



Approval

Ellerton Drive Extension, East Queanbeyan, NSW (EPBC 2014/7304)

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	Queanbeyan-Palerang Regional Council
proponent's ABN (if applicable)	95 933 070 982
proposed action	To construct an extension to Ellerton Drive, East Queanbeyan, New South Wales (See EPBC Act Referral 2014/7304, the Preliminary Documentation dated 9 May 2016 and the request for variation of proposal received 19 September 2016).

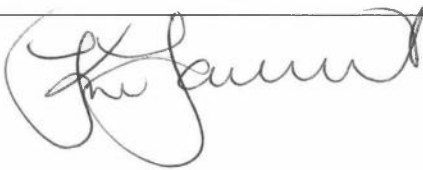
Approval

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 2036.

Decision-maker

name and position	Kim Farrant Assistant Secretary Assessments (NSW, ACT) and Fuel Branch
Signature	
date of decision	10.1.17

Conditions attached to the approval

1. The person taking the action must not clear more than six hectares of the *White Box Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grassland* ecological community and not more than 5,470 Hoary Sunray (*Leucochrysum albicans* var. *tricolor*) plants, within the **footprint of the proposed action**.
2. The person taking the action must:
 - a. compensate for the loss of matters protected at Condition 1 by ensuring that no less than:
 - i. 50.0 hectares of *White Box Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grassland* ecological community; and
 - ii. 7,877 Hoary Sunray plantson Lot 2 DP1000529/Lot 4 DP 775029 (wholly located within the areas marked as 'Biodiversity offset area' at Schedule 2) are protected or established and managed under a **Biobanking Agreement**;
 - b. provide a copy of the **Biobanking Agreement** to the Department within 30 days following establishment of the **Biobanking Agreement**; and
 - c. register the **Biobanking Agreement** on the Certificate of Title at the NSW Land Titles Office and notify the **Department** within 30 days following completion of the registration process.
3. The person taking the action must:
 - a. prepare a Biodiversity Offset Management Plan (BOMP) to compensate for the impacts of the action on the matters protected at Condition 1;
 - b. submit the BOMP to the **Minister** for approval within two months of the date of this approval;
 - c. not **commence** construction prior to approval of the BOMP by the **Minister** with the exception of actions consistent with Condition 3 and Condition 4 only of Section 9 of **NSW OEH's conditions of approval**;
 - d. undertake the action in accordance with the BOMP approved by the **Minister**.
4. The BOMP required under Condition 3 must:
 - a. be consistent with the **EPBC Act Offset Policy** and the **Department's Environmental Management Plan Guidelines**; and
 - b. include:
 - i. objectives, completion criteria and performance targets which are time bound and capable of measurement by performance indicators;
 - ii. accurate maps and shapefiles identifying where specifically within Lot 2 DP1000529/Lot 4 DP 775029 the offsets for each protected matter required at Condition 2a are located;
 - iii. time bound performance indicators to monitor achievement of the completion criteria and performance targets;

- iv. management measures that will be implemented to achieve the completion criteria, and timeframes for implementing those management measures;
 - v. identify and manage the risks of failure to achieve the completion criteria;
 - vi. trigger values for corrective actions, and require corrective actions to be implemented if trigger values are reached, and set out how environmental incidents and emergencies will be managed;
 - vii. auditing and review mechanisms including reporting and review mechanisms and documentation standards to demonstrate compliance with the BOMP.
- c. include a monitoring program which:
- i. identifies and justifies performance indicators, which are clear and concise criteria capable of accurate and reliable measurement against which the achievement of outcomes against baseline conditions may be measured; and
 - ii. requires monitoring of, and recording of data on, changes in these performance indicators at specified times and frequencies to detect changes in the performance indicators, to determine if outcomes are being achieved, and to inform adaptive implementation of the BOMP.
5. 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**.
6. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the Conditions of Approval, including, but not limited to, measures taken to implement the BOMP 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.
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 may choose to revise the BOMP required to be implemented by the **Minister** under Condition 3 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised management plan would not be likely to have a new or increased impact. If the person taking the action makes this choice they must:
- i. notify the **Department** in writing on or before the date that the revised management plan is proposed to be implemented that the approved management plan has been revised and provide the **Department** with an electronic copy of the revised management plan;
 - ii. implement the revised management plan from the date that the management plan is submitted to the **Department**; and

iii. for the life of this approval, maintain a record of the reasons the person taking the action considers that taking the action in accordance with the revised management plan would not be likely to have a **new or increased impact**.

