



Approval

Construction and Operation of WestConnex New M5, NSW (EPBC 2015/7520)

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 **Roads and Maritime Services**

proponent's ACN (if applicable) ABN 76 236 371 088

proposed action To construct and operate the WestConnex New M5 Motorway, comprising twin 9 km tunnels from the existing M5 East Motorway, from King Georges Road, Beverly Hills to St Peters, including above ground components such as the interchange and connections to the existing road network at St Peters and associated construction compounds.

[See EPBC Act referral 2015/7520; variation request received 1 October 2015 and accepted 9 October 2015; variation request received 22 October 2015 and accepted 12 November 2015].

Approval decision

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 30 June 2036.

Decision-maker

name and position Greg Hunt
Minister for the Environment

signature



date of decision 11 July 2016

Conditions attached to the approval.

1. To minimise the impacts of the action on **protected matters**, the approval holder must:

- a) Implement conditions B10, B11, B12, B13, B14, B15, B16, B17, B18, B19, D57, D58, D59 and D68 of the approval granted under the *Environmental Planning & Assessment Act 1979* (NSW) where they relate to monitoring, managing, mitigating, avoiding, offsetting, recording, or reporting on, impacts to **protected matters**.
- b) Notify the **Department** in writing of any proposed change to the conditions of the State Government approval for which Condition 1a applies, no later than 2 weeks after formally proposing a change or becoming aware of the State Government proposing a change.
- c) Notify the **Department** in writing of any change to the State Government approval for which sub-condition a) applies within 2 weeks of a change being finalised.

2. Within 10 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.

3. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of 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.

4. Any potential or actual contravention of the conditions of this approval (including contravention of a commitment made in a management plan, program or strategy) must be reported to the Department by email (to EPBCMonitoring@environment.gov.au or another email address agreed to in writing by the Minister) within 7 days of the approval holder becoming aware of the actual or potential contravention.

5. Upon the direction of the Minister, the person taking the action 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

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

EPBC Act: *Environment Protection and Biodiversity Conservation Act 1999* (Cth)

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

Protected Matter/s: any matter protected under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* for which this approval has effect.