



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Approval

Lawson South Residential Development, Belconnen, ACT (EPBC 2010/5549)

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 To develop a new residential estate at Lawson South, Belconnen, ACT. [See EPBC Act referral 2010/5549]

Approval

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approve
Commonwealth land (sections 26 & 27A)	Approve

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 30 September 2032.

Decision-maker

name and position James Tregurtha
Assistant Secretary
South Eastern Australia Environment Assessment Branch

signature

date of decision

13 / 9 / 2012

Conditions attached to the approval

- 1) All ground disturbed as a result of **construction** within the **Inner Asset Protection Zone** and **Golden Sun Moth habitat within Reservoir Hill** must be rehabilitated, by re-establishment of native grass species, no later than 30 days after completion of **construction** within the **Inner Asset Protection Zone** and **Golden Sun Moth habitat within Reservoir Hill**. The re-establishment of native grass species must use at least three of the species *Austrodanthonia carphoides*, *Austrodanthonia eriantha*, *Bothriochola macra*, *Austrostipa bigeniculata*, *Themeda australis* and *Chrysocephalum apiculatum*, with no species seed forming more than 70% or less than 5% of the broadcasting seed mix and include the retention of no less than 20% open ground cover.
- 2) The person taking the action must not plant trees where they could shade **Golden Sun Moth habitat within Reservoir Hill**, and **Golden Sun Moth habitat** and **Natural Temperate Grassland** as shown in Annexure 1.
- 3) The person taking the action must ensure that the **Golden Sun Moth habitat within Reservoir Hill** and **Belconnen Naval Transmitting Station** are separated from residential development as part of the action by vehicular roads.
- 4) The person taking the action must prevent sediment, eroded material, untreated and uncontrolled stormwater occurring as a result of the action from entering the **Belconnen Naval Transmitting Station** and the **Golden Sun Moth habitat within Reservoir Hill**.
- 5) The person taking the action must engage a **suitably qualified expert** to prepare an Environment Management Plan (EMP) to maintain or improve the **Golden Sun Moth habitat within Reservoir Hill**. The EMP must be submitted to the **Minister** for approval within six months of the date of this approval. The approved EMP must be implemented within 12 months of the date of this approval. The EMP must address, but not necessarily be limited to:
 - a) measures to maintain or improve the quality and condition of the **Golden Sun Moth habitat within Reservoir Hill** through appropriate management actions, including, and not limited to, weed control and biomass management as informed by a **suitably qualified expert**;
 - b) measures to prevent the access of **unauthorised vehicles** into the **Golden Sun Moth habitat on Reservoir Hill**, prior to, during and post **construction**. Measures must include, but not necessarily be limited to:
 - i) temporary fences to prevent access by **unauthorised vehicles**;
 - ii) replacement of the temporary fences required in Condition 5) b) i) with permanent structures, such as bollards, that will prevent access by **unauthorised vehicles**; and
 - iii) maintenance of the permanent structures required in Condition 5) b) ii) so that the area remains inaccessible by **unauthorised vehicles**, with structures to be repaired or replaced as required.
 - c) details of a baseline survey of the quality and condition of the **Golden Sun Moth habitat within Reservoir Hill** to be conducted by a **suitably qualified expert** during an optimal ecological time prior to the **commencement of construction** within **Golden Sun Moth habitat within Reservoir Hill**. The survey information, specifically the baseline data, must:
 - i) be published and maintained on the person taking the action's website within 30 days of the surveys being completed. The baseline data must be sufficient to enable the active monitoring and maintenance of the **Golden Sun Moth** values; and

