

Department of Climate Change, Energy, the Environment and Water

Australian Government

# VARIATION OF APPROVAL 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 to vary conditions of approval is made under section 143(1)(a) of the *Environment Protection and Biodiversity Conservation Act* 1999 (EPBC Act).

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

### Variation

#### The variation is:

Delete conditions 1 to 10, 12, 13, 15 to 18 and 20, and the definitions for **Commencement of construction**, **Defined Process Strategy**, **Golden Sun Moth Conservation Reserves** and **West Belconnen site** attached to the approval and substitute them with the those specified in the tables below.

Add conditions 5A, 8A, 9A, 9B, 10A, 12A, 13A, 13B, 15A to 15C, 16A to 16G, 18A to 18G and 21, and definitions for ACT Conservator of Flora and Fauna, ACT Parks and Conservation Service, Annual reporting period, Audit report, Business days, Clearing, Compliance records, Compliance report, Construction, Construction Environmental Management Plan, Ginninderra Drive extension, Incident, Independent audit, Independent auditor, NSW DCCEEW, Offset Management Plan, Plan, Protected matters, Reserve Management Plan/RMP, Sensitive ecological data , Shapefile, The Program, Website and West Belconnen Conservation Corridor to the approval as specified in the tables below.

Revoke condition 17 and the definitions for **Approval holder** and **Established** attached to the approval

| date of effect          | This variation has effect on the date this instrument is signed.                   |
|-------------------------|--|
| expiry date of approval | This approval has effect until 30 June 2067.                                       |
| general                 | Further explanatory information related to this approval decision is at Annexure 2 |

#### Person authorised to make decision

| name and position | Graeme Grosse                     |
|-------------------|-----------------------------------|
|                   | Branch Head                       |
|                   | Compliance and Enforcement Branch |
| signature         | A                                 |
| date of decision  | 15 November 2024                  |

| Annexure 1<br>date of decision                        | conditions attached to approval  |  |
|---|--|--|
| As varied on the date<br>this instrument is<br>signed | 1. The approval holder must ensure all activities associated with urban development and biodiversity conservation in the <b>West Belconnen site</b> are undertaken in accordance with <b>the Program</b> .   |  |
| As varied on the date<br>this instrument is<br>signed | 2. The approval holder must ensure any person it authorises, permits or requests to undertake any part of the action complies with any condition attached to this approval that restricts or regulates the way in which that part of the action is taken.  |  |
| As varied on the date<br>this instrument is<br>signed | 3. The approval holder must ensure that the conservation outcomes specified in Section 5.0 of <b>the Program</b> are achieved before the expiry date of this approval.   |  |
| As varied on the date<br>this instrument is<br>signed | 4. The approval holder must rezone the <b>West Belconnen Conservation Corridor</b> ( <b>the Corridor</b> ) in accordance with Section 3.6 of <b>the Program</b> .  |  |
| As varied on the date<br>this instrument is<br>signed | 5. The approval holder must not <b>commence construction</b> in the ACT portion of the <b>West Belconnen site</b> , unless the land within the ACT portion of <b>the Corridor</b> has been rezoned in accordance with Section 3.6 of <b>the Program</b> or secured for conservation through a legally binding mechanism approved by the <b>Department</b> .  |  |
| As varied on the date<br>this instrument is           | 5A. The approval holder must not <b>commence construction</b> in the NSW portion of the <b>West Belconnen site</b> unless:   |  |
| signed  | <ul> <li>a) the land within the NSW portion of the Corridor has been rezoned in<br/>accordance with Section 3.6 of the Program or secured for conservation<br/>through a legally binding mechanism approved by the Department;</li> </ul>  |  |
|   | <ul> <li>b) the Minister has approved a revision of the Reserve Management Plan<br/>that includes the land within the NSW portion of the Corridor;</li> </ul>  |  |
|   | <ul> <li>c) the Minister has approved a revision of the Offset Management Plan<br/>which includes offsets located within the NSW portion of the Corridor; and</li> </ul>   |  |
|   | d) a cat containment policy has been established for the <b>West Belconnen site</b> in accordance with condition 13 of this approval.  |  |
| As varied on the date<br>this instrument is<br>signed | 6. The approval holder must not <b>commence construction</b> in the <b>West</b><br><b>Belconnen site</b> other than the area marked as stage 1 in Figure 4 of <b>the</b><br><b>Program</b> unless the Environment Management Trust required under Section 5.2<br>of <b>the Program</b> has been established through a trust deed in accordance with<br>Section 5.2 of <b>the Program</b> .                                 |  |
| As varied on the date<br>this instrument is<br>signed | 7. The approval holder must not <b>commence construction</b> of the <b>Ginninderra</b><br><b>Drive extension</b> unless the <b>Golden Sun Moth Conservation Reserves</b> have been<br>established in accordance with Section 4.2.3 and Actions 2 to 4 at Table 4 of <b>the</b><br><b>Program</b> , for Jarramlee (52 ha) West Macgregor (37 ha) and Lot 2 Wallaroo<br>Road (86.8 ha) to offset impacts to Golden Sun Moth. |  |
| As varied on the date<br>this instrument is<br>signed | 8. The approval holder must implement the <b>Reserve Management Plan (RMP</b> ) until the expiry date of this approval.  |  |

