



Approval Decision

Cabin and Camping Development, Block 799, Gungahlin, ACT (EPBC 2010/5750)

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 Land Development Agency

Proponent's ABN 20 419 925 579

Proposed action The development of cabin, camping and possible hotel accommodation on Block 799 Gungahlin, Australian Capital Territory (2010/5750).

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.

Expiry date of approval

This approval has effect until 31 December 2021.

Decision-maker

Name and position Charmayne Murray
Assistant Secretary (Acting)
Environment Assessment Branch

Signature

Date of decision

19/12/2011

Conditions attached to the approval

1. To offset impacts on the Striped Legless Lizard (*Delma impar*), the person taking the action must develop an offset strategy, to be approved by the Minister, that protects habitat for the species in perpetuity. The proposed offset strategy must include measures to:
 - a. protect habitat for the Striped Legless Lizard:
 - (i) at a ratio of approximately 3:1 for habitat to be removed, which adjoins an existing conservation reserve in north Canberra that is known to contain habitat for the species; or
 - (ii) at a ratio of approximately 4:1 for habitat to be removed, if the offset area does not adjoin an existing conservation reserve in north Canberra that is known to contain habitat for the species.

As part of the proposed offset package, the person taking the action must also:

- b. provide the department with a textual description and map to clearly define the location and boundaries of the offset area, including the offset attributes, a shapefile and spatial data about its proximity to Striped Legless Lizard habitat within an existing conservation reserve;
- c. outline the process and timing for incorporating the offset area into a conservation reserve; and
- d. prepare a plan, in consultation with a relevant qualified species expert, to:
 - (i) manage the offset area as habitat for the Striped Legless Lizard; and
 - (ii) monitor the Striped Legless Lizard population within the offset area.

Prior to commencement of the proposed action, the proposed offset strategy must be submitted to the Minister for written approval. The approved offset strategy must be implemented.

2. To offset impacts on the Golden Sun Moth (*Synemon plana*), the person taking the action must develop an offset strategy, to be approved by the Minister, that either:
 - a. protects habitat for the species in perpetuity, at a ratio of 3:1, including measures to:
 - i. protect known habitat for the Golden Sun Moth that adjoins an existing conservation reserve in north Canberra;
 - ii. provide the department with a textual description and map to clearly define the location and boundaries of the offset area, including the offset attributes, a shapefile and spatial data about its proximity to Golden Sun Moth habitat within an existing conservation reserve;
 - iii. outline the process and timing for incorporating the offset area into a conservation reserve; and
 - iv. manage the offset area as habitat for the Golden Sun Moth;
 - b. or contributes to research in, or improved management of, existing grassland reserves that contain habitat for the Golden Sun Moth.

Prior to commencement of the proposed action, the offset strategy must be submitted to the Minister for written approval. The approved offset strategy must be implemented.

3. By 30 April of the first three years following commencement of the action, the person taking the action must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans or strategies as specified in the conditions. Non-compliance with any of the conditions of this approval must be reported to the department at the same time as the compliance report is published.

4. Within 10 business days of commencement of the action, the person taking the action must advise the Minister in writing the actual date of commencement.
5. If the person taking the action wishes to carry out any activity otherwise than in accordance with the plans or strategies referred to in Conditions 1 and 2, then the person taking the action must submit for the Minister's written approval a revised version of the plan or strategy. The varied activity shall not commence until the Minister has approved the varied plan or strategy in writing. If the Minister approves a revised plan or strategy, that plan or strategy must be implemented in place of the plan or strategy originally approved. Unless the Minister has approved the revised plan or strategy, then the person taking the action must continue to implement the plan or strategy originally approved, referred to in Conditions 1 and 2.
6. If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities to do so, the Minister may request that the person taking the action make specified revisions to the plan or strategy approved pursuant to Condition 1 and 2, and submit the revised plan or strategy for the Minister's written approval. The person taking the action must comply with any such request. The revised approved plan or strategy must be implemented. Unless the Minister has approved the revised plan or strategy, then the person taking the action must continue to implement the plan or strategy originally approved, referred to in Condition 1 and 2.
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. Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans, strategies and reports referred to in these conditions of approval on their website. Each plan, strategy and report must be published on the website within one month of being finalised.
9. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the above conditions of approval, including measures taken to implement any plans or strategies 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.
10. 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 commencement of the action, the action must not thereafter be commenced without the written agreement of the Minister.

Definitions:

1. The **EPBC Act** is the *Environment Protection and Biodiversity Conservation Act 1999*.
2. The **Minister** means the Minister responsible for the administration of the EPBC Act.
3. The **department** means the Australian Government department responsible for administering the EPBC Act.
4. **Commencement of the action** means such time as 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 breaking the ground for buildings or infrastructure commences.

5. **Construction** includes any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and/or the use of construction or excavation equipment on site for the purposes of breaking the ground for buildings or infrastructure.
6. **Offset attributes** mean an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.
7. **Shapefile** means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the Offset Area, including the shape, EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format.