



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

approval holder	Canberra Airport Pty Ltd ACN: 080 361 548
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.
period for which the approval has effect	This approval has effect until 15 November 2109

Variation

variation of conditions attached to approval	<p>The variation is:</p> <p>Delete condition 5 attached to the approval and substitute with the condition specified in the table below.</p> <p>Add new conditions 1A, 1B, 1C, 5A, 5B, 5C, 5D and 5E specified in the table below.</p> <p>Add new definitions of Canberra Grassland Earless Dragon, EPBC Act Fauna passageways, Fauna road crossing and Rehabilitate.</p> <p>Delete definitions of Natural temperate grassland, Suitably qualified expert and Threatened species and substitute with the definitions in the table below.</p> <p>Delete Annexure 1 and Annexure 2 attached to the approval and add the new annexures Annexure 1, Annexure 2 and Annexure 3 specified in the table below.</p>
date of effect	This variation has effect on the date this instrument is signed.

Person authorised to make decision

name and position	Brendan Linton-Smith Acting Branch Head Environment Assessments (Vic, Tas) and Post Approvals Branch
signature	
date of decision	30 July 2025
date of decision	conditions attached to approval
<i>As varied on the date this instrument was signed</i>	1. The person taking the action must not clear more than 20.5 hectares of Natural Temperate Grassland in Area A at <u>Annexure 1</u> . The area identified as the Northern Road at <u>Annexure 1</u> may only be cleared in accordance with condition 5. All other sites in Annexure 1 containing Natural Temperate Grassland must be protected.
<i>As varied on the date this instrument was signed</i>	1A. The person taking the action must rehabilitate the following specified areas of grassland on the airport and adjacent Majura Training Area: <ul style="list-style-type: none"> a. 4,565.4m² of grassland adjacent to the Northern Road in the northern and eastern side of the road, including rehabilitation up to the entrances and exits of any fauna passageways and fauna road crossing ('Area A' in <u>Annexure 2</u>) b. 5,734m² of grassland adjacent to the Northern Road on the southern and western side of the Northern Road corridor, including rehabilitation up to the entrances and exits of any fauna passageways and fauna road crossing ('Area B' in <u>Annexure 2</u>) c. 5.64 hectares of grassland at the northern end of the airport ('Area C' in <u>Annexure 2</u>).
<i>As varied on the date this instrument was signed</i>	1B. The person taking the action must commence rehabilitation within 60 days from the date of this variation decision.
<i>As varied on the date this instrument was signed</i>	1C. The person taking the action must rehabilitate the areas specified in condition 1A) to a condition that meets the definition of Natural Temperate Grassland within ten years of the date this variation instrument was signed.

*Original dated
11/11/2009*

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;

- 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.

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.

*As varied on
03/06/2019*

3. The person taking the action must submit to the **Department** a Canberra Airport Offsets Plan which must include, but not be limited to:

- 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.

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.

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.

*Original dated
11/11/2009*

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:

- 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;
- f. Indicative environmental management checklists to assist with monitoring the implementation of environmental management obligations during construction works; and
- 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.

The CEMP must be approved by the **Minister** before construction commences. The approved CEMP must be implemented.

*As varied on
03/06/2019*

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.

*As varied on the date
this instrument was
signed*

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 3 will achieve:

- a. No net loss of habitat for the **Canberra Grassland Earless Dragon** as identified on the map at Annexure 3;
- b. No fragmentation of **Canberra Grassland Earless Dragon** habitat as identified on the map at Annexure 3;
- c. No net impacts on the **Canberra Grassland Earless Dragon** from construction activities; and
- d. No increase in the risk of extinction for the east Majura Valley **Canberra Grassland Earless Dragon** population.

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.

As varied on the date this instrument was signed

5A. The person taking the action must provide to the ACT Government a funding contribution of \$1,000,000.00 (excluding GST) over four consecutive years commencing in 2025. This funding contribution must be for the purposes of research, captive breeding or habitat restoration directly in connection with the **Canberra Grassland Earless Dragon** as specified below:

- a. The person taking the action must pay the financial contribution to the ACT Government in the following instalments:
 - i. \$250,000 (excluding GST) by 31 August 2025;
 - ii. \$250,000 (excluding GST) by 31 July 2026;
 - iii. \$250,000 (excluding GST) by 31 July 2027; and
 - iv. \$250,000 (excluding GST) by 31 July 2028.