- ii) be used to ensure that the **Golden Sun Moth** habitat quality and condition are maintained or improved as required by Condition 5) a).
 - d) details of an annual monitoring survey to determine the quality and condition of the **Golden Sun Moth habitat within Reservoir Hill** to be conducted by a **suitably qualified expert** during an optimal ecological time. The first annual survey must be undertaken within one year of **commencement of construction** within **Golden Sun Moth habitat within Reservoir Hill**. Annual monitoring surveys must continue to be undertaken unless cessation is agreed to in writing by the **Minister**;
 - e) details of corrective actions to be undertaken should the monitoring required in Condition 5) d) indicate a decline, as determined by a **suitably qualified expert**, in the quality or condition of the **Golden Sun Moth habitat within Reservoir Hill**; and
 - f) details of the administration arrangements for the measures referred to in Conditions 5) a) to 5) e).
- 6) The person taking the action must install interpretive educational signage at no less than five locations along the boundary of **Golden Sun Moth habitat within Reservoir Hill**. The signage must:
- a) contain information on the ecological values being retained and the threats to these values; and
 - b) be maintained so that the information remains accessible, with signs to be replaced or updated as required.
- 7) The person taking the action must ensure that, during the management of the **Outer Asset Protection Zone**:
- a) grass and other flora is not slashed to a height less than 300 mm above the ground;
 - b) the removal or movement of rocks to facilitate the slashing of grass and other flora is prevented;
 - c) the slashing of grass and other flora be restricted to occurring within the **Outer Asset Protection Zone**;
 - d) all grass clippings and biomass removed must be mulched and spread or caught and removed to prevent windrows or clumps of slashed biomass forming on top of grassland flora;
 - e) all machinery and equipment involved in the slashing of grass and flora are free from flora reproductive matter (for example seeds) prior to entering the **Outer Asset Protection Zone**;
 - f) a log book is maintained that records all management actions including, date, time and details of machinery, equipment and personnel as well as details of hygiene measures undertaken to demonstrate compliance with this condition; and
 - g) slashing or any other biomass management must not be undertaken:
 - i) when the use of vehicles or machinery could result in the churn or compaction of soil due to high levels of soil moisture;
 - ii) during peak times of significant weed seeding as determined by a **suitably qualified expert**; and

- iii) when **Golden Sun Moths** are flying or within two days of when **Golden Sun Moths** have been flying, as determined by a **suitably qualified expert**.
- 8) Prior to the **commencement** of actions to manage or reduce biomass within the **Outer Asset Protection Zone**, a detailed baseline ecological survey must be undertaken by a **suitably qualified expert** at an optimal ecological time within the **Outer Asset Protection Zone** to gain sufficient baseline ecological information to identify and map the extent and condition of all **listed threatened species and ecological communities** or their habitat and any weed species. This information must be published and maintained on the person taking the action's website within 30 days after the completion of surveys.
- 9) The person taking the action must control weed species detected in the baseline ecological survey required by Conditions 5) c) and 8) to ensure that the abundance and cover of weed species does not increase. Weed control must be informed by a **suitably qualified expert** and be undertaken in a manner that does not impact non-target flora or **listed threatened species and ecological communities**.
- 10) Should biomass management within the **Outer Asset Protection Zone** be undertaken three or more times in any two year period, the person taking the action must conduct an ecological assessment using a **suitably qualified expert**. The ecological assessment must be undertaken at an optimal ecological time, no earlier than six months following the last biomass management activity, and be sufficient to detect any changes in ecological condition from the baseline survey required by Condition 8).
- 11) Within 30 days of the surveys required by Condition 5) d) and 10), a **suitably qualified expert** must assess whether there has been a decline in the ecological condition of habitat for the **Golden Sun Moth** and **Natural Temperate Grassland** within the **Outer Asset Protection Zone** and/or **Golden Sun Moth habitat within Reservoir Hill**. If a decline is detected, the person taking the action must prepare, within 30 days for the approval of the **Minister**, a Restoration Plan for the restoration of the ecological condition of the **Outer Asset Protection Zone** and/or the **Golden Sun Moth habitat within Reservoir Hill**. The Restoration Plan must include, but not necessarily be limited to:
- a) required or adaptive changes to existing management activities;
 - b) active management actions to restore the ecological condition to the baseline and extent identified within the baseline surveys, including, objectives, performance criteria and management responsibilities; and
 - c) protocols for ongoing monitoring and reporting.
- The approved Restoration Plan must be implemented and be published and maintained on the person taking the actions website.
- 12) To compensate for impacts from the action to the **Golden Sun Moth** and **Natural Temperate Grassland**, the person taking the action must develop an Offset Strategy. The Offset Strategy must be submitted to the **Minister** for approval within six months of the **commencement of construction**. The Offset Strategy must include, but not necessarily be limited to:
- a) administration arrangements to conserve, in perpetuity, the **McGregor West offset area**;
 - b) provision of not less than \$972,000 (GST exclusive) to facilitate management of the **McGregor West offset area** as outlined in Annexure 3;
 - c) the process and timing for incorporating the **McGregor West offset area** within the ACT Nature Reserve system;

- d) results of surveys undertaken by a **suitably qualified expert** at an optimal ecological time to demonstrate the extent of **Golden Sun Moth** habitat in the **McGregor West offset area**; and
- e) a map that defines the extent of **Natural Temperate Grassland** and habitat for the **Golden Sun Moth** within the **McGregor West offset area** as a result of Condition 12) d).