| As varied on the date<br>this instrument is<br>signed | 8A. Any revision of the <b>RMP</b> submitted for the <b>Minister's</b> approval in accordance with condition 9B of this approval must:   |
|---|--|
|   | <ul> <li>a) be agreed to by the ACT Conservator of Flora and Fauna and NSW</li> <li>DCCEEW;</li> </ul>   |
|   | b) be approved by the ACT Minister for the Environment;  |
|   | c) provide for conservation management of the <b>Corridor</b> ;  |
|   | <ul> <li>be consistent with the conservation outcomes, actions, responsibilities and<br/>timings specified at <i>Table 4: Conservation outcomes and actions for MNES</i><br/>of the Program; and</li> </ul>  |
|   | <ul> <li>e) at a minimum, include the management measures, monitoring programs,<br/>reporting and review requirements and frequencies, specified at Section<br/>5.3.1 of the Program.</li> </ul>   |
| As varied on the date<br>this instrument is<br>signed | 9. The approval holder must implement the <b>Offset Management Plan</b> until the expiry date of this approval.  |
| As varied on the date<br>this instrument is           | 9A. Any revision of the <b>Offset Management Plan</b> submitted for the <b>Minister's</b> approval in accordance with condition 9B of this approval must as a minimum:   |
| signed  | a) be prepared in consultation with the ACT Parks and Conservation Service;  |
|   | <ul> <li>be approved by the NSW DCCEEW and the ACT Conservator of Flora and<br/>Fauna;</li> </ul>  |
|   | c) provide for the management of offset areas within the <b>Corridor</b> ;   |
|   | <ul> <li>be consistent with the conservation outcomes, actions, responsibilities and<br/>timings specified at <i>Table 4: Conservation outcomes and actions for MNES</i><br/>of the Program;</li> </ul>  |
|   | <ul> <li>e) include the management measures, monitoring programs, reporting and<br/>review requirements and frequencies, specified at Section 5.3.1 of the<br/>Program;</li> </ul>   |
|   | <ul> <li>f) specify outcomes, specific to each protected matter and offset area,<br/>derived from measurably enhancing the natural environment within offset<br/>areas, that will be achieved and maintained; and</li> </ul>   |
|   | <ul> <li>g) detail measures to protect and enhance offset areas to achieve and<br/>maintain the specified outcomes, including for the Golden Sun Moth<br/>Conservation Reserves established under condition 7 of this approval.</li> </ul>   |
| As varied on the date<br>this instrument is<br>signed | 9B. The approval holder may, at any time, apply to the <b>Minister</b> for a variation<br>to the <b>RMP</b> or <b>Offset Management Plan</b> , by submitting an application in<br>accordance with the requirements of section 143A of the <b>EPBC Act</b> . If the<br><b>Minister</b> approves a revised version of the <b>RMP</b> or <b>Offset Management Plan</b><br>then, from the date specified, the approval holder must implement the version<br>of the <b>RMP</b> or <b>Offset Management Plan</b> so approved by the <b>Minister</b> , in place<br>of any previous version. |
| As varied on the date<br>this instrument is<br>signed | 10. The approval holder must implement the <b>Construction Environmental</b><br><b>Management Plan</b> until the expiry date of this approval.   |

