



APPROVAL

Residential Development, 357 Ripley Road, Ripley, Qld (EPBC 2019/8539)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

Person to whom the approval is granted (approval holder)	HB Doncaster Pty Ltd
ACN or ABN of approval holder	ABN: 15 164 200 533
Action	The development of a residential subdivision and associated infrastructure at 357 Ripley Road, Ripley, Queensland [See EPBC Act referral 2019/8539]

Proposed Approval decision

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.

Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

Period for which the approval has effect

This approval has effect until 31 December 2045.

Decision-maker

Name and position	Kim Farrant Assistant Secretary of Environment Assessments Queensland and Sea Dumping Branch Department of Agriculture, Water and the Environment
Signature	
Date of decision	2/11/2020

Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

1. To minimise impacts to the **Koala** and **Grey-headed Flying-fox**, the approval holder must:
 - a. not **clear** more than 56.20 ha of **Koala habitat** and **Grey-headed Flying-fox habitat** within the **development area**; and,
 - b. not clear outside the **development area**.
2. To minimise the risk of injury or death to **Koalas** and **Grey-headed Flying-foxes** within the **development area** during **clearing** and **construction**, the approval holder must:
 - a. ensure that a qualified **fauna spotter catcher** is present during all **clearing** and empowered to guide all **clearance** to ensure that **Koalas** and **Grey-headed Flying-foxes** have safely moved out of the **development area** of their own volition before **Koala habitat** and **Grey-headed Flying-fox habitat** is **cleared**; and,
 - b. install temporary **Koala exclusion fencing** around **construction** works. Temporary **Koala exclusion fencing** must be installed immediately after **clearing** and prior to the commencement of **construction**. Temporary **Koala exclusion fencing** must remain in place around any **construction** area until all **construction** activities within that fenced area are completed.
3. For the ongoing protection of the local **Koala** population at the proposed impact site, the approval holder must:
 - a. install and maintain, for the duration of the approval, **Koala awareness signage** in no less than four locations along the edge of the esplanade road that faces the **on-site open space area** at indicative locations shown by the red dots on Attachment B; and,
 - b. install traffic calming measures and install prominent signage to limit vehicle speeds to minimise the risk of injury or deaths of **Koalas** occurring on residential roads in the **development area**.
4. To compensate for the **clearing** and **functional loss** of 56.20 ha of **Koala habitat** and **Grey-headed Flying-fox habitat**, the approval holder must:
 - a. **Legally secure** at least 66 ha of land at the **Cherry Gully East Offset Area** and commence **management activities** prior to the **commencement of the action**;
 - b. within 20 **business days** of **legally securing** the **Cherry Gully East Offset Area**, provide the **Department** with written evidence demonstrating that the **Cherry Gully East Offset Area** has been **legally secured** (e.g. **legal security documentation**), and **shapefiles** of the **offset attributes**; and,
 - c. complete all **management activities** as described in the **Cherry Gully East Offset Area Management Plan** by 31 January 2045.

Note: Uses or activities at the offset site are not permitted if they are not compatible with the primary purpose of conservation.

5. During **Year 1**, the approval holder must complete baseline surveys of the entire **Cherry Gully East Offset Area** to determine the:
 - a. **vegetation condition attributes** for each **Regional Ecosystem**;
 - b. **extent of weed cover**; and,
 - c. seasonal **feral animal** abundance.

The baseline surveys must be undertaken by a **suitably qualified field ecologist** in accordance with a scientifically valid, robust, and repeatable methodology.

6. Within three months of completion of the baseline surveys required under Condition 5, the approval holder must engage a **suitably qualified field ecologist** to update the **Cherry Gully East Offset Area Management Plan** to include the following:
 - a. include the results of the baseline surveys required under Condition 5;
 - b. provide details of how the outcomes specified in Conditions 9 – 12 will be achieved; and,
 - c. specify a program of monitoring, and reporting progress against, performance and completion criteria in respect of achieving the ecological outcomes specified in Conditions 9 – 12.
7. The updated **Cherry Gully East Offset Area Management Plan** referred to in Condition 6 must be published on the **website** and remain published for the duration of the approval. The approval holder must implement the published updated **Cherry Gully East Offset Area Management Plan** for the duration of the approval, and must achieve the outcomes required under Conditions 9 – 12.
8. In accordance with the Offset Area Management Plan, the approval holder must publish each **Cherry Gully East Offset Area Management Plan Annual Report** on the **website** within 40 **business days** following the end of the 12 month reporting period. The approval holder must keep each **Cherry Gully East Offset Area Management Plan Annual Report** published from the date it is first published for the duration of the approval.