8a The person taking the action may revoke their choice under Condition 8 at any time by notice to the **Department**. If the person taking the action revokes the choice to implement a revised management plan without approval under section 143A of the Act, the management plan required to be implemented by the **Minister** under Condition 3, must be implemented.

8b Condition 8 does not apply if the revisions to the approved management plan include changes to environmental offsets provided under the management plan in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by the **Minister**. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised management plan would, or would not, be likely to have **new or increased impacts**.

8c If the **Minister** gives a notice to the person taking the action that the **Minister** is satisfied that the taking of the action in accordance with the revised management plan would be likely to have a **new or increased impact**, then:

- i. Condition 8 does not apply, or ceases to apply, in relation to the revised management plan; and
- ii. The person taking the action must implement the management plan approved by the **Minister**.

To avoid any doubt, this condition does not affect any operation of Conditions 8, 8a and 8b in the period before the day the notice is given.

At the time of giving the notice the **Minister** may also notify that for a specified period of time that Condition 8 does not apply for one or more specified management plans required under the approval.

8d. Conditions 8, 8a, 8b and 8c are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised management plan to the **Minister** for approval.

9. If, any time after 5 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**.

Definitions:

Biobanking Agreement means an agreement with the NSW Government pursuant to the *Threatened Species Conservation Act, 1995* (NSW) and consistent with the Memorandum of Understanding dated 25 November 2016 between Queanbeyan-Palerang Regional Council and Robin Pty Ltd as trustee for the Larcombe Family Trust.

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

Commence(ment) means the undertaking of earthworks, vegetation removal or construction of any infrastructure, excluding fences and signage, associated with the proposed action.

Environmental Management Plan Guidelines means the *Environmental Management Plan Guidelines, Commonwealth of Australia, 2014* (as amended from time to time).

EPBC Act Offset Policy means the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy October 2012* (as amended from time to time).

Footprint of the proposed action means the area within the 'Project Footprint Outline' polygon shown in red at Schedule 1.

Minister means the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

New or increased impact means a new or increased impact on any matter protected by the controlling provisions for the action, when compared to the plan, program or strategy that has been required to be implemented by the **Minister**.

NSW OEH's conditions of approval means the conditions of concurrence specified in Section 9 of NSW Office of Environment and Heritage's letter of concurrence dated 10 June 2016.