| As varied on the date<br>this instrument is<br>signed | 10A. Within 15 <b>business days</b> of the <b>ACT Conservator of Flora and Fauna</b> approving any revised version of the <b>Construction Environmental Management Plan</b> , the approval holder must notify the <b>Department</b> that the <b>Construction Environmental Management Plan</b> has been revised and provide the <b>Department</b> with an electronic copy of the approved revised version.  |
|---|---|
| Original dated 1<br>September 2017                    | 11. Prior to the <b>commencement of construction</b> (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 <b>the Program</b> by the <b>Department</b> , the approval holder must engage a <b>suitably qualified expert</b> to survey the <b>West Belconnen site</b> for Pink-tailed Worm Lizard and Natural Temperate Grassland of the South Eastern Highlands in accordance with the <b>survey guidelines</b> . The results of surveys must be submitted to the <b>Department</b> for acceptance within 6 months of the completion of the survey. The accepted report must be made available to the public prior to the <b>commencement of construction</b> . |
| As varied on the date<br>this instrument is           | 12. When the <b>Defined Process Strategy</b> is triggered in accordance with section 5.3.4 of <b>the Program</b> , the approval holder must:  |
| signed  | <ul> <li>notify the Department within 10 business days of the Defined Process<br/>Strategy being triggered, that the Defined Process Strategy has been<br/>triggered;</li> </ul>  |
|   | <ul> <li>provide the <b>Department</b> with any information requested by the<br/><b>Department</b> regarding the activity that has triggered <b>Defined Process</b><br/>Strategy;</li> </ul>  |
|   | <ul> <li>c. implement any modification to the way the activity will be undertaken<br/>as required by the <b>Department</b> to achieve the conservation outcomes<br/>specified in Section 5 of <b>the Program</b>; and</li> </ul>  |
|   | d. not commence the activity until the <b>Department</b> has agreed in writing that the activity can commence.  |
| As varied on the date<br>this instrument is<br>signed | 12A. The approval holder must provide any information requested by the <b>Department</b> pursuant to condition 12 within 20 <b>business days</b> of the <b>Department's</b> written request.  |
| As varied on the date<br>this instrument is<br>signed | 13. The approval holder must ensure that a policy to contain domestic cats on their premises or under effective control 24 hours a day (a cat containment policy), is established for the <b>West Belconnen site</b> in accordance with Section 5.3.1 and Actions 16 and 23 at Table 4 of <b>the Program</b> .  |
| As varied on the date<br>this instrument is<br>signed | 13A. The approval holder must ensure the cat containment policy is in place at<br>least until the expiry of this approval and engage relevant parties within the<br>ACT and NSW Government to implement, monitor and maintain the cat<br>containment policy.  |
| As varied on the date<br>this instrument is<br>signed | 13B. The approval holder must include the results of cat containment monitoring conducted in accordance with the cat containment policy, in each <b>compliance report</b> .   |
| Original dated 1<br>September 2017                    | 14. Within ten days after the commencement of the action, the approval holder must advise the <b>Department</b> in writing of the actual date of commencement.  |