The approved Offset Strategy must be implemented and be published and maintained on the person taking the action's website.

- 13) To manage the **McGregor West offset area**, the person taking the action must develop an Offset Management Plan (OMP), for approval by the **Minister**. The OMP must include, but not necessarily be limited to:
- a) a map that clearly defines the location and boundaries of the offset area including **offset attributes** and **shapefiles**;
 - b) measures to conserve, in perpetuity, the **McGregor West offset area** as habitat for the **Golden Sun Moth** and **Natural Temperate Grassland**;
 - c) details of administration arrangements;
 - d) details of an appropriate monitoring program to be undertaken by a **suitably qualified expert**, including aims, methodology and reporting, to determine whether the **Golden Sun Moth** and **Natural Temperate Grassland** values at the **McGregor West offset area** are improved; and
 - e) details of contingency measures should the monitoring required by Condition 13) d) determine that the **Golden Sun Moth** and **Natural Temperate Grassland** values have degraded at the **McGregor West offset area**.

Within six months of the date of this approval decision, the OMP must be submitted to the **Minister** for written approval. The approved OMP must be implemented.

- 14) If, after two years, the monitoring required by Condition 11) c) identifies that the actions outlined in the Restoration Plan for restoration of the ecological condition of the **Outer Asset Protection Zone** and/or the **Golden Sun Moth habitat within Reservoir Hill** have been unsuccessful as determined by a **suitably qualified expert**, then the person taking the action must develop an Additional Offset Strategy (AOS). The AOS must be submitted to the **Minister** for approval within six months of determining that actions were unsuccessful. The AOS must include, but not necessarily be limited to:
- a) details of the proposed additional offset including:
 - i) acquisition and management of land containing an unsecured population of **Golden Sun Moth**; and / or
 - ii) funding arrangements and proposed measures that demonstrably improve **Golden Sun Moth** habitat at another site; and
 - iii) details of administration arrangements including timeframes, responsibilities and accountabilities.
 - b) details of an appropriate monitoring program to be undertaken by a **suitably qualified expert** including aims, methodology, reporting, to determine whether the values at the proposed site(s) in Condition 14) a) are improved;

- c) contingency measures should the monitoring determine that the values are not improved by the management measures; and
- d) details how the proposed funding and management measures aligns with (and does not duplicate) the existing Offset Strategy as required by Condition 12).

The AOS must be implemented within 12 months of the date of the approval of the AOS.

General conditions

- 15) Within 30 days after the **commencement** of the action, the person taking the action must advise the **department** in writing of the actual date of **commencement**.
- 16) The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the offset, Offset Management Plan and, if required, the Restoration Plan and any other report, strategies, agreements however described 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.
- 17) Within three months of every 12 month anniversary of the **commencement** of the action, the person taking the action must publish and maintain a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **department** at the same time as the compliance report is published.
- 18) 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**.
- 19) If the person taking the action wishes to carry out any activity otherwise than in accordance with the Offset Strategy, Offset Management Plan and, if required, the Restoration Plan or Additional Offset Strategy and any other report, strategies, agreements however described as specified in the conditions, the person taking the action must submit to the department for the **Minister's** written approval a revised version of that Offset Strategy, Offset Management Plan and, if required, the Restoration Plan or Additional Offset Strategy and any other report, strategies, agreements however described. The varied activity shall not commence until the **Minister** has approved the varied the Offset Strategy, Offset Management Plan and, if required, the Restoration Plan or Additional Offset Strategy and any other report, strategies, agreements however described. The **Minister** will not approve a varied Offset Strategy, Offset Management Plan and, if required, the Restoration Plan or Additional Offset Strategy and any other report, strategies, agreements however described unless the revised Offset Strategy, Offset Management Plan and, if required, the Restoration Plan or Additional Offset Strategy and any other report, strategies, agreements however described would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the Offset Strategy, Offset Management Plan and, if required, the Restoration Plan or Additional Offset Strategy and any other report, strategies, agreements however described, that the Offset Strategy, Offset Management Plan and, if required, the Restoration Plan or Additional Offset Strategy and any other report, strategies, agreements however described must be implemented in place of the Offset Strategy, Offset Management Plan and, if required, the Restoration Plan or Additional Offset Strategy and any other report, strategies, agreements however described originally approved.