Pest and Weed management

9. The approval holder must:
 - a. demonstrate, by the end of **Year 5**, that the abundance of **feral animals** at the **Cherry Gully East Offset Area** is reduced by 95% relative to the abundance of **feral animals** determined by the baseline surveys,
 - b. for the rest of the period of effect of the approval, ensure that the abundance of **feral animals** is less than 5% of the abundance of **feral animals** determined by the baseline surveys; and,
 - c. ensure that zero **Koala** injuries or mortalities occur as a result of the presence of **feral animals**.
10. The approval holder must demonstrate that the **extent of weed cover** at the **Cherry Gully East Offset Area** is:
 - a. by the end of **Year 5**, reduced by 80% relative to the **extent of weed cover** determined by the baseline surveys;
 - b. by the end of **Year 10**, reduced by 95% relative to the **extent of weed cover** determined by the baseline surveys; and,
 - c. for the remainder of the approval, no more than 5% of the **extent of weed cover** determined by the baseline surveys.

Stock Exclusion

11. For the protection of **Koala Habitat** and **Grey-headed Flying-fox habitat**, the approval holder must demonstrate by the end of **Year 1** that **fauna friendly stock exclusion fencing** has been installed around the entire perimeter of the **Cherry Gully East Offset Area**. The approval holder must ensure that the **fauna friendly stock exclusion fencing** is maintained and effective for its purpose for the duration of the approval, and ensure that zero stock incursions occur.

Habitat Quality Improvement

12. For the protection of the **Koala** and **Grey-headed Flying-fox** the approval holder must achieve the following outcomes at the **Cherry Gully East Offset Area** by 31 January 2045:
 - a. Undertake ecological work to restore **vegetation condition attributes** to the **benchmark** for each **Regional Ecosystem** at the **Cherry Gully East Offset Area** specified in the **Cherry Gully East Offset Area Management Plan**; and,
 - b. Achieve the **rehabilitation success criteria** by **Year 10** as a result of planting, and maintaining trees of appropriate species, and once the **rehabilitation success criteria** are achieved, maintain for the duration of the approval.

The approval holder is responsible to achieve and maintain the outcomes specified under Condition 12 for the period of effect of the approval.

13. If, at any time during the period of effect of the approval, the **Minister** is not satisfied that any of the requirements or outcomes under Conditions 9 – 12 have been or are likely to be achieved or maintained, the **Minister** may request (in writing) further evidence from the approval holder as to how the requirements or outcomes of these Conditions will be achieved or maintained. If requested by the **Minister**, the approval holder must:
 - a. provide a report to the **Department** that documents the cause of the potential or actual non-achievement of required outcomes, the corrective actions to be taken (including timeframes for reporting to the **Department** the success of those actions) and the contingency measures that will be implemented to prevent further occurrences;
 - b. revise the updated **Cherry Gully East Offset Area Management Plan**, applying the advice of a **suitably qualified field ecologist** and within a timeframe determined by the **Minister**, to include the corrective actions and contingency measures and a program of when and how the relevant contingency measures and corrective actions will be implemented;
 - c. submit the revised **Cherry Gully East Offset Area Management Plan** to the **Department** for the **Minister's** approval, within a timeframe determined by the **Minister**; and,
 - d. implement the approved revised **Cherry Gully East Offset Area Management Plan** as required by Condition 13.c.

Part B – Standard administrative conditions

Notification of date of commencement of the action

14. The approval holder must notify the **Department** in writing of the date of **commencement of the action** within ten **business days** after the date of **commencement of the action**.
15. If the **commencement of the action** does not occur within five years from the date of this approval, then the approval holder must not **commence the action** without the prior written agreement of the **Minister**.

Compliance records

16. The approval holder must maintain accurate and complete **compliance records**.
17. If the **Department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

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.

Annual compliance reporting

18. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been agreed to in writing by the **Minister**. The approval holder must:
 - 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** and provide the weblink for the **compliance report** within five **business days** of the date of publication;
 - c. keep all **compliance reports** publicly available on the **website** until this approval expires;
 - 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 five **business days** of publication.

Note: **Compliance reports** may be published on the **Department's** website.

Reporting non-compliance

19. The approval holder 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. any condition which is or may be in breach;
 - b. a short description of the **incident** and/or non-compliance; and,
 - c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.
20. The approval holder 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 ten **business days** 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.

