporting period.

	<p>activities must be consistent with the Survey Guidelines for Australia’s Threatened Birds; and</p> <p>iii. include details of contingency responses, including triggers, corrective actions and reporting requirements that will be implemented in the event retained areas of Gouldian Finch breeding habitat and / or Gouldian Finch foraging habitat are functionally lost;</p> <p>e. identify suitable environmental offsets to provide compensation for the actual area of Gouldian Finch breeding habitat and Gouldian Finch foraging habitat that has been or will be cleared, that are consistent with the EPBC Act Offsets Policy;</p> <p>f. specify outcomes for Gouldian Finch habitat quality that will be attained for each offset;</p> <p>g. specify timebound and measurable completion criteria that will be achieved and maintained and demonstrate the attainment of outcomes;</p> <p>h. specify timebound and measurable performance targets that will be achieved and maintained and demonstrate the likely achievement of completion criteria;</p> <p>i. include details of measures that will be implemented to achieve and maintain performance targets and completion criteria;</p> <p>j. include details of activities to monitor the achievement and maintenance of performance targets and completion criteria, and the attainment of outcomes;</p> <p>k. specify timebound actions that will be implemented in the event performance targets and/or completion criteria are not achieved or maintained, with the capacity to correct this failure; and</p> <p>l. include details of reporting requirements, including triggers for different reporting types.</p>		
8D	The approval holder must legally secure the environmental offset(s) for Gouldian Finch identified in the GFSOP approved by the Minister, within 48 months of the Minister approving the GFSOP.	Not applicable	GFSOP is currently being drafted with expectation of being lodged in the next reporting period.

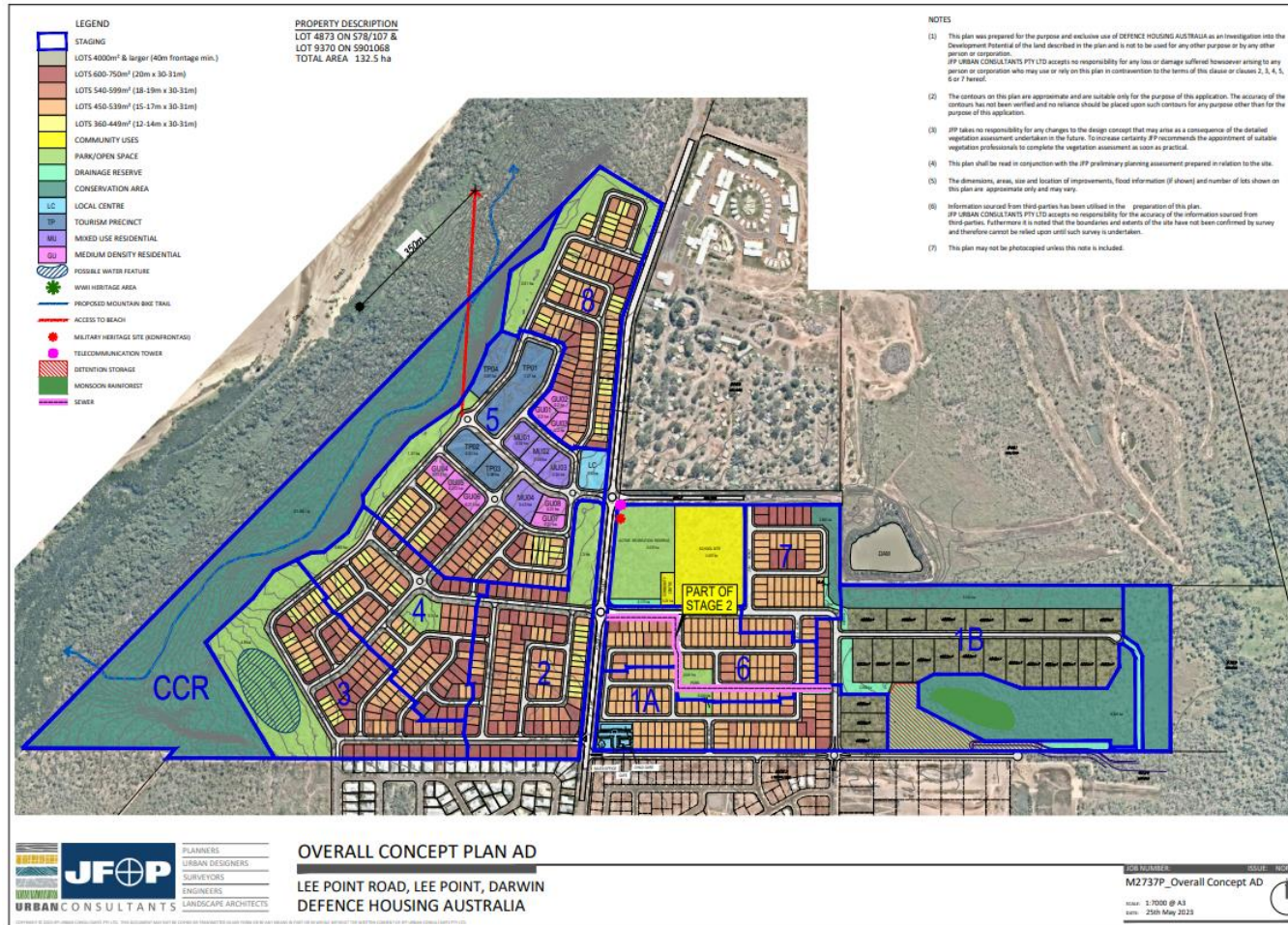
8E	The approval holder must not transfer the ownership or long-term management responsibility of the area marked as conservation area in Muirhead North as shown in Attachment D to another entity unless the proposed transfer has been approved by the Minister in writing. Note: The proposed arrangement must serve to protect that part of the project area in perpetuity from any impact on EPBC Act listed species or the Environment.	Compliant	DHA has not transferred the ownership or long-term management responsibility of the area marked as conservation area in Muirhead North as shown in Attachment D to another entity.
9	Within 30 days of commencement of the action, the approval holder must advise the Department of the actual date of commencement.	Compliant	
10	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the 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.	Compliant	DHA maintains accurate records of all project activities.
10A	The approval holder must prepare a compliance report for each 12-month period following the date of commencement. Each compliance report must include: <ul style="list-style-type: none"> <li>a. accurate and complete details of compliance and any non-compliance with the conditions and the plans, and any incidents;</li> <li>b. one or more shapefile showing all clearing of any protected matters, and/or their habitat, undertaken within the 12-month period at the end of which that compliance report is prepared; and</li> <li>c. a schedule of all plans in existence in relation to these conditions and accurate and complete details of how each plan is being implemented.</li> </ul>	Compliant	DHA has prepared the annual compliance report for reporting period 29 September 2023 to 29 September 2024.
10B	Each compliance report must be consistent with the department's Annual Compliance Report Guidelines (2014), or any subsequent official version, and include: <ul style="list-style-type: none"> <li>a. accurate and complete details of compliance and any non-compliance with the conditions and the plans, and any incidents;</li> </ul>	Compliant	September 2024 compliance report is consistent with Annual Compliance Report guidelines (2014).