- 20) If the **Minister** believes that it is necessary or convenient for the better protection of **listed threatened species and communities** and Commonwealth land to do so, the **Minister** may request that the person taking the action make specified revisions to the Offset Strategy, Offset Management Plan and, if required, the Restoration Plan or Additional Offset Strategy and any other report, strategies, agreements however described specified in the conditions and submit the revised the Offset Strategy, Offset Management Plan and, if required, the Restoration Plan or Additional Offset Strategy and any other report, strategies, agreements however described for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved Offset Strategy, Offset Management Plan and, if required, the Restoration Plan or Additional Offset Strategy and any other report, strategies, agreements however described must be implemented. Unless the **Minister** has approved the Offset Strategy, Offset Management Plan and, if required, the Restoration Plan or Additional Offset Strategy and any other report, strategies, agreements however described, then the person taking the action must continue to implement the Offset Strategy, Offset Management Plan and, if required, the Restoration Plan or Additional Offset Strategy and any other report, strategies, agreements however described originally approved, as specified in the conditions.
- 21) If, at any time after five years from the date of this approval, the person taking the action has not **substantially commenced** the action, then the person taking the action must not **substantially commence** the action without the written agreement of the **Minister**.
- 22) Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans, ecological surveys, reports, strategy and agreement however described referred to in these conditions of approval on their website. Each management plan ecological survey, report, strategy, agreement must be published on the website within 30 days of being approved.

Definitions

Belconnen Naval Transmitting Station means the area of Commonwealth land identified as the 'Belconnen Naval Transmitting Station' in Annexure 1.

Commencement (except in the sense of **substantial commencement**) means the **commencement of construction**.

Construction means any infrastructure, excluding fences and signage, associated with the proposed action and includes any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purposes of breaking the ground for buildings or infrastructure.

Department means the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

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

Golden Sun Moth means, the invertebrate, *Synemon plana* listed as critically endangered under the **EPBC Act**.

Golden Sun Moth habitat within Reservoir Hill means the area identified as 'Golden Sun Moth habitat within Reservoir Hill: 7.4ha' at Annexure 1.

Inner Asset Protection Zone means the area identified as the 'Inner Asset Protection Zone' at Annexure 1.

Listed threatened species and ecological communities means, Ginninderra Peppercress (*Lepidium ginninderrense*) Golden Sun Moth (*Synemon plana*) Striped Legless Lizard (*Delma impar*), the Natural Temperate Grassland of the Southern Tablelands of NSW and the

Australian Capital Territory and the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland as listed under the **EPBC Act**.

McGregor West offset area means the area identified as 'Proposed Offset Area' at Annexure 2.

Minister means the Minister responsible for the administration of the **EPBC Act** and includes a delegate of the Minister.

Natural Temperate Grassland means the Natural Temperate Grassland of the Southern Tablelands of NSW and the Australian Capital Territory ecological community listed as endangered under the **EPBC Act**.

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.

Outer Asset Protection Zone means the area identified as the 'Outer Asset Protection Zone' at Annexure 1.

Shapefiles means an ESRI ArcGIS Shapefile, containing '.shp', '.shx' and '.dbf' files and other files. Shapefiles must include appropriate metadata capturing attributes including but not limited to the EPBC reference number of the approved action and details of the EPBC protected matters present within the offset, covenant or legal protection details, including type and identification. The **department** prefers **shapefiles** using the Geocentric Datum of Australia (GDA) 94.

Substantially commence means the erection of any permanent infrastructure excluding signage and fences, associated with the action.









Suitably qualified expert means a suitably qualified botanist, ecologist, or environmental scientist with demonstrated expertise in the survey and management in the relevant **listed threatened species and ecological communities**.