Independent audit

21. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.
22. For each **independent audit**, the approval holder must:
 - a. provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
 - b. only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and,
 - c. submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
23. The approval holder must publish the audit report on the **website** within ten **business days** of receiving the **Department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

Completion of the action

24. Within 30 days after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

Part C - Definitions

In these conditions, except where contrary intention is expressed, the following definitions are used:

Benchmark means the quantitative value for the relevant BioCondition attribute specified for each **Regional Ecosystem** by the Queensland Herbarium, as described in *the BioCondition Benchmarks of Southeast Queensland (10/1/2019)* or a subsequent version approved by the Queensland Government.

Business day(s) means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

Cherry Gully East Offset Area means the area located within the red dotted line on Attachment C. The **Cherry Gully East Offset Area** is located at Lot 1 on CSH1549, on Littles Road, Toogoolawah, Queensland.

Cherry Gully East Offset Area Management Plan means the *Cherry Gully East Offset Area Management Plan 2020*, prepared by One Environment and dated 26 June 2020 or the revised version approved by the **Minister**.

Cherry Gully East Offset Area Management Plan Annual Report means each annual report compiled by the Offset provider (to report on all **management activities**, surveys, results and outcomes within the previous 12-month operational period), as required in the **Cherry Gully East Offset Area Management Plan**.

Clear/clearing/clearance/cleared means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* for further guidance).

Commencement of the action means the first instance of any specified activity associated with the action including **clearing** and **construction**. **Commencement of the action** does not include minor physical disturbance necessary to:

- a. undertake pre-clearance surveys or monitoring programs;
- b. install signage and /or temporary fencing;
- c. protect environmental and property assets from fire, weeds and pests, including erection of temporary fencing, and use of existing surface access tracks; and
- d. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the **protected matters**.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is **shapefile**. This includes but is not limited to information detailing:

- a. the date, location and extent of **protected matter** habitat **cleared** within the **development area**;
- b. the location, extent and quality of **protected matter** habitat within the **Cherry Gully Station East Offset Area**;
- c. **weed extent** within the **Cherry Gully Station East Offset area**;
- d. **feral animal** numbers within the **Cherry Gully Station East Offset area**; and,
- e. **Koala density** and **Grey-Headed Flying-fox** presence at the **Cherry Gully Station East Offset area**.

Completion of the action means the time at which all approval conditions (except Condition 24) have been fully met.

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 approval holder's power to obtain lawfully.

Compliance reports means written reports:

- 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.

Construction means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding minor physical disturbance as specified in the definition of **Commencement of the action**.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

Development area means the 56.20 ha area enclosed by the black line designated as 'Referral Area' on Attachment A comprising Lot 2 on RP196154, Lot 1 on RP196152, Lot 1 on RP196150, Lot 342 on S3173 at 357 Ripley Road, Ripley Queensland.

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

Extent of weed cover means the proportion (expressed as a percentage) of the total land area in which any square metre contains a non-native plant species known to restrict the movement of **Koala** and/or degrade the quality of **Koala habitat** and/or habitat for **Grey-headed Flying-fox**, or its ability to regenerate.

Fauna spotter catcher means a person licenced under the Queensland *Nature Conservation Act 1992* to detect, capture, care for, assess, and release wildlife disturbed by vegetation **clearance** activities who has at least three years' experience undertaking this work with **Koala**.

Fauna friendly stock exclusion fencing means fencing designed to prevent access by grazing animals to offset areas while providing for the free movement of **Koalas** and **Grey-headed Flying-foxes**.

Feral animals means non-native feral animals known to predate on the **Koala**.

Functional loss means the isolation of a small area of habitat due to the clearance of surrounding connective vegetation, which results in the loss of ecological function for a protected matter.

Grey-headed Flying-fox(es) means the Grey-Headed Flying-fox (*Pteropus poliocephalus*) listed as a threatened species under the **EPBC Act**.

Grey-Headed Flying-fox habitat means areas of vegetation that contain **Grey-headed Flying-fox** foraging trees, including winter and spring flowering species.

Incident means any event which has the potential to, or does, impact on one or more **protected matter(s)**.

Independent audit means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2019).

Koala(s) means the Koala (*Phascolarctos cinereus*) (combined populations of Qld, NSW and the ACT) listed as a threatened species under the **EPBC Act**.

Koala awareness signage means prominent, legible, clearly understood signage for the purposes of alerting drivers that **Koalas** may be in the vicinity.

Koala density means the number and/or utilisation and distribution of **Koalas** per hectare as determined in field surveys over the entire **Cherry Gully East Offset Area** undertaken by a **suitably qualified field ecologist** using a scientifically robust and repeatable methodology over a timeframe that serves as a sound basis for comparison.

