



Australian Government

Department of Agriculture, Water and the Environment

Ref: 2009/4748

Mr Noel McCann
Director of Planning and Government Relations
Canberra Airport
Level 4, 21 Terminal Avenue
Canberra Airport
Pialligo ACT 2609

**Infrastructure Upgrade and Construction at Canberra Airport 2009/4748 –
Variation of conditions and approval of the *Northern Road Construction and
Operations Strategy, May 2020***

Dear Mr McCann

Thank you for your correspondence dated 12 February 2020 to the Department requesting the variation of condition 5 and Annexures 1 and 2 attached to the approval, and approval of the *Northern Road Construction and Operations Strategy* as required under condition 5 of the approval.

Officers of this Department have reviewed the variation request. As delegate of the Minister, I have varied condition 5, Annexure 1, Annexure 2 and added a new definition attached to EPBC Approval 2009/4748 under section 143(1)(c) of the *Environment Protection and Biodiversity Conservation Act 1999*, to reflect the updated alignment of the Northern Road and to clarify the requirements of the Northern Road Strategy. The action must now be undertaken in accordance with the varied conditions specified in the variation notification, which has been attached for your information.

Officers of the Department have advised me on the *Northern Road Construction and Operations Strategy, May 2020* and the requirements of the condition 5 of the approval for this project. On this basis, and as a delegate of the Minister for the Environment, I have decided to approve the *Northern Road Construction and Operations Strategy, May 2020*. This plan must now be implemented.

As you are aware, the Department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the Department on request. Should you require any further information please contact Robin Nielsen, Project Officer, Post Approvals Section, on 02 6274 1004 or by email: post.approvals@awe.gov.au.

Yours sincerely

Greg Manning
Assistant Secretary
Assessments (WA, SA, NT), Post Approvals and Policy Branch
Environment Approvals Division

29 May 2020

Att. Variation Notice



VARIATION OF CONDITIONS ATTACHED TO APPROVAL

INFRASTRUCTURE UPGRADE AND CONSTRUCTION AT CANBERRA AIRPORT, ACT (EPBC 2009/4748)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

Person to whom the approval is granted	Managing Director Canberra Airport Pty Ltd ACN: 080 361 548 ABN 14 080 361 548
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Approved action	To upgrade and construct aviation and airfield based development and supporting airport infrastructure during the life of Canberra Airport's 2009 Master Plan and as outlined in the referral received 19 February 2009 and the preliminary documentation received 26 June 2009 [See EPBC Act referral 2009/4748]
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Variation

Variation of conditions attached to approval	The variation is: Delete condition 5 and replace with condition 5 as shown in the schedule below. Add a new definition of Suitably qualified expert as shown in the schedule below. Delete Annexures 1 and 2, and replace with the Annexures as shown in the schedule below.
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Date of effect	This variation has effect on the date the instrument is signed
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Person authorised to make decision

Name and position	Greg Manning Assistant Secretary Assessment (WA, SA, NT), Post Approvals and Policy Branch
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Signature

