



**FINAL APPROVAL DECISION FOR THE TAKING OF ACTIONS IN ACCORDANCE WITH AN ENDORSED PROGRAM UNDER THE ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 (CTH) (EPBC ACT).**

Urban development and biodiversity conservation activities taken in accordance with the endorsed Program Report – Urban Development at West Belconnen (AT Adams Consulting, April 2017) (the Program).

This decision is made under section 146B of the *Environment Protection and Biodiversity Conservation Act 1999* (strategic assessment provisions) which provides for the Minister to approve the taking of actions, or classes of actions, in accordance with an endorsed policy, plan or program. An Approval under section 146B of the EPBC Act has the same general effect as an approval under Part 9 of the Act. Actions approved under this decision will therefore not require separate referral, assessment or approval under the EPBC Act in order to be taken.

The Program submitted by Riverview Projects (ACT) Pty Ltd has been endorsed by the Minister for the Environment and Energy under the EPBC Act. The endorsed Program includes actions associated with urban development and biodiversity conservation.

This approval decision is for actions falling within the class of actions specified below.

<b>Approval Holder</b>	Riverview Projects (ACT) Pty Ltd
<b>Approval Holder ACN</b>	165 870 539
<b>Other persons who may take the action</b>	Any person who is authorised, permitted or requested by the holder of the approval, or by another person with the consent or agreement of the holder of the approval, to take the action.
<b>Approved Class of actions</b>	All actions associated with urban development and biodiversity conservation in the West Belconnen Strategic Assessment area as described in the endorsed Program – Urban Development at West Belconnen (AT Adams Consulting, April 2017)

**Approval decision**

<b>Controlling Provision</b>	<b>Decision</b>
Listed threatened species and communities (sections 18 & 18A)	Approved

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**Conditions of approval**

This approval is subject to the conditions specified at **Annexure 1**.

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**Expiry date of approval**

The approval has effect until 30 June 2067

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**General**

Further explanatory information related to this approval decision is at **Annexure 2**.

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**Decision-maker**

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**Name and Position**

Kim Farrant  
Assistant Secretary  
Assessments (NSW, ACT) and Fuel Branch

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**Signature**



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**Date of decision**

1.9.17

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## ANNEXURE 1

### Conditions attached to the approval

1. The **approval holder** must ensure development actions at the **West Belconnen site** are undertaken in accordance with the endorsed Program – *Urban Development at West Belconnen* (AT Adams Consulting, April 2017).
2. If the **approval holder** authorises, permits or requests another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person:
  - a. Is informed of any condition attached to the approval that restricts or regulates the way in which that part of the action may be taken; and
  - b. Complies with any such condition
3. The **approval holder** must ensure that the conservation outcomes specified in Section 5 of the Program are achieved.
4. The **approval holder** must ensure that the West Belconnen Conservation Corridor is **established** and encompasses a minimum of 549.9 hectares as shown in Figure 2 in the Program and including the habitat of listed threatened species and ecological communities identified in the Program as occurring within the West Belconnen Conservation Corridor.
5. Within six months prior to the commencement of construction in the ACT portion of the site, the land within the ACT portion of the West Belconnen Conservation Corridor boundary is to be either rezoned as outlined in Section 3.6 of the Program or must be secured for conservation in perpetuity through a legally binding mechanism approved by the Department. For the NSW portion of the West Belconnen Conservation Corridor the **approval holder** must secure the land for conservation in perpetuity through a legally binding mechanism approved by the Department within two years of endorsement of the Program. The West Belconnen Conservation Corridor Reserve Management Plan of condition 8 will not be endorsed and approved until the land has been rezoned or secured.
6. The **approval holder** must ensure the Environment Management Trust is **established** through a trust deed in accordance with the endorsed Program within two years from the date of endorsement of the Program and prior to commencement of construction (in all areas other than the area marked as stage 1 in Figure 4 of the Program Report).
7. Prior to the commencement of construction of the Ginninderra Drive extension, the **approval holder** must ensure that **Golden Sun Moth Conservation Reserves** are **established** for Jaramlee (52 ha) and West Macgregor (37 ha) and Lot 2 Wallaroo Road (86.8 ha) to offset impacts to Golden Sun Moth (GSM).
8. The **approval holder** must prepare the West Belconnen Conservation Corridor Reserve Management Plan to achieve at a minimum, the conservation outcomes as outlined in Section 5 of the Program. The plan must be prepared in consultation with the Department (regarding Protected Matters), NSW Office of Environment and Heritage (NSW portion of the site), endorsed by the ACT Conservator (for both the ACT and NSW portion of the site) and approved by the ACT Minister for the Environment (ACT portion). Endorsement and approval of the plan must be obtained within two years from the date of endorsement of the Program. The endorsed and approved plan must provide for an approved Offset Management Plan required under condition 9 to be appended. Construction (for all areas other than the area marked as stage 1 in the Program, Figure 4) cannot commence before

the plan is endorsed and approved. The endorsed and approved plan or a later endorsed and approved plan must be implemented and made available to the public for the life of the Program.

