



Australian Government

Department of the Environment, Water, Heritage and the Arts

APPROVAL DECISION FOR THE TAKING OF ACTIONS IN ACCORDANCE WITH AN ENDORSED PROGRAM UNDER THE ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 (EPBC ACT)

This decision is made under section 146B of the *Environment Protection and Biodiversity Conservation Act 1999*.

Person to whom the approval is granted	Victorian Government and its agencies.
Approved action/class of actions	Actions and activities associated with development and operation of the Regional Rail Link project (West of Werribee to Deer Park) undertaken in accordance with the endorsed program for <i>Delivering Melbourne's Newest Sustainable Communities</i> , Victorian Government, December 2009 (the endorsed Program).
Relevant controlling provisions	The approval has effect for: <ul style="list-style-type: none"> • Wetlands of international importance (sections 16 & 17B) • Listed threatened species and communities (sections 18 & 18A) • Listed migratory species (sections 20 & 20A)
Conditions of approval	This approval is subject to the conditions specified at Annexure 1.
Period for which approval has effect	The approval has effect until 31 December 2060.

Person authorised to make decision

Name and Position The Hon Peter Garrett AM MP
Minister for Environment Protection, Heritage and the Arts

Signature

Date of decision

11th June 2010

The action must be undertaken in accordance with the following conditions to ensure protection of listed threatened species and ecological communities, the ecological character of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site and listed migratory species.

1. The person(s) taking the action must undertake the action in accordance with the approved prescriptions required under the endorsed Program for protection of matters of national environmental significance.
2. The person(s) taking the action must submit draft Regional Rail Link Ecological Impact Management Plan(s) (EIMPs), as required under the endorsed Program, to the Minister for approval. Each EIMP (whether submitted for staged works or for the entirety of works associated with the project) must be approved by the Minister prior to commencement of the relevant works. The approved plans must be implemented by the person(s) taking the action.
3. At a minimum, the EIMPs must:
 - a. Provide the results of targeted field surveys of native flora and fauna along the construction footprint of the proposed action.
 - b. Identify measures to mitigate the impacts of the Regional Rail Link on MNES.
 - c. Identify the outcomes of the implementation of the MNES prescriptions.
 - d. Identify how offset requirements will be achieved.
 - e. Identify measures to manage stormwater run-off from the Regional Rail Link to avoid any adverse impacts on the ecological character of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site.
 - f. Identify measures to implement a regime of monitoring, reporting and evaluation of the outcomes and ongoing management of the impacts of the Regional Rail Link on MNES.
4. If the person(s) taking the action wishes to carry out any activity otherwise than in accordance with the EIMPs, the person(s) taking the action must submit for the Minister's approval a revised version of any such plan. If the Minister approves such a revised plan, the plan must be implemented by the person(s) taking the action in place of the plan originally approved.
5. If the Minister believes that it is necessary or desirable for the better protection of MNES to do so, the Minister may request that the person(s) taking the action make specified revisions to the relevant EIMP and submit the revised plan for the Minister's approval. The person(s) taking the action must comply with any such request. The revised EIMP must be implemented, by the person(s) taking the action.
6. Within one month of the 6 month anniversary of the commencement of works, the person(s) taking the action(s) must submit to the Department a report describing the measures taken to implement the EIMPs. Subsequent reports must be provided in accordance with the monitoring, auditing and reporting framework for the overall Program to be agreed between the Victorian Government and the Minister.
7. The person(s) taking the action must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including measures taken to implement the EIMPs, and make them available upon request to the Minister within 28 days.