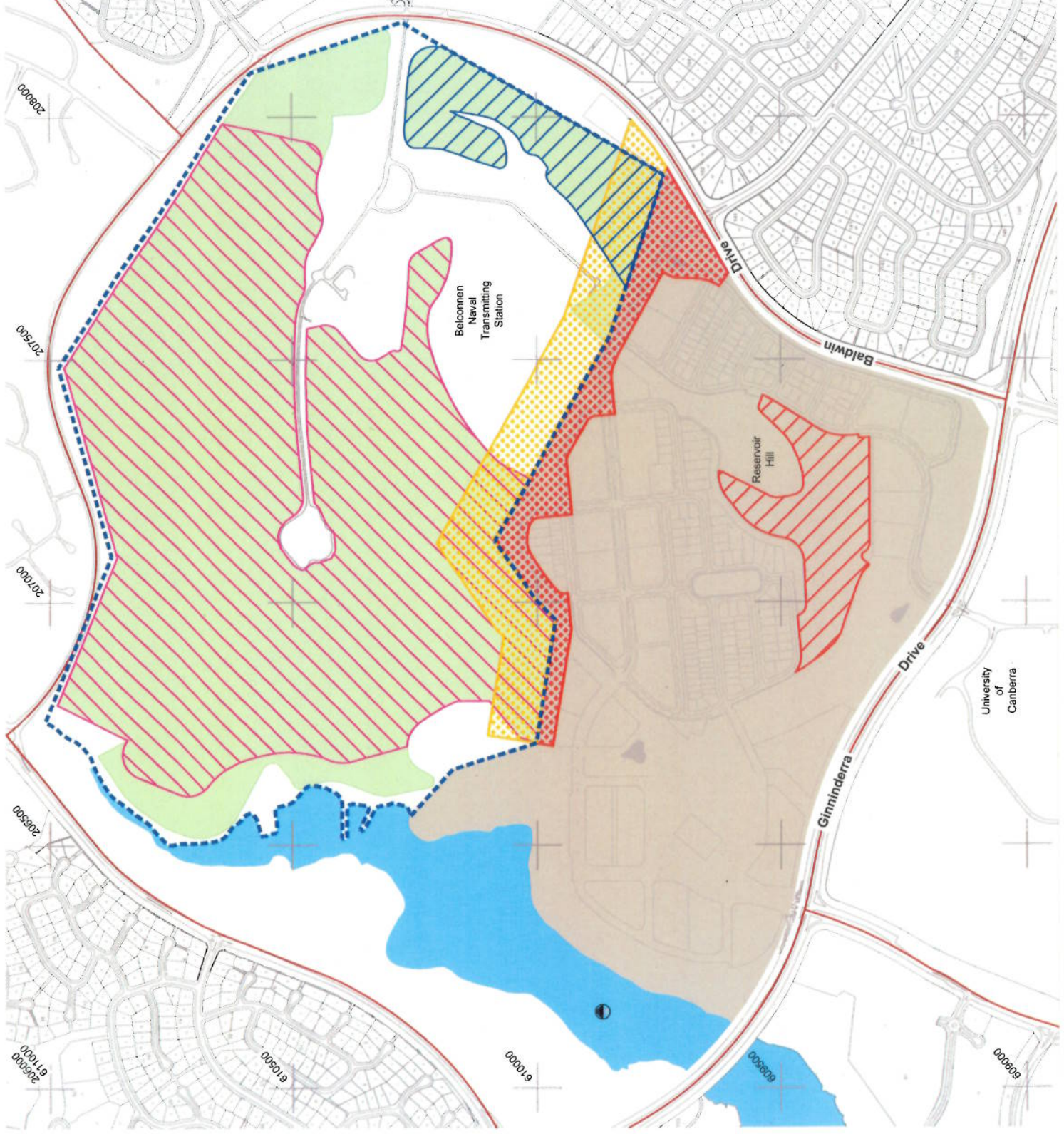
Unauthorised vehicle means any vehicle not associated with the **construction** of passive recreation facilities and landscape **construction** works including a path network, seating and viewing areas, revamping of the trig point, and remediation of an asbestos pipe within **Golden Sun Moth habitat within Reservoir Hill**.