| As varied on the date<br>this instrument is<br>signed | 15. The approval holder must maintain accurate and complete <b>compliance records</b> .  |
|---|--|
| As varied on the date<br>this instrument is<br>signed | 15A. If the <b>Department</b> makes a request in writing, the approval holder must<br>provide electronic copies of <b>compliance records</b> to the <b>Department</b> within the<br>timeframe specified in the request.<br><b>Note: Compliance records</b> may be subject to audit by the <b>Department</b> , or by an independent<br>auditor in accordance with section 458 of the <b>EPBC Act</b> , and/or be used to verify compliance with<br>the conditions. Summaries of the results of an audit may be published on the <b>Department's</b><br>website or through the general media |
| As varied on the date<br>this instrument is<br>signed | 15B. The approval holder must ensure that any <b>monitoring data</b> (including <b>sensitive ecological data</b> ), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the <i>Guidelines for biological survey and mapped data</i> , Commonwealth of Australia 2018, or as otherwise specified by the <b>Minister</b> in writing.  |
| As varied on the date<br>this instrument is<br>signed | 15C. The approval holder must submit all <b>monitoring data</b> (including <b>sensitive</b><br><b>ecological data</b> ), surveys, maps, other spatial and metadata and all species<br>occurrence record data (sightings and evidence of presence) electronically to<br>the <b>Department</b> by 31 August of each year or in accordance with the<br>requirements of a <b>plan</b> .  |
| As varied on the date<br>this instrument is<br>signed | <ul> <li>16. By 31 August of each year following 1 September 2017, the approval holder must publish on the website:</li> <li>a. a compliance report; and</li> <li>b. a shapefile showing all clearing of protected matters, and their habitat, undertaken during the annual reporting period.</li> </ul>   |
| As varied on the date<br>this instrument is<br>signed | 16A. The approval holder must exclude or redact <b>sensitive ecological data</b> from each <b>compliance report</b> and <b>shapefile</b> published on the <b>website</b> or otherwise provided to a member of the public.  |
| As varied on the date<br>this instrument is<br>signed | 16B. If <b>sensitive ecological data</b> is excluded or redacted from a version of a <b>compliance report</b> or <b>shapefile</b> published or otherwise provided to a member of the public, the approval holder must submit the full <b>compliance report</b> or <b>shapefile</b> to the <b>Department</b> within 5 <b>business days</b> of its publication on the <b>website</b> and notify the <b>Department</b> in writing what exclusions and redactions have been made in the version published on the <b>website</b> or otherwise provided to a member of the public.               |
| As varied on the date<br>this instrument is<br>signed | 16C. The approval holder must notify the <b>Department</b> electronically, within 5 <b>business days</b> of each date of publication that the <b>compliance report</b> has been published on the <b>website</b> . In this notification, the approval holder must provide the <b>Department</b> with the web address for where the <b>compliance report</b> and related <b>shapefile</b> are published on the <b>website</b> .  |
| As varied on the date<br>this instrument is<br>signed | 16D. The approval holder must keep each <b>compliance report</b> and related <b>shapefile</b> published on the <b>website</b> from the first date which that <b>compliance report</b> must be published and until the expiry date of this approval.  |
|   |  |

| As varied on the date<br>this instrument is<br>signed | 16E. The approval holder must notify the <b>Department</b> electronically, within 2 <b>business days</b> of becoming aware of any <b>incident</b> and/or potential non-compliance and/or actual non-compliance with the conditions, <b>the Program</b> or commitments made in a <b>plan</b> .  |  |
|---|--|--|
| As varied on the date                                 | 16F. The approval holder must specify in the notification:   |  |
| this instrument is signed                             | <ul> <li>a) Any condition, part of the Program or commitment made in a plan<br/>which has been or may have been breached.</li> </ul>   |  |
|   | <ul> <li>A short description of the <b>incident</b> and/or potential non-compliance<br/>and/or actual non-compliance.</li> </ul>   |  |
|   | c) The location (including co-ordinates), date and time of the <b>incident</b><br>and/or potential non-compliance and/or actual non-compliance.  |  |
| As varied on the date<br>this instrument is<br>signed | 16G. The approval holder must provide to the <b>Department</b> in writing, within 10 <b>business days</b> of becoming aware of any <b>incident</b> and/or potential non-compliance and/or actual non-compliance, the details of that <b>incident</b> and/or potential non-compliance and/or actual non-compliance with the conditions, <b>the Program</b> or commitments made in a <b>plan</b> . The approval holder must specify: |  |
|   | a) Any corrective action or investigation which the approval holder has already taken.   |  |
|   | b) The potential impacts of the <b>incident</b> and/or non-compliance.   |  |
|   | c) The method and timing of any corrective action that will be undertaken<br>by the approval holder.   |  |
| As varied on the date<br>this instrument is<br>signed | 17. – Revoked.   |  |
| As varied on the date<br>this instrument is<br>signed | 18. Every 5 year period following 1 August 2022 until the expiry date of this approval, unless otherwise specified in writing by the <b>Department</b> , the approval holder must ensure that an <b>independent audit</b> is conducted to verify the outcomes being reported in <b>compliance reports</b> .  |  |
| As varied on the date<br>this instrument is<br>signed | 18A. An <b>independent auditor</b> must be appointed by the approval holder in consultation with the <b>Department</b> .   |  |
| As varied on the date<br>this instrument is<br>signed | 18B. The approval holder must ensure the scope of each <b>independent audit</b> is sufficient to determine the compliance status for each condition of this approval, and each commitment made in each <b>plan</b> .   |  |
| As varied on the date<br>this instrument is<br>signed | 18C. The approval holder must ensure the criteria for each <b>independent audit</b><br>and the undertaking of each <b>independent audit</b> are consistent with the<br><i>Environment Protection and Biodiversity Conservation Act 1999 Independent</i><br><i>Audit and Audit Report Guidelines,</i> Commonwealth of Australia 2019.   |  |
| As varied on the date<br>this instrument is<br>signed | 18D. The approval holder must ensure each <b>audit report</b> is completed to the satisfaction of the <b>Department</b> and is consistent with the <i>Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines</i> , Commonwealth of Australia 2019.  |  |