9. The **approval holder** must prepare the Offset Management Plan to address the preservation and enhancement of offset areas, including the **Golden Sun Moth Conservation Reserves** required under condition 7, and to achieve at a minimum the conservation outcomes as outlined in Section 5 of the Program. The plan must be prepared in consultation with the **Department** (regarding Protected Matters), NSW Office of Environment and Heritage (regarding NSW portion of the site), endorsed by the ACT Conservator (for both the ACT and NSW portion of the site) and approved by the ACT Minister for the Environment (ACT portion). Endorsement and approval of the plan must be obtained within two years from the date of endorsement of the Program. Construction cannot commence before the plan is endorsed and approved (for all areas other than the area marked as stage 1 in the Program, Figure 4). The approved Offset Management Plan must be appended to the West Belconnen Conservation Corridor Reserve Management Plan required under Condition 8. The endorsed and approved plan or a later endorsed and approved plan must be implemented and made available to the public for the life of the Program.
10. Prior to the **commencement of construction** (in all areas other than the area marked as stage 1 in the Program, Figure 4), the **approval holder** must prepare a Construction Environmental Management Plan (CEMP) to mitigate impacts that may occur throughout the construction phase of the Program. The CEMP must include measures outlined in the Program. The plan must be prepared in consultation with the **Department** (regarding Protected Matters), NSW Office of Environment and Heritage (regarding NSW portion of the site), endorsed by the ACT Conservator (for both the ACT and NSW portion of the site) and approved by the ACT Minister for the Environment (ACT portion). The endorsed and approved plan or a later endorsed and approved plan must be implemented and made available to the public for the life of the Program.
11. Prior to the **commencement of construction** (in all areas other than the area marked as stage 1 in the Program Figure 4) and within 12 months before or within 12 months after endorsement of the Program by the **Department**, the **approval holder** must engage a **suitably qualified expert** to survey the **West Belconnen site** for Pink-tailed Worm Lizard and Natural Temperate Grassland of the South Eastern Highlands in accordance with the **survey guidelines**. The results of surveys must be submitted to the **Department** for acceptance within 6 months of the completion of the survey. The accepted report must be made available to the public prior to the **commencement of construction**.
12. The **approval holder** must consult the **Department** prior to taking an action when the **Defined Process Strategy** is triggered. The **approval holder** must provide the **Department** with any information requested on the action or proposed conservation outcomes and must implement any modification to the way the action is undertaken as requested by the **Department** to achieve the conservation outcomes specified in Section 5 of the Program.
13. The **approval holder** must ensure that a cat containment policy (enduring in perpetuity), is established, implemented, monitored and maintained across the **West Belconnen site**. Results of monitoring must be reported in the Annual Report and reviewed as part of the five yearly Program Review Report to ensure ongoing protection of listed threatened species and ecological communities from domestic predators.

## Standard Conditions:

14. Within ten days after the commencement of the action, the **approval holder** must advise the **Department** in writing of the actual date of commencement.
15. 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 required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the 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.
16. Within two months of the end of each financial year after the commencement of the action, the **approval holder** must submit an Annual Report to the **Department** addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans as specified in the conditions. The Annual Report must contain at a minimum the requirements outlined in Section 7.1.1 of the Program. Non-compliance with any of the conditions of this approval must be reported to the **Department** as soon as the **approval holder** is aware of the breach and the non-compliance must be reported in the Annual Report. The report must be made available to the public.
17. Every five years and within six months from the date of endorsement of the Program, the **approval holder** must prepare a Program Review Report. The Program Review Report will summarise progress over the preceding five years in achieving the conservation gains as defined by the Program, referenced against the conservation outcomes in Section 5 of the Program. The preparation of the Program Review Report will follow the preparation and submission of the Annual Report for that year to allow incorporation of its findings. The Program Review Report will be submitted to the NSW Office of Environment and Heritage for review prior to being submitted to the ACT Conservator of Flora and Fauna for endorsement. The finalised report will be submitted to the **Department** and made available to the public.
18. Every five years or upon direction of the **Minister**, the **approval holder** must ensure that an independent audit is conducted to verify the outcomes being reported in the Annual Report and the Program Review Report. The independent auditor must be appointed by the Environmental Management Trust in consultation with the ACT Conservator of Flora and Fauna and NSW Office of Environment and Heritage. The independent audit must be completed within a timeframe that enables the results to inform the Program Review Report. The audit report must be submitted to the **Department** and made available to the public.
19. If, at any time after five 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**.
20. Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must publish all management plans and reports referred to in these conditions of approval on their website. Each management plan and report must be published on the website within 1 month of being endorsed and approved.