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Annexure 1

LEGEND

-  Belconnen Naval Transmitting Station Boundary
-  Golden Sun Moth Habitat
-  Golden Sun Moth Habitat within Reservoir Hill: 7.4ha
-  Striped Legless Lizard Habitat
-  Natural Temperate Grasslands
-  Development Footprint
-  Inner Asset Protection Zone
-  Outer Asset Protection Zone



Scale: 1:7500 @ A3

All Coordinates in ACT Standard Grid

Annexure 2.

Dunlop Grassland Reserve

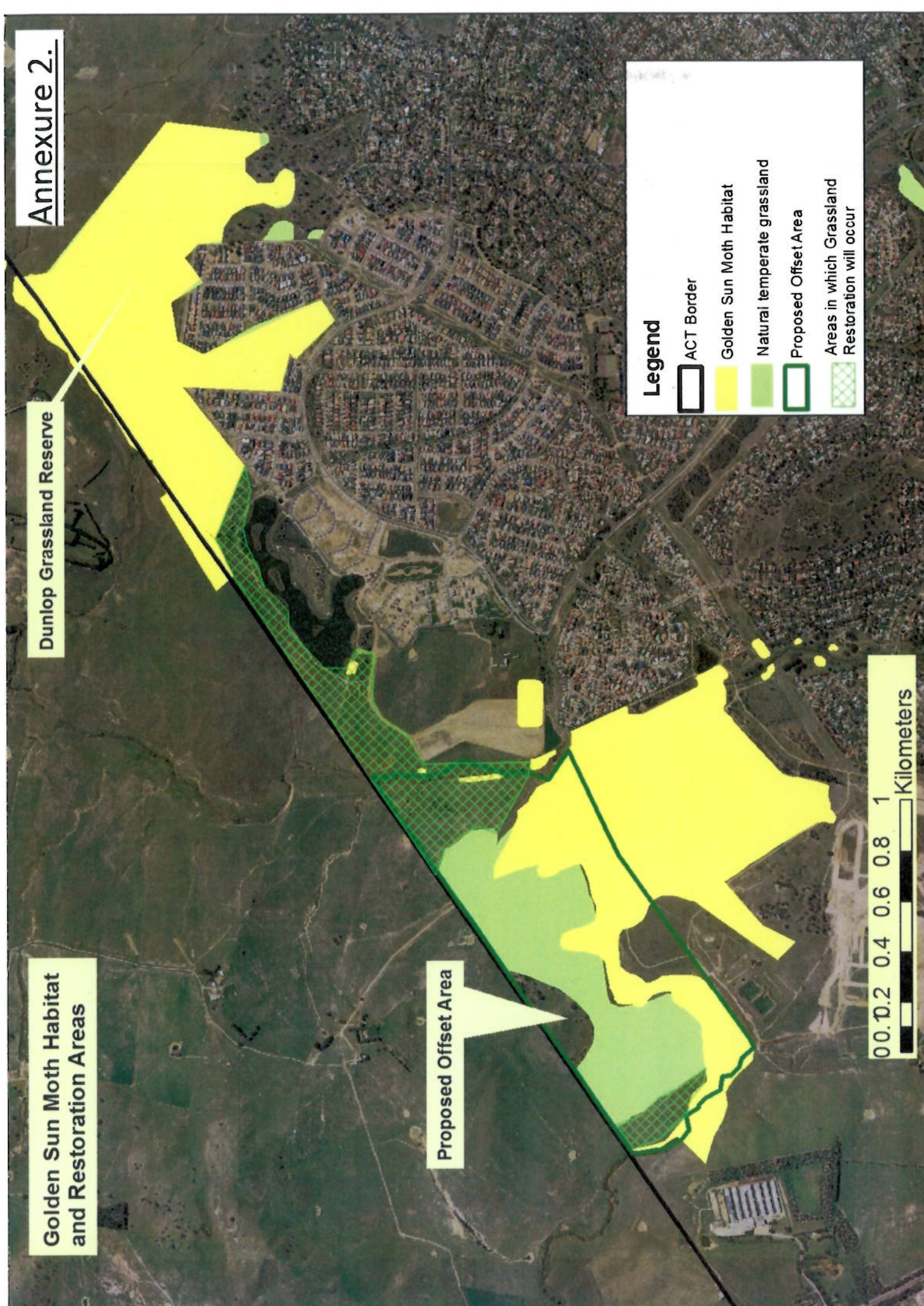
Golden Sun Moth Habitat
and Restoration Areas