| As varied on the date<br>this instrument is<br>signed | 18E. The approval holder must publish each <b>audit report</b> on the <b>website</b> , in a format that is easily accessible and downloadable, within 10 <b>business days</b> of the date the <b>Department</b> agrees to the <b>audit report</b> in writing.  |  |
|---|--|--|
| As varied on the date<br>this instrument is<br>signed | 18F. The approval holder must notify the <b>Department</b> within 5 <b>business days</b> of the date the <b>audit report</b> is published on the <b>website</b> . In this notification, the approval holder must provide the <b>Department</b> with the web address for where the <b>audit report</b> is published on the <b>website</b> . |  |
| As varied on the date<br>this instrument is<br>signed | 18G. The approval holder must keep each <b>audit report</b> published on the <b>website</b> from the first date which that <b>audit report</b> must be published and until the expiry date of this approval.   |  |
| Original dated 1<br>September 2017                    | 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 <b>substantially commence</b> the action without the written agreement of the <b>Minister</b> .   |  |
| As varied on the date this instrument is              | 20. Unless otherwise agreed to in writing by the <b>Minister</b> , the approval holder must publish each <b>plan</b> on the <b>website</b> within the following timeframes:  |  |
| signed  | a) By 31 December 2024.  |  |
|   | <ul> <li>b) For any revision to the Reserve Management Plan or Offset<br/>Management Plan, within 15 business days of the Minister's written<br/>approval of the revision.</li> </ul>  |  |
|   | c) For any revision of the Construction Environmental Management Plan,<br>within 15 business days of the ACT Conservator of Flora and Fauna's<br>approval of the revision.   |  |
| As varied on the date<br>this instrument is<br>signed | 21. The approval holder must keep all <b>plans</b> published on the <b>website</b> , in a format that is easily accessible and downloadable, from the first date which that <b>plan</b> must be published and until the expiry date of this approval. This requirement applies to all current and superseded versions of <b>plans</b> .    |  |

| date of decision                                      | definitions attached to approval  |
|---|---|
| In these conditions                                   | , except where contrary intention is expressed, the following definitions are used:   |
| As varied on the date<br>this instrument is<br>signed | <b>ACT Conservator of Flora and Fauna</b> : The office of the Conservator of Flora and Fauna established by the <i>Nature Conservation Act 2014</i> (ACT).  |
| As varied on the date<br>this instrument is<br>signed | <b>ACT Parks and Conservation Service:</b> The ACT parks and conservation service established by the <i>Nature Conservation Act 2014</i> (ACT).   |
| As varied on the date<br>this instrument is<br>signed | <b>Annual reporting period</b> : means the 12-month period from 1 July of each calendar year following 1 September 2017 and until the expiry of this approval, unless otherwise specified in writing by the <b>Minister</b> . |
| As varied on the date<br>this instrument is<br>signed | Approval holder – Revoked.  |

