



Marshall Dennis
Director
Ranfurlie Developments Pty Ltd
Suite 2, Ground Floor
2-6 Glenferrie Road
MALVERN VIC 3144

Dear Mr Dennis

Decision on approval
Expansion of existing Burnside Shopping Centre, Burnside, Victoria (2011/6004)

I am writing to you in relation to your proposal to expand the existing Burnside Shopping Centre in Burnside, Victoria (EPBC 2011/6004).

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Ranfurlie Developments Pty Ltd. The details of my decision are attached. The proposal must be undertaken in accordance with the conditions specified in the approval.

I would appreciate your assistance by informing me when you provide the information specified in the conditions and who will be the contact person responsible for the administration of the approval decision.

Please note, any plans required as conditions of approval will be regarded as public documents unless you provide sufficient justification to warrant commercial-in-confidence status.

You should also note that this EPBC Act approval does not affect obligations to comply with any other laws of the Commonwealth, state or territory that are applicable to the action. Neither does this approval confer any right, title or interest that may be required to access land or waters to take the action.

The Department has an active audit program for proposals that have been referred or approved under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned and that there is a high degree of compliance with any associated conditions. Please note that your project may be selected for audit by the Department at any time and all related records and documents may be subject to scrutiny. Information about the Department's compliance monitoring and auditing program is enclosed.

I have also written to the following parties to advise them of this decision:

- State authority
Victorian Department of Environment, Land, Water
and Planning

- Other relevant authorities
Melton City Council

- Department of Defence

If you have any questions about this decision, please contact the project manager, Ed Cram, by email to ed.cram@environment.gov.au, or telephone 02 6275 9443 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



James Barker
Assistant Secretary
Environment Assessment Branch
14 April 2016



Approval

Expansion of the existing Burnside Shopping Centre, Burnside, Victoria (EPBC 2011/6004)

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 Ranfurly Developments Pty Ltd

proponent's ACN (if applicable) ACN 603 201 332

proposed action To expand the existing Burnside Shopping Centre in Burnside, Victoria [See EPBC Act referral 2011/6004 and variation request letter dated 26 November 2013]

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 2031.

Decision-maker

name and position James Barker
Assistant Secretary
Assessments and Policy Implementation Branch

signature

date of decision

14 / 4 / 16

Conditions attached to the approval

1. To compensate for the loss of up to 6.44 ha of **Natural Temperate Grassland of the Victorian Volcanic Plain, 129 Spiny Rice Flower** individuals and 6.44 ha of **Striped Legless Lizard** habitat, the **approval holder** must ensure the long term protection of the **offset site** by registering an **Agreement** under section 173 of the *Planning and Environment Act 1987*. The approval holder must:

- a. Provide the **Department** with the **offset site** attributes, **shapfile** and map(s) clearly defining the location and boundaries of the **Natural Temperate Grassland of the Victorian Volcanic Plain, Spiny Rice Flower** individuals and **Striped Legless Lizard** habitat within 2 weeks of lodgement of the section 173 agreement with the **Titles Office**;

- b. Ensure the **Agreement** is registered on the title on which the **offset site** is located, and provide the **Department** with a signed copy of the **Agreement** and evidence of lodgement with the **Titles Office**, within 2 weeks of lodgement; and

- c. Ensure evidence of lodgement of the **Agreement** is provided to the **Department** prior to commencement of construction.

2. The **approval holder** must meet the following outcomes at the **offset site** by 10 years following the date of approval:

- a. There must be at least 22.23 ha of **Natural Temperate Grassland of the Victorian Volcanic Plain** with a **quality score** of at least 8;

- b. There must be at least 22.1 ha of **Striped Legless Lizard** habitat with a **quality score** of at least 7; and

- c. There must be at least 660 **Spiny Rice Flower** individuals.

3. At 4 and 7 years from the date of the approval, the approval holder must ensure surveys for **Natural Temperate Grassland of the Victorian Volcanic Plain, Spiny Rice Flower** and **Striped Legless Lizard** are conducted by a **suitably qualified expert(s)** to provide adaptive management recommendations that must be implemented to achieve the outcomes in condition 2;

4. At 10 years from the date of the approval, the approval holder must ensure surveys for **Natural Temperate Grassland of the Victorian Volcanic Plain, Spiny Rice Flower** and **Striped Legless Lizard** are conducted by a **suitably qualified expert(s)** and provide the **Department** with a report(s) as to whether the outcomes set out in condition 2 have been achieved. The report must be provided within 1 month of completion of the surveys.

5. Prior to the commencement of construction, the approval holder must invite a **suitably qualified expert** to collect seeds or other genetic material from **Spiny Rice Flower** individuals at the proposed action site. Documentary evidence of this invitation must be provided to the **Department**. If this invitation is accepted, the **approval holder** must allow sufficient access to the proposed action site for this collection to take place prior to the commencement of construction.

6. Within 14 calendar days after the commencement of the action, the **approval holder** must advise the **Department** in writing of the actual date of commencement.
7. The **approval holder** must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the outcomes 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.
8. Within three months of every 12 month anniversary of the **commencement of construction**, the **approval holder** must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation, monitoring, adaptive management recommendations and outcomes as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published. Reports must remain on website for the life of the approval.
9. Upon the direction of the **Minister**, the **approval holder** 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**.

Definitions

Agreement – the executed agreement between the approval holder and the relevant landholder to secure the offset in perpetuity.

Approval holder – the person to whom the approval is granted (Ranfurlie Developments Pty Ltd (ACN 603 201 332)), or to whom the approval is transferred under section 145B of the *Environment Protection and Biodiversity Conservation Act 1999*.

Commencement of construction – the date that construction of any infrastructure or clearing of any vegetation associated with the proposed action begins, excluding fences, signage and **Spiny Rice Flower** collection activities undertaken in accordance with condition 5.

Department - the Australian Government Department or any other agency administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) from time to time.

Minister - the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and includes a delegate of the Minister.

Natural Temperate Grassland of the Victorian Volcanic Plain – the ecological community Natural Temperate Grassland of the Victorian Volcanic Plain, a listed threatened ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Offset site – the property described in the Offset Management Plan for EPBC 2011/6004, specified as 1541 Rokewood-Shelford Road, Rokewood, Victoria.

Quality score – the score used to determine the quality of the **Natural Temperate Grassland of the Victorian Volcanic Plain or Striped Legless Lizard** habitat on the offset site, calculated using a methodology that is equivalent to that described in the final preliminary documentation for EPBC 2011/6004.

Shapfile – an ESRI Shapfile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes, including at least the EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format. A geographically referenced raster '.img' file(s) must be provided as context for the shapfiles.

Spiny Rice Flower – *Pimelea spinescens* subsp. *spinescens*, a listed threatened species under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Striped Legless Lizard – *Delma impar* a listed threatened species under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Suitably qualified expert(s) – a person(s) with at least 5 years knowledge and experience in the ecology of the **Natural Temperate Grassland of the Victorian Volcanic Plain, Spiny Rice Flower or Striped Legless Lizard** as relevant to the matters specified in condition 3, 4 or 5.

Titles Office – the Victorian Department of Environment, Land, Water and Planning.