	<p>b. one or more shapefile showing all clearing of any protected matters, and/or their habitat, undertaken within the 12-month period at the end of which that compliance report is prepared; and</p> <p>c. a schedule of all plans in existence in relation to these conditions and accurate and complete details of how each plan is being implemented.</p>		
10C	<p>The approval holder must:</p> <p>a. publish each compliance report on the website within 60 business days following the end of the 12-month period for which that compliance report is required;</p> <p>b. notify the department electronically, within 5 business days of the date of publication that a compliance report has been published on the website;</p> <p>c. provide the weblink for the compliance report in the notification to the department;</p> <p>d. keep all published compliance reports required by these conditions on the website until the expiry date of this approval;</p> <p>e. exclude or redact sensitive ecological data from compliance reports published on the website or otherwise provided to a member of the public; and</p> <p>f. if sensitive ecological data is excluded or redacted from the published version, submit the full compliance report to the department within 5 business days of its publication on the website and notify the department in writing of what exclusions and redactions have been made in the version published on the website.</p> <p>Note: Compliance reports may be published on the department’s website.</p>	Compliant	The annual compliance report is published and DCCEEW notified as required by Condition 10C.
11	<p>Upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor and audit criteria must be approved by the Minister prior to the commencement of the audit. The audit report must address the criteria to the satisfaction of the Minister.</p>	Not applicable	DHA has not been requested to undertake an independent audit.

12	<p>The approval holder may choose to revise a management plan specified in condition 2 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact. If the approval holder makes this choice it must notify the Department in writing that the management plan has been revised and provide the Department, at least four weeks before implementing the revised plan, with:</p> <ul style="list-style-type: none"> <li>i. an electronic copy of the revised plan;</li> <li>ii. an explanation of the differences between the revised plan and the management plan; and</li> <li>iii. the reasons the approval holder considers that the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact.</li> </ul>	Not applicable	No revisions to management plans specified in Condition 2.
12A	<p>The approval holder may revoke its choice under condition 12 at any time by notice to the Department. If the approval holder revokes the choice to implement a revised plan, without approval under section 143A of the EPBC Act, the plan approved by the Minister must be implemented.</p>	Not applicable	No revisions to management plans specified in Condition 2.
12B	<p>If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the revised plan would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> <li>i. Condition 12 does not apply, or ceases to apply, in relation to the revised plan; and</li> <li>ii. The approval holder must implement the plan approved by the Minister.</li> </ul> <p>To avoid any doubt, this condition does not affect any operation of conditions 12 and 12A in the period before the day the notice is given. At the time of giving the notice the Minister may also notify that for a specified period of time, that condition 11 does not apply for one or more specified plans required under the approval.</p>	Not applicable	No revisions to management plans specified in Condition 2.
12C	<p>Conditions 12, 12A and 12B are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised plan to the Minister for approval.</p>	Not applicable	No revisions to management plans specified in Condition 2.

13	Unless otherwise agreed to in writing by the Minister, the approval holder must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within one (1) month of being approved by the Minister or being submitted under condition 12 and must remain published for the life of the approval.	Compliant	All management plans available <a href="https://www.dha.gov.au/development/residential/lee-point">https://www.dha.gov.au/development/residential/lee-point</a>
14	If, at any time after five (5) years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.	Not applicable	Approval received 17 March 2019. Action commenced 29 September 2021.

# Appendix A – Overall concept plan



Appendix B – 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) \_\_\_\_\_ Peter Gurkin \_\_\_\_\_

Position (please print) \_\_\_\_\_ National Manager Developments \_\_\_\_\_

Organisation (please print including ABN/ACN if applicable) \_\_\_\_\_ 72 968 504 934 \_\_\_\_\_

Date \_\_\_\_\_ 20 / 12 / 2024 \_\_\_\_\_