

## **Comments on the Independent Audit of Gungahlin Strategic Assessment<sup>1</sup>**

### **Overview**

The Gungahlin Strategic Assessment was established to assess the potential impacts from development of Gungahlin on Matters of National Environmental Significance (MNES) protected under the EPBC Act. The independent audit should answer the basic question: are Matters of National Environmental Significance being protected, enhanced or diminished in the Strategic Assessment area? If there is no clear answer to this question then this should be stated and the reasons articulated as to why this is the case.

The independent audit should not accept that the Plan Implementation Team Annual Report does not adequately report on biodiversity outcomes.

We are very concerned that Action 26 – the commitment for 104 hectares of Box-Gum woodlands to be improved to EPBC standards for this ecological community – is seen as high risk and that a conversation within ACT Government is taking place that to meet this requirement the areas of potential “improvement” will be outside of nature reserve and located in Hills, Ridges and Buffer zones. This is unacceptable.

### **Context**

The [Gungahlin Biodiversity Plan<sup>2</sup>](#) (endorsed 20 June 2013) at page 48 outlines the requirement for an independent audit:

#### *"6.1.3 Independent Audit*

*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 of the Environment Act 1993 (ACT)."*

NGH Environmental was awarded a [contract](#) for \$30,563 to assist the Office of the Commissioner for Sustainability and the Environment (OSCE) prepare the audit report. The Request for Quote specified that the consultant would assist the OSCE to:

- develop a scope and methodology for the project
- work in a collaborative partnership with the OSCE to undertake the independent audit of the implementation of the Gungahlin Strategic Assessment
- provide guidance and advice on the independent report which would be written by the OSCE.

### **Purpose of the audit – processes or outcomes**

On 30 October 2017 the Conservation Council wrote to the Commissioner seeking details of the status of the Molonglo and Gungahlin independent audits of these respective Strategic Assessments. We received a response on 2 November 2017.

---

<sup>1</sup> Accessed from

[http://www.environmentcommissioner.act.gov.au/publications/special\\_reports\\_and\\_investigations/independent-audit-of-the-gungahlin-strategic-assessment](http://www.environmentcommissioner.act.gov.au/publications/special_reports_and_investigations/independent-audit-of-the-gungahlin-strategic-assessment)

<sup>2</sup> [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)

The Conservation Council correspondence specifically noted our interest in whether "Biodiversity offsets deliver conservation outcomes". The Commissioner's response was that the audits were "compliance audits". Our view is that the audit should assess both – i.e. are process matters, such as Plans of Management, Habitat Improvement Plans etc., outlined in the approvals being done in a timely manner and via their implementation are they delivering the intended conservation outcomes?

Put differently, processes such as Habitat Improvement Plans were requirements of the Gungahlin Strategic Assessment so as to ensure impacts on Matters of National Environmental Significance (MNES) were avoided or minimised and that existing MNES values were protected and enhanced.

Our concern remains that these processes have been treated as 'tick-box' exercises for the planners and developers and that they have not been used to deliver actual biodiversity outcomes as was intended.

The key questions are: has there been an improvement or decline of MNES values in the Strategic Assessment area, for instance, from the base-line data? Further:

- what is the status improvement or decline of superb parrot nesting in the area?
- what is the improvement or decline in high quality Yellow-Box Red Gum Woodland?

### **Scope of the audit**

A key issue for the Conservation Council is the development and subsequent implementation of a range of process mechanisms within the Biodiversity Plan. Some fundamental elements are the:

- Adaptive management strategy under the Offset Framework (Action 2)
- Management Plans for reserves (Action 9 and 10)
- Habitat Improvement Plans (Action 27)
- Land Management Agreements (Action 4).

We are concerned that the audit report has cited some of these as completed whereas they should be only recognised as commenced. Our view is that they all need to be considered as ongoing – doing a plan is one thing, implementing is another, reporting on delivery is another.

The requirements under the Commonwealth [Guidelines](#) for independent audits state:

*"Where the implementation of plans, reports, or programs etc (however described) is required by the approval conditions, the details of the individual commitments contained in those plans, reports, or programs etc are to be separately identified and measured." Page 21*

Therefore, according to the Commonwealth Guidelines, the audit report should have commented on, or reviewed, the implementation the commitments of the following documents:

- Offset Framework
- Habitat Improvement Plans
- Land Management Agreements
- Reserve Management Plan – Kinlyside
- Reserve Management Plan – Mulligans Flat and Gorooyarroo

For example, Action 2 of the Gungahlin Biodiversity Plan requires an Offset Framework "for investment in offsets, monitoring, reporting, adaptive management, compliance and enforcement...". This is a key document and the audit lists this action as "completed". However the key question is whether the requirements in the Offset Framework are being implemented. We propose status should be "ongoing" in regard to implementation.

For instance, the Offset Framework at page 24 states: "Land management practices will be reported on to the PIT [Plan Implementation Team] and analysis undertaken to identify any negative trends in MNES items ... This will be reported in the annual report where relevant". In addition at page 28: "Activities in relation to adaptive management will be reported on within the annual report by the PIT."