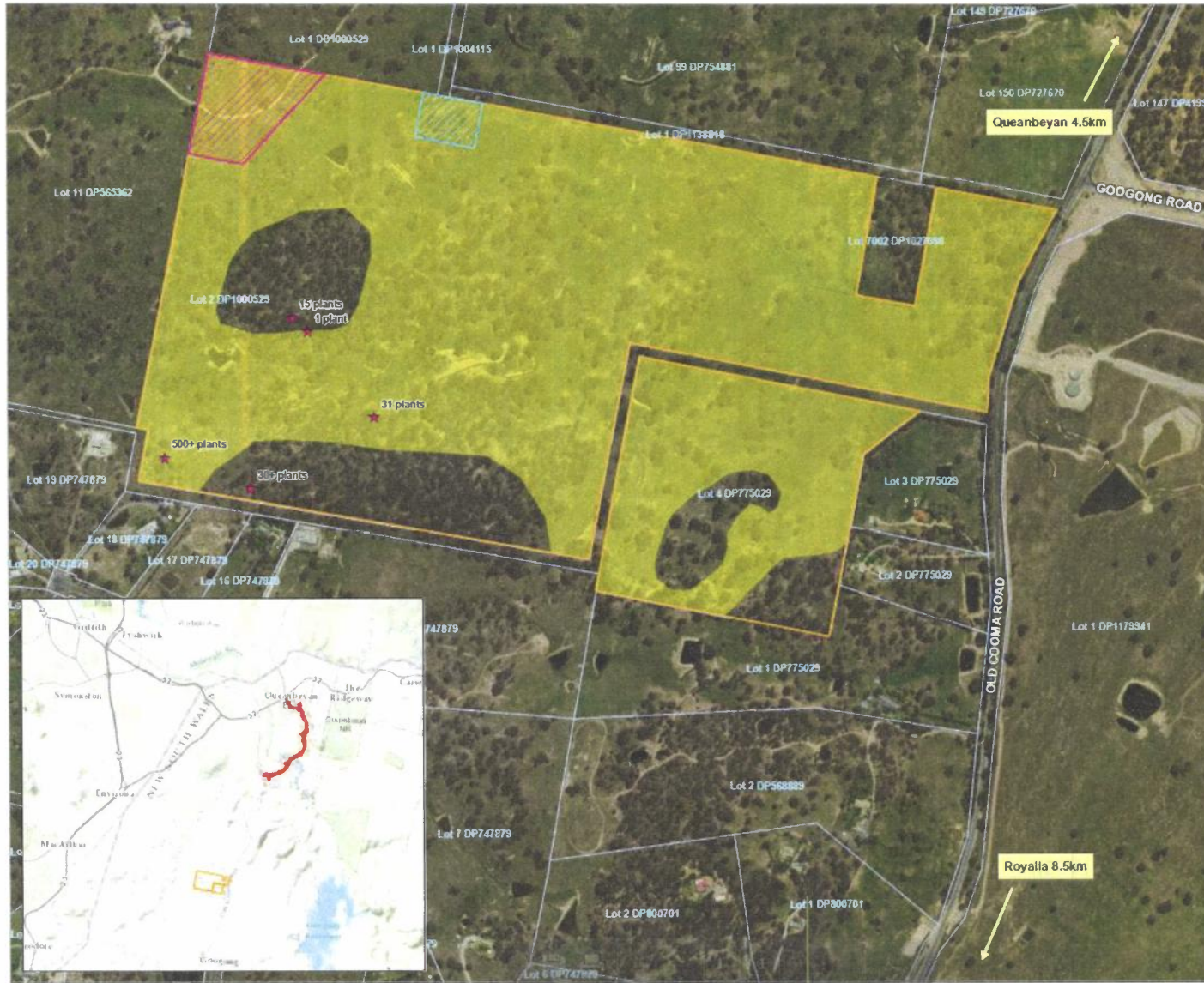
Schedule 1

ELLERTON DRIVE EXTENSION - PROJECT FOOTPRINT OUTLINE





Schedule 2



BIODIVERSITY OFFSET AREA

Ellerton Drive Extension (EPBC2014/7304)
Queanbeyan Palerang Regional Council

- Lot boundaries
- EDE development site
- Biodiversity offset area
- Proposed building envelope to be retained
- Hoary Sunray planting area
- Hoary Sunray populations (estimated individuals)
- White Box - Yellow Box - Blackely's Red Gum CEEC

Notes:
 - Offset site digitised by NGH from cadastral data. Indicative building envelope determined by landowner and provided to NGH by QPRC 11.11.2016
 - Hoary Sunray Area data collected by SMEC Oct 2016
 - Planting area digitised by NGH based on the area defined by SMEC in their report to QPRC Dec 2016
 - Base map Copyright © Esri and its data suppliers. Imagery date: 13 October 2013

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A3 @ 1:6000
Ref: 16-297 - EPBC 3
Author: DM