Date of decision

29 May 2020

Date of decision	Conditions attached to approval
Variation dated 3/6/2019	<p>1. The person taking the action must not clear more than 20.5 hectares of Natural Temperate Grassland in Area A at Annexure 1. The area identified as the Northern Road at Annexure 1 may only be cleared in accordance with condition 5. All other sites in Annexure 1 containing Natural Temperate Grassland must be protected.</p>
Original dated 11/11/2009	<p>2. The person taking the action must develop and submit a Threatened Species Management Plan to the Minister. The plan must include measures to manage Natural Temperate Grassland and Threatened Species on the Canberra Airport lease, including;</p> <ul style="list-style-type: none"> a) Monitoring and mapping; b) Weed control; c) Mowing heights and regimes; d) Rehabilitation and revegetation; e) Drainage; f) Monitoring regimes and survey methods; g) Thresholds for triggering further management intervention; h) Environmentally significant areas and their protection; and i) Results of research and details of any current and future research proposals. <p>The Threatened Species Management Plan must be submitted and approved by the Minister before construction commences. The approved Threatened Species Management Plan must be implemented.</p>
Variation dated 3/6/2019	<p>3. The person taking the action must submit to the Department a Canberra Airport Offsets Plan which must include, but not be limited to:</p> <ul style="list-style-type: none"> a) The acquisition and protection in perpetuity of land containing Natural Temperate Grassland at a ratio of 3 hectares of offset for every one hectare removed if the total area of Natural Temperate Grassland removed from the Canberra Airport site under this and any other EPBC approval is under 12.5 hectares; or b) If the total accumulated area removed from the Canberra Airport site under this and any other EPBC approval exceeds 12.5 hectares, commitment to and details of the acquisition and protection in perpetuity of land containing Natural Temperate Grassland at a ratio of 5 hectares of offset for every one hectare of Natural Temperate Grassland removed; and c) Details of the proposed ownership and management of the land to be acquired and protected. <p>The person taking the action must not remove any Natural Temperate Grassland or habitat for listed threatened species unless the Canberra Airport Offsets Plan has been approved by the Minister in writing. The approved Canberra Airport Offsets Plan must be implemented.</p> <p>Note: The management of rehabilitation and any required offset must be conducted in conjunction with any other EPBC approvals affecting Natural Temperate Grassland in the Canberra Airport site.</p>
Original dated 11/11/2009	<p>4. The person taking the action must develop and submit a Construction Environment Management Plan (CEMP) to the Minister. The plan must include but not be limited to:</p> <ul style="list-style-type: none"> a) Establishment and maintenance of fences and signage of no go areas in areas of Natural Temperate Grassland and threatened species habitat; b) Identification and implementation of erosion and sedimentation control measures during and following construction; c) Identification and implementation of appropriate weed hygiene measures; d) Induct construction workers and contractors about requirements to protect threatened species and Natural Temperate Grassland in accordance with relevant legislation; e) Measures to reduce impacts on listed threatened species;

Date of decision	Conditions attached to approval
	<p>f) Indicative environmental management checklists to assist with monitoring the implementation of environmental management obligations during construction works; and</p> <p>g) Unless otherwise specified, the person taking the action must submit a report of performance against the requirements of the CEMP by 30 June in each year for a period of 5 years.</p> <p>The CEMP must be approved by the Minister before construction commences. The approved CEMP must be implemented.</p>
Variation dated 3/6/2019	<p>4A. Within 6 months following completion of construction, the person taking the action must submit to the Minister for approval a revised Canberra Airport Offsets Plan which identifies the area of impacted natural temperate grassland that is available for rehabilitation, and specify a program to rehabilitate the land to natural temperate grassland. The approved revised Canberra Airport Offsets Plan must be implemented.</p>
As varied on the date this instrument was signed	<p>5. The person taking the action must develop and submit a Northern Road Strategy to the Minister. The Northern Road Strategy must include a population viability analysis or equivalent research that has been prepared by a suitably qualified expert and demonstrates that the Northern Road at Annexure 1 will achieve:</p> <ul style="list-style-type: none"> a) No net loss of habitat for the Grassland Earless Dragon as identified on the map at Annexure 2; b) No fragmentation of Grassland Earless Dragon habitat as identified on the map at Annexure 2; c) No net impacts on the Grassland Earless Dragon from construction activities; and d) No increase in the risk of extinction for the east Majura Valley Grassland Earless Dragon population. <p>The approval holder must not commence construction of the Northern Road until the Northern Road Strategy has been approved by the Minister. The approved Northern Road Strategy must be implemented.</p>
Original dated 11/11/2009	<p>6. If the Minister believes that it is necessary or desirable for the better protection of the environment, the Minister may request that the person taking the action make specified revisions to a plan or strategy approved pursuant to conditions 2, 3, 4 and 5, and submit the revised plan or measure for the Minister's approval. The person taking the action must comply with any such request. If the Minister approves a revised plan or measure pursuant to this condition, the person taking the action must implement that plan or measure instead of the plan or measure as originally approved.</p>
Variation dated 3/6/2019	<p>Revision of action management plans</p> <p>7. The person taking the action may, at any time, apply to the Minister for a variation to an action management plan or measure approved by the Minister under conditions 2, 3, 4 and 5, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves a revised action management plan or measure (RAMP) then, from the date specified, the person taking the action must implement the RAMP in place of the previous action management plan or strategy.</p>
Variation dated 3/6/2019	<p>7A. The person taking the action may choose to revise an action management plan or strategy approved by the Minister under conditions 2, 4 and 5, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact.</p>
Variation dated 3/6/2019	<p>7B. If the person taking the action makes the choice under condition 7A to revise an action management plan or strategy without submitting it for approval, the approval holder must:</p> <ul style="list-style-type: none"> a. notify the Department in writing that the approved action management plan or measure has been revised and provide the Department with:

Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> i. an electronic copy of the RAMP; ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan or measure and the RAMP; iii. an explanation of the differences between the approved action management plan or measure and the RAMP; iv. the reasons the person taking the action considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact; and v. written notice of the date on which the person taking the action will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department. <p>b. subject to condition 7D, implement the RAMP from the RAMP implementation date.</p>
Variation dated 3/6/2019	7C. The person taking the action may revoke the choice to implement a RAMP under condition 7A at any time by giving written notice to the Department . If the person taking the action revokes the choice under condition 5A, the person taking the action must implement the action management plan or measure in effect immediately previous to that being revoked.
Variation dated 3/6/2019	<p>7D. 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 RAMP would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> a. condition 7A does not apply, or ceases to apply, in relation to the RAMP; and b. the person taking the action must implement the action management plan or measure specified by the Minister in the notice.
Variation dated 3/6/2019	<p>7E. At the time of giving the notice under condition 7D, the Minister may also notify that for a specified period of time, condition 7A does not apply for one or more specified action management plans.</p> <p>Note: conditions 7A, 7B, 7C and 7D 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 action management plan or measure, at any time, to the Minister for approval.</p>
Variation dated 3/6/2019	8. If the commencement of the action does not occur within 15 years from the date of this approval, then the person taking the action must not commence the action without the prior written agreement of the Minister .
Variation dated 3/6/2019	<p>Compliance records</p> <p>9. The person taking the action must maintain accurate and complete compliance records.</p>
Variation dated 3/6/2019	<p>10. If the Department makes a request in writing, the person taking the action must provide electronic copies of compliance records to the Department within the timeframe specified in the request.</p> <p>Note: Compliance records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the Department's website or through the general media.</p>
Variation dated 3/6/2019	<p>Preparation and publication of plans</p> <p>11. The person taking the action must:</p> <ul style="list-style-type: none"> a. submit plans electronically to the Department for approval by the Minister;

Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> b. publish each plan on the website within 20 business days of the date the plan is approved by the Minister or of the date a revised action management plan is submitted to the Minister, unless otherwise agreed to in writing by the Minister; c. keep plans published on the website until the end date of this approval unless otherwise agreed to in writing by the Minister.
Variation dated 3/6/2019	12. The person taking the action must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under conditions of this approval, is prepared in accordance with the Department's Guidelines for biological survey and mapped data (2018) and submitted electronically to the Department .
Variation dated 3/6/2019	<p>Annual compliance reporting</p> <p>13. The person taking the action must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The person taking the action must:</p> <ul style="list-style-type: none"> a. publish each compliance report on the website within 60 business days following the relevant 12 month period; b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication; c. keep all compliance reports publicly available on the website until this approval expires unless otherwise agreed to in writing by the Minister. d. exclude or redact sensitive ecological data from compliance reports published on the website; and e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication. <p>Note: Compliance reports may be published on the Department's website. The first compliance report may report a period less than 12 months so that it and subsequent compliance reports align with the similar requirement under state approval.</p>
Variation dated 3/6/2019	<p>Reporting non-compliance</p> <p>14. The person taking the action must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ul style="list-style-type: none"> a. the condition which is or may be in breach; and b. a short description of the incident and/or non-compliance.
Variation dated 3/6/2019	<p>15. The person taking the action must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days, unless otherwise agreed to in writing by the Minister, after becoming aware of the incident or non-compliance, specifying:</p> <ul style="list-style-type: none"> a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b. the potential impacts of the incident or non-compliance; and c. the method and timing of any remedial action that will be undertaken by the approval holder.
Variation dated 3/6/2019	<p>Management Plans</p> <p>16. All management plans required under this approval should be prepared in line with the Department's Environmental Management Plan Guidelines.</p>