However we can see no reference in the PIT Annual Report to these matters. These are just two examples. Again our view is that the independent audit should have looked at the implementation of this Offsets Framework, along with other key process documents such as outlined above.

We suggest there could be a recommendation or Corrective Action that the PIT provides accessible reports on impacts on MNES in the Strategic Assessment area and subsequently does so in future Annual Reports.

### **Consultation on the audit**

In our correspondence to the Commissioner we sought an "opportunity to make some observations" on the Strategic Assessments and their implementation. The Commissioner advised that "it was not appropriate to seek input from external parties, as a function of the audit process".

Again this comes down to the question of the **purpose** of the audit. Given the Independent Audit has a whole chapter on community engagement it is very disappointing that our significant work on community engagement is not cited. For instance, there is no reference to our work on community engagement for the suburb of Forde, our Living Next to Nature publication and Gungahlin Treasures, both of which have been used on occasions as key community engagement resources for new residences. Nor is there regard to the role of the Bush on the Boundary Group. We propose that the opportunity to make some observations would have highlighted our involvement and history regarding community engagement and other matters and would have assisted in the completeness and accuracy of the report.

### **Planning Implementation Team and consultation with Conservation Council**

The Audit report at page 23 notes that:

*"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".*

This statement and footnote would imply that consultation had been ongoing and satisfactory as it refers to the [PIT 2016-17 Annual Report](#). However that report does not cite any consultation with the Conservation Council in that year – rather stating "Several meetings were held with representatives from the Conservation Council since the Plan was approved."

The Conservation Council was listed as a key stakeholder in the original Biodiversity Plan for the structure of the PIT and this role was recognised in the original PIT Charter. We were provided with the initial PIT Charter, Offset Framework and the CEMP Framework. Our input was sought on the Habitat Improvement Plans and the Superb Parrot monitoring. However we have not been consulted with, or met officials engaged with the PIT, since September 2015. We were not advised or consulted on the change to the PIT Charter during 2016-2017.

### **Independent audit of financial commitments**

We note that the Gungahlin Audit at page 7 states it does not require consideration or audit of the "financial performance of the program" even though this was identified as a requirement in the original tender documents. However if the Audit does not look at the financial performance of the program who does provide such independent verification? This omission seems to be at odds with the requirement under the Biodiversity Plan that "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". The financial commitments are both complicated and vague and need independent verification.

After five years some consideration of the value obtained from the financial expenditure seems warranted. Again is the expenditure translating into improvements for Matters of National Environmental Significance and local biodiversity? What are the outcomes from the expenditure?

The Biodiversity Plan (page 44) indicated two models for administration of funds: one via a trust and a second by Treasury. There is no explicit response to this except it seems the default is via Treasury – is this model working? Why was the Trust option ruled out? Do Annual Budget bids limit effectiveness of delivery? It would seem useful for the audit – or someone – to address these matters.

## **Other Issues**

### **Various information not publicly available in a central location**

The audit report notes some research materials are not available on the website. However a wider range of information is also not available. Action 16 says "All reports, in addition to any research related to the Plan will be published on the internet in a central location."

Information that is not public on the offsets register site or seemingly other pages at 5 March 2018:

- 2016-2017 Annual Report
- other Annual Reports
- Habitat Improvement Plans
- Adaptive Management Strategy
- various research reports.

### **Planning Implementation Team – report on "biodiversity outcomes"**

Action 16 - the PIT Annual Report does not report on biodiversity 'outcomes' it reports on process, even though it is supposed to report on "conservation outcomes achieved in the previous year, assessed against the relevant biodiversity measures" as well as "report on commitments for conservation actions identified in Tables 4.2, 5.1, 5.2 and 7.1; and progress in meeting commitments for the affected MNES" Biodiversity Plan page 46. The audit report should have identified this deficiency in the Annual Reports.

## **Other matters**

- Action 17 – Plan Review Report every four years – should be non-compliant - i.e. should have been complete by 20 June 2017 - note an extension has been sought from Commonwealth till 30 June 2018
- Action 19 – timing of the audit. It was not due till 20 June 2018 so why was it done before the Molonglo audit? Would it have been better to wait until the 4 year Plan review was concluded which is now scheduled for 20 June 2018?
- Kinlyside – need to look at resource allocation for land management. We have raised this previously: what is the incentive for a rural leaseholder to manage for biodiversity?
- We note that the audit report gives a compliant status where an action has been delayed but Commonwealth approval for the delay has been granted. On one level this is an acceptable practice, **except** – planning processes have not stopped while this has happened. This is evidence that these ecological processes documents are not informing planning and development – and they should be.
- Cat containment – Casey needs to be declared cat containment. Community engagement and compliance should be a joint community-Government effort beyond the legalism of the current Government brochure – i.e. you have to... this is important however a more compelling narrative is "[Love your cat and wildlife too](#)" as per the Conservation Council community engagement of 2014-15.

**Contact:** Executive Director: Larry O'Loughlin: 02 6229 3202 or 0419 266 110