



## Australian Government

### Department of the Environment, Water, Heritage and the Arts

#### Approval Decision

#### Macgregor West 2 Estate, Macgregor, ACT (EPBC 2010/5520)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

#### Proposed action

person to whom the approval is granted	Canberra Estates Consortium No.22 Pty Ltd
proponent's ACN	54 125 576 301
proposed action	To develop Stage 2A, part of 2B, 3A, 3B and 4, including Pond 5 and environs, of the Macgregor West residential estate at Macgregor, ACT, as described in the EPBC referral 2010/5520.

#### Approval

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

#### Conditions of approval

This approval is subject to the conditions specified below:

1. The person taking the action must ensure that the Macgregor West 2 Estate is contained within the development footprint as defined by the outer black line at Appendix 1, unless allowed for under condition 3.
2. To offset impacts on the Golden Sun Moth (*Synemon plana*) the person taking the action must, in agreement with the ACT Government, develop a plan to protect and manage the offset area to the north-east of the Macgregor West 2 Estate (as defined at Appendix 1), for Golden Sun Moth (GSM) habitat. The plan must include measures:
  - (a) to provide a final map of the Macgregor West 2 Estate and offset area that defines:
    - i. the grassland rehabilitation project area (as required by conditions 2(g) and 2(h)),
    - ii. where fencing will be located, and
    - iii. the final position of stormwater control ponds;
  - (b) for the person taking the action to fence the offset area, including provision of information on the:
    - i. type of fencing, and
    - ii. timing for implementation of the fencing;
  - (c) to manage the offset area within the ACT nature reserve system in perpetuity;
  - (d) to mitigate indirect impacts of residential development on GSM habitat within the offset area and buffer zone (required by condition 3), including but not limited to stormwater runoff, weeds and public access;
  - (e) to manage the impacts of stock grazing on GSM habitat;
  - (f) to manage the impacts of fire on GSM habitat;
  - (g) to address rehabilitation of Chilean Needle Grass habitat with predominantly native grasses, whilst aiming to ensure the long-term survival of GSM within the offset area at Macgregor West;
  - (h) to contribute at least \$200,000.00 towards the implementation of university-based research into rehabilitation of Chilean Needle Grass with native grasses;
  - (i) to monitor, review, report and respond to the results of the grassland rehabilitation project (as required by conditions 2(g) and 2(h));
  - (j) to provide for public participation in development of the management plan; and
  - (k) to provide interpretative signage about the GSM, its habitat and grassland rehabilitation project at the Macgregor West offset area.

In the event that an acceptable plan is not submitted to the Minister within 6 months after the commencement of the action, the Minister may instruct that all activities within the project area must cease immediately until the Minister has approved the plan. The approved plan must be implemented.

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3. The person taking the action must retain a buffer zone of undisturbed land between the Golden Sun Moth (*Synemon plana*) offset area and Stages 4 and 5 of the Macgregor West 2 Estate, as defined at Appendix 1. The minimum width of the buffer zone must be 30 metres. In cooperation with the ACT Government, the buffer zone must be managed to protect Golden Sun Moth habitat values in the offset area. No clearing, tree planting, earthworks or stockpiling may take place within the buffer zone, except where required to construct two storm water control ponds and their associated outfalls, for which works may encroach upon the buffer zone to a maximum of 200 square metres each.
  4. If, at any time after five years from the date of this approval, the Minister notifies the person taking the action in writing that the Minister is not satisfied that there has been substantial commencement of the action, the action must not thereafter be commenced without the written agreement of the Minister.
  5. If the Minister believes that it is necessary or desirable for the better protection of listed threatened species and communities to do so, the Minister may request that the person taking the action make specified revisions to the plan approved pursuant to Condition 2 and submit the revised plan for the Minister's approval. The person taking the action must comply with any such request. The revised approved plan must be implemented. Unless the Minister has approved the revised plan, then the person taking the action must continue to implement the plan originally approved, that is referred to at Condition 2.
  6. If the person taking the action wishes to carry out any activity otherwise than in accordance with the plan referred to at Condition 2, the person taking the action must submit for the Minister's approval a revised version of the plan. The varied activity shall not commence until the Minister has approved the varied plan in writing. If the Minister approves such a revised plan, that plan must be implemented in place of the plan originally approved.
  7. Upon the direction of the Minister, the person taking the action 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 must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.
  8. The person taking the action must maintain accurate records substantiating all activities associated with, or relevant to, the above conditions of approval. Those records must include measures taken to implement the plan required by Condition 2 of 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.
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**Expiry date of approval**

This approval has effect until 31 August 2020

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**Decision-maker**

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<b>Name and position</b>	Andrew Weavers A/g Assistant Secretary Environment Assessment Branch
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**Signature**

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<b>Date of decision</b>	8 September 2010
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**Definitions:**