Date of decision	Definitions attached to approval
Variation dated 3/6/2019	Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
Variation dated 3/6/2019	<p>Commencement of the action means the first instance of any specified activity associated with the action including clearance of vegetation and construction of any infrastructure. Commencement does not include minor physical disturbance necessary to:</p> <ul style="list-style-type: none"> i. undertake pre-clearance surveys or monitoring programs; ii. install signage and /or temporary fencing to prevent unapproved use of the project area; iii. protect environmental and property assets from fire, weeds and pests, including erection or construction of fencing and signage, and maintenance or use of existing surface access tracks, if agreed in writing by the Department.
Variation dated 3/6/2019	Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the power of the person taking the action to obtain lawfully.
Variation dated 3/6/2019	<p>Compliance reports means written reports:</p> <ul style="list-style-type: none"> i. providing accurate and complete details of compliance, incidents, and non-compliance with the conditions and the plans; ii. consistent with the Department's Annual Compliance Report Guidelines (2014); iii. include a shapefile of any clearance of any protected matters, or their habitat, undertaken within the relevant 12 month period; and iv. annexing a schedule of all plans prepared and in existence in relation to the conditions during the relevant 12 month period.
Original dated 11/11/2009	Construction - all work but does not include survey, acquisitions, fencing, test drilling/test excavations, building/road dilapidation surveys, or other activities that will have a minimal environmental impact.
Variation dated 3/6/2019	Department - The Australian Government Department currently known as the Department of the Environment or whatever the Department that administers this approval is thereafter called.
Original dated 11/11/2009	Fragmentation - The breaking up of a large intact area of a single vegetation or habitat type into smaller intact units.
Variation dated 3/6/2019	Incident means any event which has the potential to, or does, impact on protected matter(s) .
Variation dated 3/6/2019	Minister - The Minister responsible for the administration of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) including any delegate thereof.
Original dated 11/11/2009	Natural Temperate Grassland - The ecological community referred to as: Natural Temperate Grassland of the Southern Tablelands of NSW and the Australian Capital Territory and described in the document titled 'Advice to the Minister for the Environment and Heritage from the Endangered Species Scientific Subcommittee (ESSS) on a proposal to add an ecological community to Schedule 2 of the Endangered Species Protection Act 1992 ESP Act'

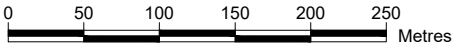
Date of decision	Definitions attached to approval
Original dated 11/11/2009	No Go Areas -Areas identified within the Canberra Airport Lease which requires protection from construction and temporary impacts including: the movement of construction vehicles and machinery, stockpiling and any actions that will degrade or damage grassland species
Variation dated 3/6/2019	Plan(s) means any of the documents required to be prepared, approved by the Minister , and/or implemented by the person taking the action and published on the website in accordance with these conditions (includes action management plans and/or strategies);
Variation dated 3/6/2019	Protected matter means a matter protected under a controlling provision in Part 3 of the EPBC Act for which this approval has effect.
Variation dated 3/6/2019	Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) <i>Sensitive Ecological Data – Access and Management Policy V1.0</i> .
Variation dated 3/6/2019	Substantial commencement - Revoked
As varied on the date this instrument was signed	Suitably qualified expert - means a person who has professional qualifications, training, skills and/or experience designing and implementing surveys for Grassland Earless Dragon, and can give an authoritative assessment and advice on the presence of Grassland Earless Dragon using relevant protocols, standards, methods and/or literature.
Original dated 11/11/2009	Threatened Species Golden Sun Moth (<i>Synemon plana</i>) Perunga Grasshopper (<i>Perunga orchracea</i>) Striped Legless Lizard (<i>Delma impar</i>) Grassland Earless Dragon (<i>Tympanocryptis pinguicolla</i>)
Variation dated 3/6/2019	Website means a set of related web pages located under a single domain name attributed to the person taking the action and available to the public.