Proposed Offset Area

Legend

- ACT Border
- Golden Sun Moth Habitat
- Natural temperate grassland
- Proposed Offset Area
- Areas in which Grassland Restoration will occur

0.0 0.2 0.4 0.6 0.8 1 Kilometers



Annexure 3

Management Actions and Costs for Jarramlee Agistment to be managed as a Nature Reserve

Total Cost: Year 1 - \$345,500 Year 2 - \$274,000 Year 3 - \$195,500 Year 4 - \$82,500 Year 5 - \$75,000

Activity	Current Management Actions as Unleased Territory Land	Management as a Nature Reserve	
		Additional Management Actions	Associated Costs
Grazing to reduce fire fuel hazard as per Bushfire Operations Plan	<p>The land is currently grazed to comply with the requirements as outlined in the Bushfire Operations Plan. Grazing is undertaken at times that minimises the impact on the Golden Sun Moth habitat.</p> <p>Land has recently been fenced into 3 paddocks to improve both the fire hazard reduction grazing and the protection of the conservation values.</p>	Improve the monitoring of the fire fuel hazard reduction grazing. While there is no change formally proposed for this existing practice, there may be increased public scrutiny for this activity if the land was to become nature reserve.	Cost is included in additional management resources below.
Weed Control (Chilean Needle Grass, African Lovegrass, Serrated Tussock, Patterson's Curse, St John's Wort and Woody Weeds)	There is limited weed control undertaken on the land.	<p>Spot spray scattered Chilean Needle Grass outside the riparian zone of Ginninderra Creek.</p> <p>Spot spray the scattered African Lovegrass, Serrated Tussock, St John's Wort and Woody Weeds across the entire block.</p>	<p>\$30,000 in Year 1 \$20,000 in Year 2 \$15,000 in Year 3</p>
Vertebrate Pest Control (Rabbits)	There is limited vertebrate pest control undertaken on the land.	Gas and rip rabbit warrens across the site and undertake follow-up control using Pindone poisoning.	\$7,500 in Year 1 and \$4,000 in Years 2 and 3.
Enhancement and	Grazing is avoided during November	Develop an annual monitoring program	\$10,000 per year (it will

monitoring of Golden Sun Moth Habitat and Natural Temperate Grassland	and December when the Golden Sun Moth is active. Grazing is undertaken in late winter and early spring to improve habitat.	of the Golden Sun Moth Population and Natural Temperate Grassland community on this site. This is likely to be required for reporting to the Commonwealth.	cost \$5,000 to survey GSM per year and \$5,000 to survey NTG per year).
Riparian Restoration	Nil	Fence off Ginninderra Creek and manage as a separate land unit to protect stream banks from continual trampling by stock. As this area also contains the higher densities of both Golden Sun Moth and Chilean Needle Grass this infrastructure would allow for the improved grazing management. The is also a need to undertake stream bank protection works at the confluence of Ginninderra Creek and Gooromon Creek to protect Golden Sun Moth habitat from erosion. Budget may not allow complete remediation of this site.	\$100,000 in Year 1 \$70,000 in Year 2 (includes the provision of 4 watering points in the current paddocks as stock currently access Ginninderra Creek for water).
Connectivity and Habitat Restoration		Improve the connectivity for golden sun moth movement between Dunlop Grasslands and Jarramlee, by restoring exotic pasture, stipa/exotic pasture mix to natural temperate grassland	\$60,000 in Year 1 \$60,000 in Year 2 \$53,500 in Year 3 \$75,000 in Year 4 \$75,000 in Year 5
Infrastructure Upgrade (fencing and signage)	Minor fence repairs are undertaken as required.	Some signage and fence repairs may be required to prevent inappropriate use such as walkers with dogs, however recreational use should not be encouraged considering the grazing	\$20,000 in Year 1, \$2,000 in Years 3 and 4.

Site specific management plan		required on the land.	
		The site requires the development of a management plan to address the issues outlined above and also comply with the conditions of approval.	\$10,000
Management Resources	It is estimated that 0.1 of a position is currently provided to manage the site.	To deliver the actions outlined above, the following resources a Senior Ranger (Ranger Grade 3) position and vehicle will be required.	\$108,000 per year