As varied on the date this instrument was signed

5B. The person taking the action must construct three **fauna passageways** between Canberra Airport and the Majura Training Area. The **fauna passageways** must:

- a. Remain sealed preventing the entry of **Canberra Grassland Earless Dragon**, unless the **Minister** determines otherwise in writing;
 - b. Be positioned in the locations identified as '**fauna passageways**' in Annexure 3;
 - c. Be designed and constructed to enable their entrances at either end to be either sealed from use by **Canberra Grassland Earless**
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	<p>Dragon or open for Canberra Grassland Earless Dragon movement through them;</p> <p>d. Provide adequate drainage to avoid flooding or water pooling inside them and at their entrances and exits; and</p> <p>e. Maximise natural light penetration inside them.</p>
<i>As varied on the date this instrument was signed</i>	<p>5C. The person taking the action must construct one fauna road crossing between Canberra Airport and the Majura Training Area. The fauna road crossing must:</p> <p>a. Remain sealed preventing the entry of Canberra Grassland Earless Dragon, unless the Minister determines otherwise in writing;</p> <p>b. Be positioned in the location identified as ‘fauna road crossing’ in <u>Annexure 3</u>; and</p> <p>c. Be designed and constructed to enable its entrances at either end to be either sealed from use by Canberra Grassland Earless Dragon or open for Canberra Grassland Earless Dragon movement through it.</p>
<i>As varied on the date this instrument was signed</i>	<p>5D. The person taking the action must construct barrier fencing along both sides of the Northern Road. The barrier fencing must:</p> <p>a. Be constructed on both sides of the Northern Road where shown as ‘CGED barrier fencing’ in <u>Annexure 3</u>; and</p> <p>b. Prevent Canberra Grassland Earless Dragon from moving onto the roadway of the Northern Road where vehicles can move.</p>
<i>As varied on the date this instrument was signed</i>	<p>5E. The person taking the action must assist the ACT Government to undertake any Canberra Grassland Earless Dragon research, monitoring and management by:</p> <p>a. At all reasonable times, and upon receiving reasonable notice (at least 5 business days), permitting access by representatives of the ACT Government to Canberra Grassland Earless Dragon habitat, identified as ‘ACTmapi Environment Map for CGED Habitat Area’ on the map at <u>Annexure 3</u>; and</p> <p>b. Assisting in the translocation of Canberra Grassland Earless Dragon from or to the areas of Canberra Grassland Earless Dragon habitat identified as ‘ACTmapi Environment Map for CGED Habitat Area’ on the map at <u>Annexure 3</u>.</p>

	Note: these conditions do not provide the person taking the action, or other persons, approval to translocate Canberra Grassland Earless Dragon , which must be considered as separate decision to this approval in accordance with the EPBC Act .
<i>Original dated 11/11/2009</i>	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.
<i>As varied on 03/06/2019</i>	<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>
<i>As varied on 03/06/2019</i>	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 .
<i>As varied on 03/06/2019</i>	<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: <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;

	<ul style="list-style-type: none"> 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>
<i>As varied on 03/06/2019</i>	<p>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 7A, the person taking the action must implement the action management plan or measure in effect immediately previous to that being revoked.</p>
<i>As varied on 03/06/2019</i>	<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.
<i>As varied on 03/06/2019</i>	<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>
<i>As varied on 03/06/2019</i>	<p>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.</p>

<i>As varied on 03/06/2019</i>	<p>Compliance records</p> <p>9. The person taking the action must maintain accurate and complete compliance records.</p>
<i>As varied on 03/06/2019</i>	<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>
<i>As varied on 03/06/2019</i>	<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; 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.
<i>As varied on 03/06/2019</i>	<p>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.</p>
<i>As varied on 03/06/2019</i>	<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;

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- 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.

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.

*As varied on
03/06/2019*

Reporting non-compliance

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:
- a. the condition which is or may be in breach; and
 - b. a short description of the **incident** and/or non-compliance.

*As varied on
03/06/2019*

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:
- 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.