Koala exclusion fencing means fencing which prevents the movement of **Koalas**. Suitable examples of **Koala exclusion fencing** design are provided in *Koala Sensitive Design Guideline: A guide to koala sensitive designed measures for planning and development activities, version 2.0* (Queensland Department of Environment and Science, 2020).

Koala food trees means a species of tree of genus *Angophora*, *Corymbia*, *Eucalyptus*, *Lophostemon* or *Melaleuca*, with a height of more than 4 metres or with a trunk circumference more than

31.5 centimetres at 1.3 metres above the ground, the leaves of which are known to be consumed by the **Koala**.

Koala habitat means any forest or woodland containing species that are known **Koala food trees**, or shrubland with emergent food trees (as defined in the **Koala referral guidelines**).

Koala referral guidelines means the **Department's EPBC Act referral guidelines for the vulnerable Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory)**, Commonwealth of Australia, 2014.

Legally secure(d/ing) means to provide ongoing conservation protection on the title of the land, under an enduring protection mechanism, such as a voluntary declaration under the *Vegetation Management Act 1999* (Qld) or another enduring protection mechanism agreed to in writing by the **Department**.

Legal security documentation means any documentation associated with **legally securing** offset site(s), including (but not limited to) management plans. **Legal security documentation** must include (at a minimum) the following:

- a) Details of the **management activities** to be undertaken to achieve the outcomes prescribed under conditions 4 – 12; and,
- b) A commitment that **legal security** of the **Cherry Gully East Offset Area** and **management activities** to achieve and maintain the outcomes prescribed under conditions 4 – 12 will be in place for the duration of the impact.

Management activities means activities to be undertaken at the **Cherry Gully East Offset Area**, including (but not limited to):

- a. detailed baseline surveys to determine **extent of weed cover** and seasonal **feral animal** abundance;
- b. management of weeds and **feral animals**;
- c. installation of **fauna friendly stock exclusion fencing**;
- d. ecological work to restore the **Regional Ecosystems** at the **Cherry Gully East Offset Area**
- e. activities associated with planting new **Koala habitat** and **Grey-headed Flying-fox foraging habitat**; and,
- f. activities associated with seed collection and propagation of planting stock.

Minister means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

Offset attributes means an '.xls' file capturing relevant attributes of the offset area, including:

- a. **EPBC Act** reference number;
- b. physical address of the **Cherry Gully East Offset Area**;
- c. coordinates of the boundary points in decimal degrees;
- d. **protected matters** that the offset compensates for;
- e. any additional **EPBC Act** listed threatened species and communities that are benefiting from the offset; and,
- f. size of the **Cherry Gully East Offset Area** in hectares.

On-site open space area means the shaded light-green area located in the south-west corner of the **development area**, north of Monterey Road, as shown on Attachment B.

Plan(s) means any of the documents required to be prepared, approved by the **Minister**, and/or implemented by the approval holder and published on the **website** in accordance with these conditions (includes action management plans and/or strategies).

Protected matter(s) means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

Regional Ecosystem means a vegetation community in a bioregion that is consistently associated with a particular combination of geology, landform and soil as classified by the Queensland Government under the *Vegetation Management Act, 1999*.

Rehabilitation success criteria means to have successfully established a minimum of 150 **Koala food trees** per hectare, including a minimum of 100 **Grey-Headed Flying-fox foraging habitat** trees per hectare.

Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.

Shapefile(s) means location and attribute information of the action provided in an Esri shapefile format. **Shapefiles** must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. **Shapefiles** must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Suitably qualified field ecologist means a person who has professional qualifications and at least three years' work experience designing and implementing flora and fauna surveys and management plans for the **Koala** and/or the **Grey-headed Flying-fox** using relevant protocols, standards, methods and/or literature.

Vegetation condition attributes means attributes that indicate vegetation functions for biodiversity, as defined in the most recent officially released version of *Queensland's BioCondition Assessment Manual*.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Year 1 means the period within 12 months from the date of this approval.

Year 2 means the period within two years from the date of this approval.

Year 5 means the period within five years from the date of this approval.

Year 10 means the period within ten years from the date of this approval.

ATTACHMENTS

Attachment A: Site aerial of development area, as delineated by the black line.



