



# Inquiry into Annual and Financial Reports 2023–2024

## Answer to question taken on notice

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Asked by: PETER CAIN MLA

Addressed to: Ms Yvette Berry MLA, Minister for Homes and New Suburbs

In relation to: Ginninderry joint venture - West Belconnen conservation corridor

Hearing: 10/02/2025

Uncorrected Proof Transcript: 10 February 2025, p 15

Transcript provided: 12 February 2025

Answer Due: 19 February 2025

Ms Yvette Berry MLA took on notice the following question(s):

**MR CAIN:** The review also found that there were five administration nonconformities. What were they?

**Mr Davey:** I would have to take those on notice, but that is correct.

**MR CAIN:** Then perhaps you need to take on notice what actions are being taken by the joint venture, of which SLA is a partner, to address the five administrative nonconformities identified by this review.

**Mr Davey:** I will take that on notice, but just to confirm, that previous requirement to acquire those parcels of land is no longer a requirement.

**YVETTE BERRY MLA:** The answer to the Member's question is as follows:

- Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) completed a compliance audit of the Ginninderry Joint Venture's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) development conditions. Five minor administrative non-conformances were identified, these are identified in the table below.
- Riverview Projects (ACT) Pty Ltd (Riverview) are the EPBC Act approval holder on behalf of the Ginninderry Joint Venture (Ginninderry JV).
- An Independent Auditor review of August 2022 identified four of the five administrative non-conformances that were flagged in the annual reporting provided to DCCEEW and subsequently repeated in the DCCEEW compliance audit.

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- Riverview and the Ginninderry JV have rectified or are in the process of addressing all the non-conformances with details provided in the table below.

EPBC Act Condition	Compliance Matter
<p>3. The approval holder must ensure that the conservation outcomes specified in Section 5 of the Program are achieved.</p>	<p>Conservation outcomes were not achieved in the specified timeframes.</p> <p><b>Approval Holder Response:</b> <i>Conservation outcomes 1, 6 and 21 have been achieved but not within the specified timeframes. These outcomes refer to undertaking surveys for threatened flora and fauna (outcome 1) and establishment of the Ginninderry Conservation Trust (outcomes 6 and 21). Administrative non-compliance accepted. No further action required.</i></p> <p><i>Conservation outcome 4 has not yet been achieved. This is in relation to a conservation covenant over or a rezoning of Lot 2 Wallaroo Road not being in place. Riverview are working with relevant stakeholders to submit a planning submission for the rezoning of Lot 2 Wallaroo Road with Yass Valley Council by the end of March 2025.</i></p>
<p>5. Within six months prior to the commencement of construction in the ACT portion of the site, the land within the ACT portion of the West Belconnen Conservation Corridor boundary is to be either rezoned as outlined in Section 3.6 of the Program or must be secured for conservation in perpetuity through a legally binding mechanism approved by the Department. For the NSW portion of the West Belconnen Conservation Corridor the approval holder must secure the land for conservation in perpetuity through a legally binding mechanism approved by the Department within two years of endorsement of the Program. The West Belconnen Conservation Corridor Reserve Management Plan of condition 8 will not be endorsed and approved until the land has been rezoned or secured.</p>	<p>NSW portion of the land not secured within two years of the endorsed program.</p> <p><b>Approval Holder Response:</b> <i>DCCEEW subsequently varied the EPBC conditions such that the 2020 NSW Parkwood rezoning process (inclusive of conservation reserves) is sufficient for conformance. No further action required from Riverview.</i></p>
<p>6. The approval holder must ensure the Environment Management Trust is established through a trust deed in accordance with the endorsed Program within two years from the date of endorsement of the Program</p>	<p>The Ginninderry Conservation Trust was not established under a Trust Deed within the required timeframe.</p> <p><b>Approval Holder Response:</b> <i>While the trust was established prior to the commencement of construction (2 years and 4 days after the date of endorsement of the Program i.e. greater than 2 years) making Riverview technically non-</i></p>

EPBC Act Condition	Compliance Matter
and prior to commencement of construction (in all areas other than marked as stage 1 in Figure 4 of the Program Report).	<i>compliant with this condition. Administrative non-compliance accepted. No further action required.</i>
<p>9. The approval holder must prepare the Offset Management Plan to address the preservation and enhancement of offset areas, including the Golden Sun Moth Conservation Reserves required under condition 7, and to achieve at a minimum the conservation outcomes as outlined in Section 5 of the Program. The plan must be prepared in consultation with the Department (regarding Protected Matters), NSW Office of Environment and Heritage (regarding NSW portion of the site), endorsed by the ACT Conservator (for both the ACT and NSW portion of the site) and approved by the ACT Minister for the Environment (ACT portion). Endorsement and approval of the plan must be obtained within two years from the date of endorsement of the Program. Construction cannot commence before the plan is endorsed and approved (for all areas other than the area marked as stage 1 in the Program, Figure 4). The approved Offset Management Plan must be appended to the West Belconnen Conservation Corridor Reserve Management Plan required under Condition 8. The endorsed and approved plan or a later endorsed and approved plan must be implemented and made available to the public for the life of the Program.</p>	<p>Approved Offset Management Plan not implemented.</p> <p><b>Approval Holder Response:</b> <i>Offset management Plan not implemented due to, most significantly, Riverview failed to:</i></p> <ul style="list-style-type: none"> <li>• <i>Develop 5-year workplans for Pink-tailed Worm-lizard and Box Gum Woodland management within two years from the commencement of works;</i></li> <li>• <i>Conduct monitoring events every two years following program endorsement;</i></li> <li>• <i>Consult with the ACT Parks and Conservation Service when developing work plans for groundcover diversity enhancement works; and</i></li> <li>• <i>Maintain or increase the extent of woodland that meets the listing criteria for the EPBC listed Box Gum Woodland Threaten Ecological Community.</i></li> </ul> <p><i>The original 2022 independent auditor review of the EPBC approval conditions deemed Riverview compliant against condition 9.</i></p> <p><i>The Ginninderry Conservation Trust has undertaken the required monitoring, however the DCCEE's view is that it has not been done in accordance with the Offset Management Plan.</i></p> <p><i>Riverview is working with the Ginninderry Conservation Trust to ensure that all compliance actions are addressed.</i></p>
20. Unless otherwise agreed to in writing by the Minister, the approval holder must publish all management plans and reports referred to in these conditions of approval on their website. Each management plan and report must be published on the	<p>Management plans and reports were not published within the required timeframe.</p> <p><b>Approval Holder Response:</b> <i>While all management plans and reports required by the condition of approval are able to be accessed on the Ginninderry website, it was identified that the majority of them were published more than 1 month after being endorsed and approved.</i></p>

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EPBC Act Condition	Compliance Matter
website within 1 month of being endorsed and approved.	<p><i>Owing to implementation of a new website in 2021, Riverview have no documentary process to prove plans and reports were published on the Ginninderry JV website within the allowable timeframe.</i></p> <p><i>As such Riverview accept this administrative non-compliance.</i></p> <p><i>Since the 2022 Audit Review Report, Riverview has ensured all plans are publicly available on the Ginninderry website within a month of endorsement and this can now be tracked</i></p>

Approved for circulation to the Standing Committee on Environment, Planning, Transport and City Services

Signature:

By the Minister for Homes and New Suburbs, Ms Yvette Berry MLA

Date:

21/02/25