| As varied on the date<br>this instrument is<br>signed | Audit report: means a written report of an independent audit.   |
|---|---|
| As varied on the date<br>this instrument is<br>signed | <b>Business days</b> : means a day that is not a Saturday, a Sunday or a public holiday in the Australian Capital Territory.  |
| As varied on the date<br>this instrument is<br>signed | <b>Clearing</b> : means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds - see the <i>Australian weeds strategy 2017 to 2027</i> .  |
| As varied on the date<br>this instrument is<br>signed | <b>Commencement of construction</b> or <b>Commence construction</b> : means the first instance of any on-site <b>construction or clearing</b> .   |
| As varied on the date<br>this instrument is<br>signed | <b>Compliance records</b> : means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval (including compliance with commitments made in <b>plans</b> ) in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.   |
| As varied on the date<br>this instrument is<br>signed | <ul> <li>Compliance report: means a written report that includes:         <ul> <li>accurate and complete details of compliance and any non-compliance, during the most recent annual reporting period, with the following:                 <ul></ul></li></ul></li></ul>  |
|   | accurate and complete details of how each <b>plan</b> was implemented during the <b>annual reporting period</b> .   |
| As varied on the date<br>this instrument is<br>signed | <ul> <li>Construction means: <ol> <li>the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site;</li> <li>the alteration, maintenance, repair or demolition of any building or structure;</li> <li>any work which involves breaking of the ground (including pile driving) or bulk earthworks;</li> <li>the laying of pipes and other prefabricated materials in the ground, and v. any associated excavation work.</li> </ol> </li> </ul>   |
|   | <b>Construction</b> does not include the installation of temporary fences or signage.   |
| As varied on the date<br>this instrument is<br>signed | <b>Construction Environmental Management Plan</b> : means the <i>Construction</i><br><i>Environmental Management Plan (CEMP) Framework. Prepared for: Riverview</i><br><i>Projects (ACT) Pty Ltd. Reference No. 3002638, dated 12 October 2018</i> or a<br>subsequent revision approved by the <b>ACT Conservator of Flora and Fauna</b> .  |
| As varied on the date<br>this instrument is<br>signed | <b>Defined Process Strategy</b> : means the Defined Process Strategy as specified in<br>Section 5.3.4 of <b>the Program</b> , which provides for the assessment, avoidance,<br>mitigation and offset (if required) of impacts to Natural Temperate Grassland of<br>the South Eastern Highlands and Pink Tailed Worm Lizard habitat as a result of<br>actions under <b>the Program</b> and any <b>protected matter</b> that may be impacted due<br>to changes in the location of infrastructure in the <b>West Belconnen Conservation</b><br><b>Corridor</b> . |
| Original dated 1<br>September 2017                    | <b>Department</b> : means the Australian Government Department administering the Commonwealth <b>EPBC Act.</b>  |

| Original dated 1<br>September 2017                    | <b>EPBC Act:</b> means the Commonwealth <i>Environment Protection and Biodiversity</i><br><i>Conservation Act 1999.</i>  |
|---|--|
| As varied on the date<br>this instrument is<br>signed | Established – Revoked.   |
| As varied on the date<br>this instrument is<br>signed | <b>Ginninderra Drive extension</b> : means the Ginninderra Drive extension described in <b>the Program</b> .   |
| As varied on the date<br>this instrument is<br>signed | <b>Golden Sun Moth Conservation Reserves</b> : means the areas represented in<br>Figure 14 of <b>the Program</b> by the red-shaded polygons labelled "Lot 2 Wallaroo<br>Road", "Jarramlee offset" and "Macgregor offset".  |
| As varied on the date<br>this instrument is<br>signed | <b>Incident</b> : means any event which has the potential to, or does, harm any matter protected under a controlling provision in Part 3 of the <b>EPBC Act</b> for which this approval has effect.  |
| As varied on the date<br>this instrument is<br>signed | Independent audit: an audit, conducted by an independent auditor, of<br>compliance with and fulfilment of these conditions and the commitments made<br>in plans, objectively evaluated against the audit criteria developed by the<br>independent auditor, in accordance with the <i>Environment Protection and</i><br><i>Biodiversity Conservation Act 1999 Independent Audit and Audit Report</i><br><i>Guidelines</i> , Commonwealth of Australia 2019. |
| As varied on the date                                 | Independent auditor: means a person, or firm, who:   |
| this instrument is signed                             | <ul> <li>a. does not have any individual, financial*, employment* or family affiliation<br/>or any conflicting interests with the Action, the approval holder or the<br/>approval holder's staff, representatives, or associated persons,</li> </ul>   |
|   | <ul> <li>has demonstrated experience in undertaking government-regulated<br/>environmental compliance audits, and</li> </ul>   |
|   | <ul> <li>c. holds relevant professional qualifications and accreditation.</li> <li>*Other than for the purpose of undertaking the role for which an independent person, or firm, is required.</li> </ul>   |
| Original dated 1<br>September 2017                    | Minister: means the Minister responsible for administering the EPBC Act including any delegate of the Minister.  |
| As varied on the date<br>this instrument is<br>signed | <b>NSW DCCEEW</b> : means the NSW Government department responsible for administering the <i>Biodiversity Conservation Act 2016</i> (NSW).   |
| As varied on the date<br>this instrument is<br>signed | <b>Offset Management Plan</b> : means the <i>Offset Management Plan, Prepared for</i><br><i>Riverview Projects (ACT) Pty Ltd, Reference No: 3002638, dated 5 October 2018,</i><br>or a subsequent revised version approved by the <b>Minister</b> in accordance with<br>the conditions of this approval.   |
| As varied on the date<br>this instrument is<br>signed | <b>Plan</b> : means any action management plan or strategy that the approval holder is required by these conditions to implement.  |
| As varied on the date<br>this instrument is<br>signed | <b>Protected matters</b> : means a matter protected under a controlling provision in Part 3 of the <b>EPBC Act</b> for which this approval has effect.   |
| As varied on the date<br>this instrument is<br>signed | <b>Reserve Management Plan</b> or <b>RMP</b> : means the <i>West Belconnen Conservation</i><br><i>Corridor Reserve Management Plan 2019-2023, dated September 2018</i> or a<br>subsequent revised version approved by the <b>Minister</b> in accordance with the<br>conditions of this approval.   |