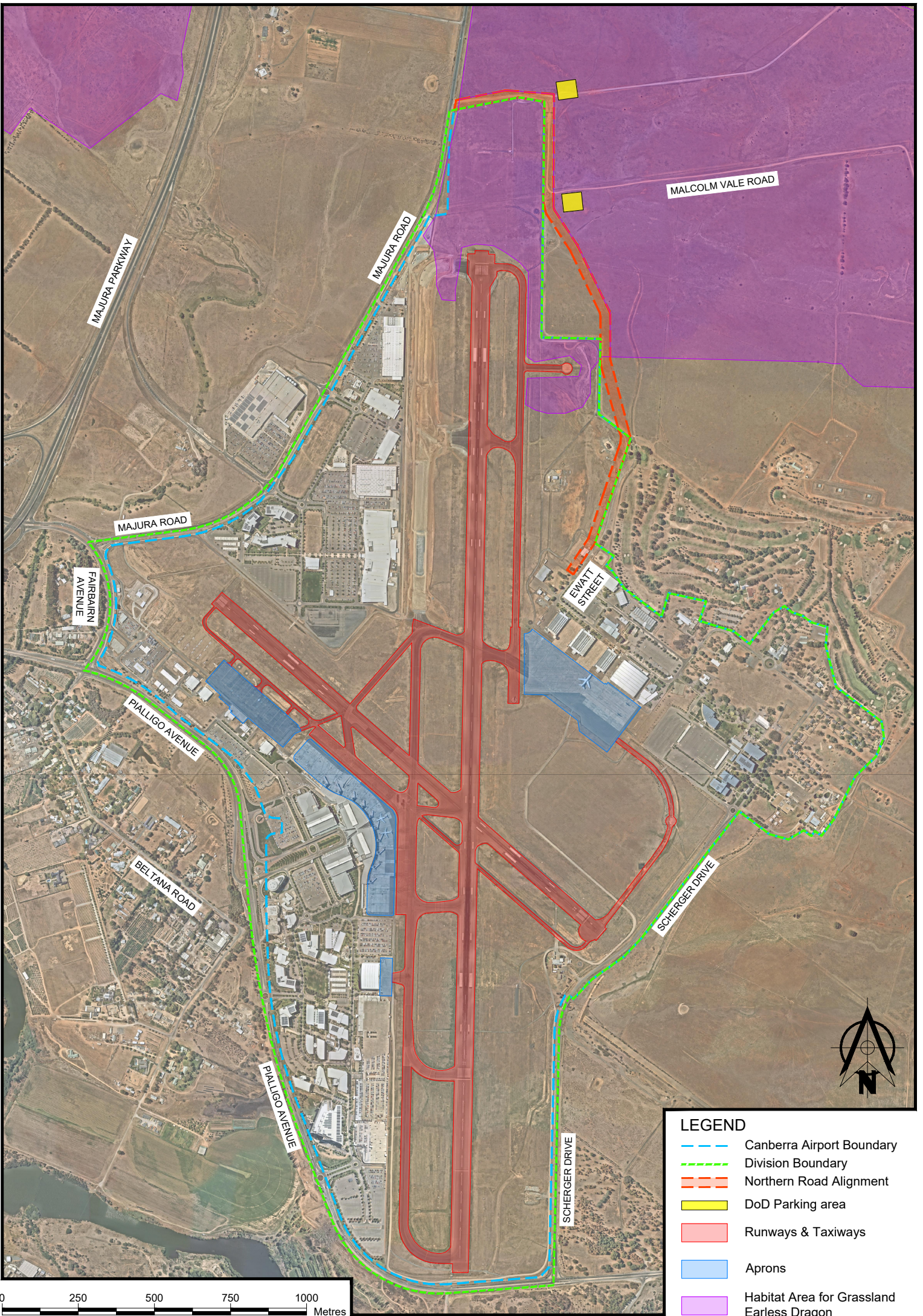
Date of decision	<u>Annexures</u>
As varied on the date this instrument was signed	Annexure 1 – Proposed Northern Road Alignment
As varied on the date this instrument was signed	Annexure 2 – Map showing Canberra Airport – Runways and Taxiways, Aprons, area subject to major development plan approved August 2004, Runway and Taxiway reserves, Significant habitat area for Grassland earless dragon



- DEFENCE ADMINISTERED LAND
- CANBERRA AIRPORT ADMINISTERED LAND
- DoD PARKING AREAS

CANBERRA AIRPORT
PROPOSED NORTHERN ROAD ALIGNMENT





LEGEND

- Canberra Airport Boundary
- Division Boundary
- Northern Road Alignment
- DoD Parking area
- Runways & Taxiways
- Aprons
- Habitat Area for Grassland Earless Dragon