

14 March 2018

Mr Ross Rowe  
Southern NSW and ACT Assessment Section  
Assessments and Waste Branch  
Environment Standards Division  
Department of the Environment and Energy  
GPO Box 787  
Canberra ACT 2601

Dear Ross,

**EPBC Ref: SA024 - Approval Conditions Update  
River Corridor Legal Establishment**

Approval Conditions 4 & 5 include:

- 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.*

Section 3.4 of the final version of the Program Report, as published on the Environment Department's website, highlights the rezoning process for the ACT lands to expand the river corridor and protect the MNES matters in perpetuity. Figure 10 in the program report highlights the staging of the establishment of the river corridor, in alignment with the roll-out of the construction program (Figure 4).

The Land Use Change which gave effect to establishing and enlarging the River Corridor occurred on 23<sup>rd</sup> October 2015 when the ACT Rezoning was approved:

- The instrument tabled in the ACT Legislative assembly explaining the Territory Plan Variation, and highlighting the expansion of area secured for conservation (an addition of 83 ha to 371 ha – the ACT portion of the Corridor), can be found online at the ACT Legislation Register.
- The current version of the Territory Plan, showing the expanded River Corridor, can also be found online at the ACT Legislation Register (links provided under separate cover).

As per the staging of the river corridor implementation, the intention is for the Conservation Trust to secure a long-term Section 303 License (under the ACT Planning and Development Act 2007) to secure ownership for conservation management purposes. This license will apply to the land identified as Stage 1 of the Conservation Corridor in the Program Report.

Other approval conditions related to the management priorities for the corridor (e.g. Plan of Management and Offset Plans) and resourcing of the conservation program (e.g. Establishment of the Trust) are well advanced and in coming months we will seek your endorsement for the substantive acquittal of responsibilities against those approval conditions.

For now, we are seeking your acknowledgement that the rezoning process that has been implemented through the ACT Legislative Assembly, securing the expanded conservation corridor in the ACT part of the corridor, acquits the obligations under Approval Conditions 4 & 5 as they pertain to the ACT portion of the corridor, in accordance with the staged approach outlined in the Program Report. We submit these conditions have been acquitted substantively to enable construction stages 1-10 outlined in Figure 4 of the Program Report (noting other conditions still need to be met to enable that construction program).

We trust this process of implementing the Approval Conditions progressively as the suburbs roll-out will meet your requirements, and we will forward a copy of the Section 303 license regarding the ownership or control of the land when that process is complete.

You sincerely

A handwritten signature in black ink that reads "D Maxwell". The signature is written in a cursive, flowing style.

David Maxwell  
Director