## Definitions

Unless otherwise specified, all terms within this notice have the same meaning as in the EPBC Act.

**Approval Holder:** means the person to whom the approval is granted, or any person acting on their behalf, or to whom the approval is transferred under section 145B of the **EPBC Act**.

**Commencement of construction:** the undertaking of any preparatory works (excluding fences and signage), earthworks / clearing of **EPBC Act** listed ecological communities, the erection of any onsite temporary structures / building compound facilities, or the first instance of any use of heavy duty equipment for breaking ground, or of clearance of any vegetation.

**Defined Process Strategy:** as outlined in the Program in Section 5.3.4 the Defined Process Strategy which will allow the assessment, avoidance, mitigation and offset (if required) of impacts to Natural Temperate Grassland of the South Eastern Highlands and Pink Tailed Worm Lizard habitat as a result of actions under the Program and any Protected Matter that may be impacted due to changes in the location of infrastructure in the WBCC.

**Department:** means the Australian Government Department administering the Commonwealth **EPBC Act**.

**EPBC Act:** means the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

### **Established:**

- West Belconnen Conservation Corridor will be **established** by rezoning the land within the WBCC boundary as outlined in Section 3.6 of the Program.
- Golden Sun Moth Reserves will be **established** as outlined in Section 4.2.3 and Action 2 to 4 in Table 4 of the Program.
- The Environmental Management Trust will be **established** as outlined in Section 5.2 of the Program

**Golden Sun Moth Conservation Reserves:** This includes Jaramlee (52 ha), West Macgregor (37 ha) and Lot 2 Wallaroo Road (86.8 ha) as shown in Figure 14 of the Program – Urban Development at West Belconnen (AT Adams Consulting, April 2017).

**Minister:** means the **Minister** responsible for administering the **EPBC Act** including any delegate of the **Minister**.

**Substantially commence:** means to start any works required to be undertaken for the purposes of carrying out the action, including preparatory works.

**Suitably qualified expert:** means a real person who must be approved by the Department, and who is independent and not an employee of the approval holder, and who has relevant tertiary qualifications and a minimum of five years demonstrated experience to undertake the survey of the **West Belconnen site** for Pink Tailed Worm Lizard and Natural Temperate Grassland of the South Eastern Highlands.

**Survey guidelines:** means the most recently published version of the Commonwealth survey guidelines for Pink Tailed Worm Lizard and Natural Temperate Grasslands of the South Eastern Highlands at the time the survey is undertaken. Current guidelines are:

- Department of Sustainability Environment, Water, Population and Communities (2011), *Survey guidelines for Australia's threatened reptiles*. Commonwealth of Australia, Canberra.
- No current survey guidelines exist for Natural Temperate Grassland of the South Eastern Highlands. Refer to the Approved Conservation Advice and Recovery Plan for this ecological community until survey guidelines are developed.

**West Belconnen site:** the Strategic Assessment area boundary shown in Figure 2 of the Program – *Urban Development at West Belconnen* (AT Adams Consulting, April 2017).

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## ANNEXURE 2

### Explanatory Information

#### Background

This approval decision is made under section 146B of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) which provides for the Minister responsible for administering the EPBC Act (the Minister) to approve the taking of actions, or classes of actions, in accordance with an endorsed policy, plan or program. An approval under section 146B of the EPBC Act has generally the same effect as an approval given under Part 9 of the Act. Actions approved under this decision will not require separate referral, assessment or approval under the EPBC Act in order to be taken.

On 18 July 2017 the delegate for the Minister endorsed, pursuant to section 146 of the EPBC Act, the Program described in the Program Report – *Urban Development at West Belconnen* (AT Adams Consulting, April 2017). The endorsed Program includes actions associated with urban development and biodiversity conservation.

Actions covered by this approval must be taken in accordance with the endorsed Program. Actions not taken in accordance with the endorsed Program are not covered by the approval and therefore may not be taken without further approval under the EPBC Act if they have, will have or are likely to have a significant impact on a matter of national environmental significance (protected by a provision of Division 1 of Part 3 of the EPBC Act), subject to any other relevant exceptions applying.

