



Approval Decision

Ngunnawal Residential Estate Stage 2C (EPBC 2010/5648)

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 32 ha at Ngunnawal (Stage 2C), Gungahlin, ACT, for a residential subdivision [See EPBC Act referral 2010/5648].

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 March 2021.

Decision-maker

Name and position Michelle Wicks
Assistant Secretary
Environment Assessment Branch

Signature

Date of decision

31/3/2011

Conditions attached to the approval

1. To offset impacts on the Golden Sun Moth (*Synemon plana*), the person taking the action must develop a plan, to be approved by the Minister, to protect and manage the offset area at Bonner 4 East for Golden Sun Moth habitat. The plan must include measures to:
 - a. provide a map of the offset area at Bonner 4 East;
 - b. outline the process and timing for incorporating the Bonner 4 East offset area within Mulligans Flat Nature Reserve; and
 - c. conserve the Bonner 4 East offset area as Golden Sun Moth habitat, including contribution of \$200,000 to a trust fund to facilitate fencing and management of the offset area in perpetuity.

Within 6 months of the date of this approval decision, the plan must be submitted to the Minister for written approval. The approved plan must be implemented.

2. 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.
3. If the person taking the action wishes to carry out any activity otherwise than in accordance with the plan referred to in Condition 1, the person taking the action must submit for the Minister's written 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 a revised plan, that plan must be implemented in place of the plan originally approved. Unless the Minister has approved the revised plan, then the person taking the action must continue to implement the plan originally approved, referred to in Condition 1.
4. 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 approved pursuant to Condition 1 and submit the revised plan for the Minister's written 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, referred to in Condition 1.
5. By 30 April of each year after the 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 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.
6. 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.
7. Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans and reports referred to in these conditions of approval on their website. Each plan and report must be published on the website within 1 month of being finalised.
8. 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 the plan 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.

9. 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.

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. **Substantial commencement** of the action occurs at such time when the clearing of vegetation for the action has completed.