| As varied on the date<br>this instrument is<br>signed | Sensitive ecological data: means data as defined in the Sensitive Ecological Data – Access and Management Policy v1.0, Commonwealth of Australia 2016.   |
|---|--|
| As varied on the date<br>this instrument is<br>signed | <b>Shapefile</b> : location and attribute information about the Action provided in an Esri shapefile format containing:  |
|   | a. '.shp', '.shx', '.dbf' files,   |
|   | b. a '.prj' file which specifies the projection or geographic coordinate system<br>used, and   |
|   | <ul> <li>c. an '.xml' metadata file that describes the shapefile for discovery and<br/>identification purposes.</li> </ul>   |
| Original dated 1<br>September 2017                    | <b>Substantially commence:</b> means to start any works required to be undertaken for the purposes of carrying out the action, including preparatory works.  |
| Original dated 1<br>September 2017                    | <b>Suitably qualified expert:</b> 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 <b>West Belconnen site</b> for Pink Tailed Worm Lizard and Natural Temperate Grassland of the South Eastern Highlands.  |
| Original dated 1<br>September 2017                    | <ul> <li>Survey guidelines: means the most recently published version of the<br/>Commonwealth survey guidelines for Pink Tailed Worm Lizard and Natural<br/>Temperate Grasslands of the South Eastern Highlands at the time the survey is<br/>undertaken. Current guidelines are:         <ul> <li>Department of Sustainability Environment, Water, Population and<br/>Communities (2011), Survey guidelines for Australia's threatened<br/>reptiles. Commonwealth of Australia, Canberra.</li> <li>No current survey guidelines exist for Natural Temperate Grassland of<br/>the South Eastern Highlands. Refer to the Approved Conservation<br/>Advice and Recovery Plan for this ecological community until survey<br/>guidelines are developed.</li> </ul> </li> </ul> |
| As varied on the date<br>this instrument is<br>signed | <b>The Program</b> : means the program titled <i>Urban Development at West Belconnen</i> (AT Adams Consulting, April 2017) agreed to by the <b>Minister</b> in accordance with Part 10 of the <b>EPBC Act</b> .  |
| As varied on the date<br>this instrument is<br>signed | <b>Website</b> : a set of related web pages located under a single domain name attributed to the approval holder and available to the public.  |
| As varied on the date<br>this instrument is<br>signed | West Belconnen Conservation Corridor or the Corridor: means the area<br>represented in Figure 2 of the Program by the green-shaded zone identified in<br>the legend at Figure 2 of the Program as "West Belconnen Conservation<br>Corridor".   |
| As varied on the date<br>this instrument is<br>signed | West Belconnen site: means the area represented in Figure 2 of the Program by the brown-shaded zone identified in the legend at Figure 2 of the Program as "Urban Development Area".   |

Original dated 1 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.