#### Actions included in the approval

The class of actions covered by the approval are all actions associated with urban development and biodiversity conservation in the West Belconnen Strategic Assessment area as described in the Program – *Urban Development at West Belconnen* (AT Adams Consulting, April 2017).

Actions covered by this approval include:

- Construction and operation of residential, commercial, community, light industrial and open space land uses, and related urban development and infrastructure.
- Offsite road improvement works on local and arterial roads within the existing Western Belconnen urban area including:
  - Ginninderra Drive extension which will bisect the West Macgregor and Jaramlee Offset areas.
  - Southern Cross Drive
  - Widening of Drake Brockman Drive to create a dual carriageway road between the project area and William Hovell Drive
- A biodiversity offsets package for Golden Sun Moth due to impacts from the Ginninderra Drive extension, including impacts on the existing offset sites known as Jaramlee and West Macgregor for EPBC Act approved projects 2010/5549 and 2010/5520.
- The creation of the West Belconnen Conservation Corridor along the Murrumbidgee River and Ginninderra Creek encompassing a minimum of 549.9 ha including the habitat of listed threatened species and ecological communities identified in the Program as occurring within the West Belconnen Conservation Corridor.



- Works in the West Belconnen Conservation Corridor including:
    - Construction of a sewer tunnel by direct drilling so as to pass beneath Pink Tailed Worm Lizard and Box Gum Woodland habitat and involving limited surface works outside Pink Tailed Worm Lizard habitat.
    - Recreation and tourist facilities including buildings, picnic areas, car parking and access roads and walking and cycling tracks.
    - Bushfire and maintenance management access tracks.
    - Bushfire management measures including vegetation management by way of slashing, controlled burning, controlled livestock grazing, and access tracks.
  - The Defined Process Strategy outlined in the Program to be applied to assess impacts to Natural Temperate Grassland of the South Eastern Highlands and Pink Tailed Worm Lizard habitat as a result of actions under the Program and any Protected Matter that may be impacted due to changes in the location of infrastructure in the WBCC.
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David Maxwell  
Director  
Riverview Projects (ACT) Pty Ltd  
PO Box 3908  
MANUKA ACT 2603

Dear Mr Maxwell

**Decision on approval  
West Belconnen Strategic Assessment (SA024)**

I am writing to you in relation to the endorsed Program Report – Urban Development at West Belconnen, April 2017 (the Program) and an approval for a class of actions to be taken in accordance with the endorsed Program. The West Belconnen urban development area is also known as Ginninderry.

I have considered the Program in accordance with Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Riverview Projects (ACT) Pty Ltd for all actions associated with urban development and biodiversity conservation in the West Belconnen strategic assessment area as described in the Program. The details of my decision are attached. The actions must be undertaken in accordance with the endorsed Program and conditions specified in the approval.

I would appreciate your assistance by informing me when you provide the information specified in the conditions and who will be the contact person responsible for the administration of the approval decision.

Please note, any plans required as conditions of approval will be regarded as public documents unless you provide sufficient justification to warrant commercial-in-confidence status.

You should also note that this EPBC Act approval does not affect obligations to comply with any other laws of the Commonwealth, state or territory that are applicable to the actions set out in the endorsed Program. Neither does this approval confer any right, title or interest that may be required to access land or waters to take the action.

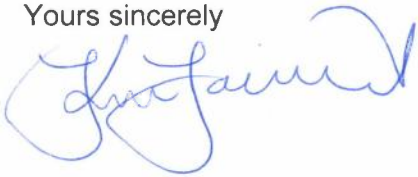
The Department has an active audit program for proposals that have been referred or approved under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned and that there is a high degree of compliance with any associated conditions. Please note that your project may be selected for audit by the Department at any time and all related records and documents may be subject to scrutiny. Information about the Department's compliance monitoring and auditing program is enclosed.

I have also written to the following parties to advise them of this decision:

Proponent	ACT Environment and Sustainable Development Directorate
State/territory authority/authorities	National Capital Authority The Hon Anthony Roberts MP, NSW Minister for Planning
Other relevant authority/authorities	The Hon Darren Chester MP, Minister for Infrastructure and Transport Senator the Hon Fiona Nash, Minister for Regional Development, Local Government and Territories

If you have any questions about this decision, please contact the project manager, Ross Rowe, by email to [Ross.Rowe@environment.gov.au](mailto:Ross.Rowe@environment.gov.au), or telephone 02 6275 9947 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Kim Farrant  
Assistant Secretary  
Assessments (NSW, ACT) and Fuel Branch  
1 September 2017