Legend
 Q14 D10018
 Referential area

Figure A2
 Site Aerial

File ref: 0780E Figure A2 Site Aerial A
 Date: 20/04/2020
 Project: Ripley Road, Ripley



HB Doncaster
 Pty Ltd

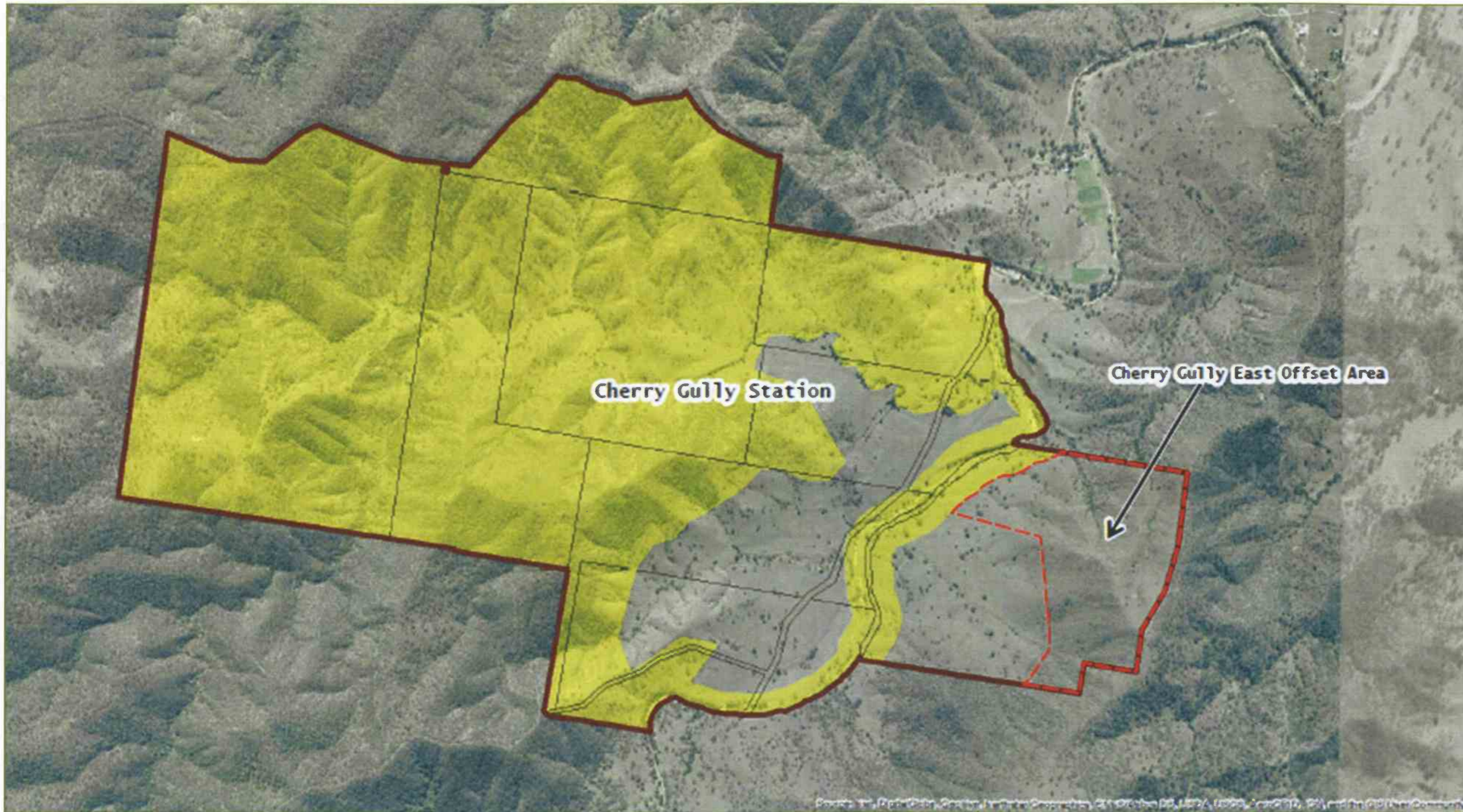


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Attachment B: Map of development area, with indicative locations of Koala awareness signage.



Attachment C: Map of the Cherry Gully East Offset Area.



Cherry Gully Station (Base) -
Offset Management Plan (OMP)
26/06/2020 1:27,500

Scale: 0 100 200 400
26/06/2020 1:27,500

Reference: © State of Queensland (Department of Natural Resources, Mines and Energy) 2020

- Legend**
- Cherry Gully Station
 - Offset site allotments
 - Cherry Gully East offset area
 - Existing Cherry Gully Station offset area proposal for EPBC 2015/7530