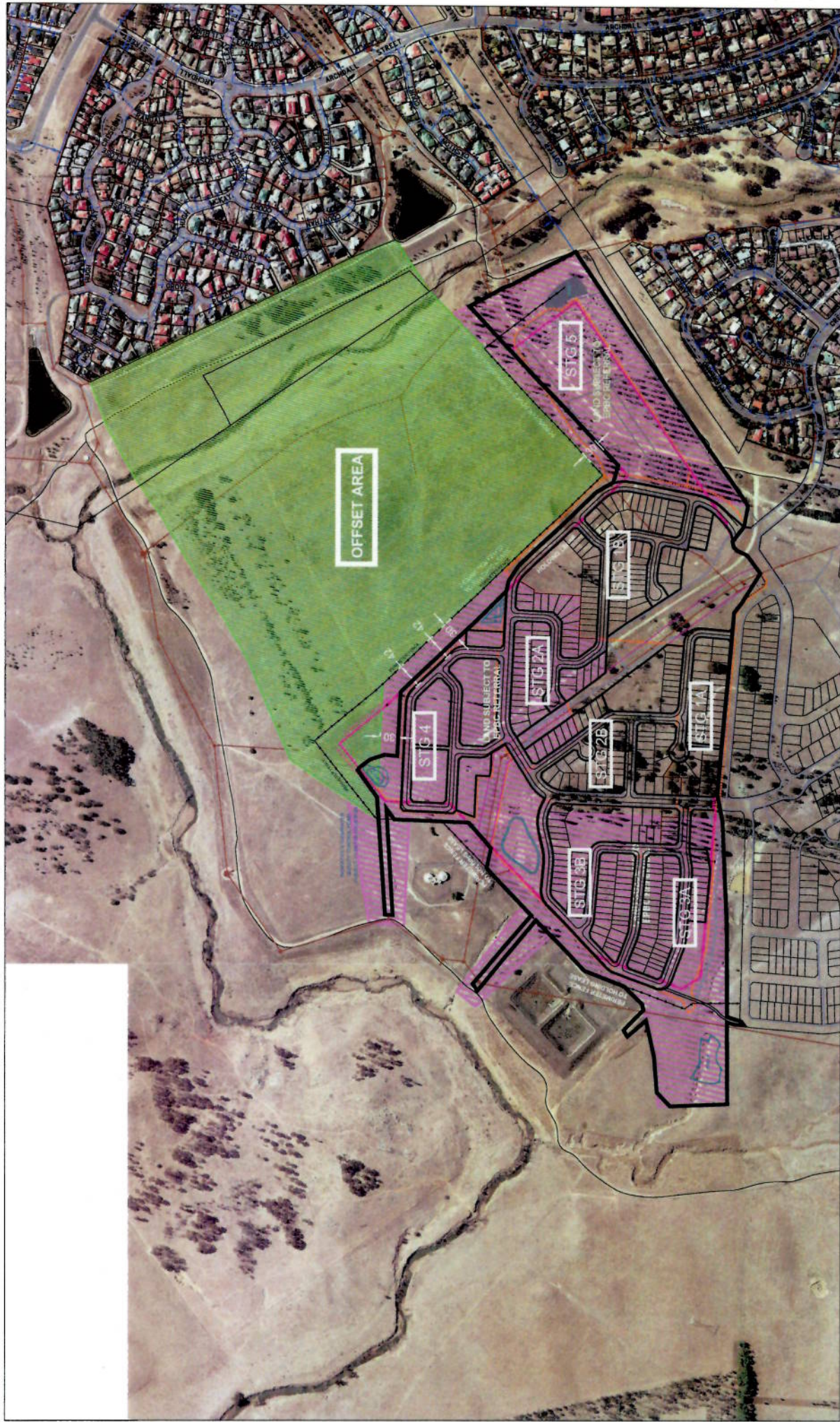
The **EPBC Act** is the *Environment Protection and Biodiversity Conservation Act 1999*.

The **Minister** means the Minister responsible for the administration of the EPBC Act.

The **Department** means the Commonwealth department responsible for administering the EPBC Act.

**Commencement of the action** occurs upon such time when any preparatory works required to be undertaken, including clearing vegetation, the erection of any on-site temporary structures, and the use of heavy duty equipment for the purpose of clearing or breaking the ground for buildings or infrastructure, commences.

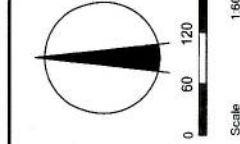
The **development footprint** is defined by the perimeter of the residential development, as outlined in black on the draft map at Appendix 1.



# LEGEND

- GOLDEN SUNMOOTH (GSM)
- OFFSET AREA
- AREA TO SUBJECT TO EPBC REFERRAL
- PROPOSED STORMWATER QUALITY CONTROL POND
- HOLDING LEASE BOUNDARY
- LIMIT OF WORKS

REVISION	DATE	INTL
E	19.8.10	
D	9.8.10	
C	26.7.10	
B	23.7.10	
A	14.5.10	



**CBRE**  
CB RICHARD ELLIS

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Designer	ldc	19.8.10
Drawn	ldc	19.8.10
Checked	vbc	19.8.10
Approved	vbc	19.8.10

**Brindabella at Macgregor Estate**  
Land subject to EPBC Referral

**Drawing No. 169486-EPBC01**    **Rev E**  
Sheet No. 1 of 1  
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