*As varied on
03/06/2019*

Management Plans

16. All management plans required under this approval should be prepared in line with the **Department's** Environmental Management Plan Guidelines.
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date of decision	definitions attached to approval
<i>As varied on 03/06/2019</i>	Business day - means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
<i>As varied on the date this instrument was signed</i>	Canberra Grassland Earless Dragon - means the Grassland Earless Dragon (<i>Tympanocryptis pinguicolla</i> listed as Endangered under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> at the time of the controlled action decision), now known as <i>Tympanocryptis lineata</i> .
<i>As varied on 03/06/2019</i>	<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 track, if agreed in writing by the Department.
<i>As varied on 03/06/2019</i>	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.
<i>As varied on 03/06/2019</i>	<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.

<i>Original dated 11/11/2009</i>	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.
<i>Variation dated 03/06/2019</i>	Department - The Australian Government Department currently known as the Department of the Environment or whatever the Department that administers this approval is thereafter called.
<i>As varied on the date this instrument is signed</i>	EPBC Act - means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
<i>As varied on the date this instrument is signed</i>	Fauna passageways - means structures designed and constructed to facilitate movement of Canberra Grassland Earless Dragon below the surface of the road without risk of being hit by vehicles travelling on the Northern Road.
<i>As varied on the date this instrument is signed</i>	Fauna road crossing - means a road crossing designed and constructed to facilitate movement of Canberra Grassland Earless Dragon across the Northern Road.
<i>Original dated 11/11/2009</i>	Fragmentation - The breaking up of a large intact area of a single vegetation or habitat type into smaller intact units.
<i>Variation dated 03/06/2019</i>	Incident - means any event which has the potential to, or does, impact on protected matter(s) .
<i>Variation dated 03/06/2019</i>	Minister - The Minister responsible for the administration of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) including any delegate thereof.
<i>As varied on the date this instrument is signed</i>	Natural Temperate Grassland - means the EPBC Act listed threatened ecological community, <i>Natural Temperate Grassland of the South Eastern Highlands</i> and as described in the approved Commonwealth Conservation Advice: Threatened Species Scientific Committee (2016). <i>Approved Conservation Advice (including listing advice) for Natural Temperate Grassland of the South Eastern Highlands (EC 152)</i> . Canberra: Department of the Environment.
<i>Original dated 11/11/2009</i>	No Go Areas – Areas identified within the Canberra Airport Lease which requires protected from construction and temporary impacts including: the movement of construction vehicles and machinery, stockpiling and any actions that will degrade or damage grassland species.
<i>As varied on 03/06/2019</i>	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).
<i>As varied on 03/06/2019</i>	Protected matter - means a matter protected under a controlling provision in Part 3 of the EPBC Act for which this approval has effect.
<i>As varied on the date this instrument is signed</i>	Rehabilitate - means to undertake environmental management activities to recover the habitat quality and extent of grassland that has been degraded or damaged, so that it meets the definition of Natural Temperate Grassland .
<i>As varied on 03/06/2019</i>	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> .
<i>As varied on the date this instrument is signed</i>	Suitably qualified expert - means a person approved in writing by the Minister , who has professional qualifications, training, skills and/or experience designing and implementing surveys for Canberra Grassland Earless Dragon and can give an authoritative assessment and advice on the presence of Canberra Grassland Earless Dragon using relevant protocols, standards, methods and/or literature.
<i>As varied on the date this instrument is signed</i>	Threatened Species Golden Sun Moth (<i>Synemon plana</i>) Perunga Grasshopper (<i>Perunga orchracea</i>) Striped Legless Lizard (<i>Delma impar</i>) Canberra Grassland Earless Dragon
<i>As varied on 03/06/2019</i>	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	Annexures
<i>As varied on the date this instrument is signed</i>	<u>Annexure 1</u> - Natural Temperate Grassland area where clearing is permitted
<i>As varied on the date this instrument is signed</i>	<u>Annexure 2</u> - Natural Temperate Grassland rehabilitation areas
<i>As varied on the date this instrument is signed</i>	<u>Annexure 3</u> - Northern Road Alignment and design features

ANNEXURE 1: CANBERRA AIRPORT

