

10 April 2018

Customer Services
Environmental Planning and Sustainable Development Directorate
GPO Box 158
Canberra ACT 2601

To whom it may concern,

Access Road and Dudley Street Upgrade (DA201800023) – Request for exemption to provide an Environmental Impact Assessment under Section 211 of the *Planning and Development Act 2007*

Please find enclosed Form 1M and supporting document application to request for exemption to provide an Environmental Impact Assessment under Section 211 of the *Planning and Development Act 2007* for the Access Road and Dudley Street Upgrade (Proposal No.201732031). Table 1 lists the supporting documents provided and gives a brief explanatory commentary to assist the reviewer.

This document package has been updated to incorporate completeness check comments received from Environment, Planning and Sustainable Development Directorate (EPSDD) on 08 May 2018 and from Department of Environment and Energy (DoEE) received on 17 May 2018.

Please refer to Appendix A for the response to completeness check comments.

Table 1: Documentation provided to support the Section 211 application

Document	Comments
Access Road and Dudley Street Upgrade – Review of Environmental Factors (REF) (AECOM, 2018) _REF_Access Road and Dudley Street Upgrade_Rev.04.pdf	Consolidated information document prepared to assess the environmental impacts associated with the construction and operation of the Proposal under the provisions of: - Environment, Planning and Sustainable Development Directorate (EPSDD) requirements for EIS Exemption in accordance with Section 211 of the <i>Planning and Development Act 2007</i> and other relevant legislation - Department of Environment and Energy request for additional information required for its assessment under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) (Referral 2017/8072) received on 15 December 2017 - National Capital Authority (NCA) Works Approval. Note this document has been updated following adequacy review comments from Department of Environment and Energy (DoEE) and EPSDD.
Access Road and Dudley Street Upgrade – Review of Environmental Factors (REF) Addendum 1 (AECOM, 2018) _REF_Addendum 1_Access Road and Dudley Street Upgrade.pdf	The Review of Environmental Factors Addendum 1 has been prepared in response to EPSDD completeness check comments received on 08 May 2018. It provides: - details of qualifications, expertise and experience of the person(s) who conducted previous studies supporting the application; - details of public consultation undertaken, as part of statutory requirement, for projects or previous studies included as supporting documentation undertaken. Details of public consultation not required for a statutory process should also be included; - verification from a qualified person that the information in the previous studies supporting the application is still current if the study is more than 18 months old.

Document	Comments
Traffic Impact Assessment (AECOM, 2018) A_Traffic Assessment - Access Road and Dudley Street Upgrade_Rev.01.pdf	Provides a traffic, transport and access impact assessment for the Proposal and is a supporting document to the REF.
Impact Assessment Report (Umwelt, 2017) B_Impact Assessment Report (Umwelt 2018)_Access Road and Dudley Street Upgrade.pdf	Provides an assessment of the ecological impacts of the Proposal and is a supporting document to the REF. Note this document has been updated following adequacy review comments from Department of Environment and Energy (DoEE) and EPSDD.
Offset Strategy (Umwelt, 2018) C_Offset Strategy (Umwelt 2018)_Access Road and Dudley Street Upgrade.pdf	Provides an assessment of the proposed offset area of the Proposal and is a supporting document to the REF. Note this document has been updated following adequacy review comments from Department of Environment and Energy (DoEE) and EPSDD.
Advice from ACT Parks and Conservation D_Advice from ACT Parks and Conservations.pdf	Email advice from ACT Parks and Conservation on 4 th September 2017 supporting the use of the proposed offset area. Note: previously provided as part of the Referral for the Proposal (2018/8072).
Letter from Conservator of Flora and Fauna E_Letter from Conservator endorsing offset area_19 Jan 2018.pdf	Letter advice received from the Conservator of Flora and Fauna on 19 th January 2018 which supports the rezoning of the proposed offset area for use as a Nature Reserve provided for an offset for the Proposal.
Noise Impact Assessment (AECOM, 2017) F_Noise impact assessment_Access Road and Dudley Street Upgrade_Rev.01.pdf	Provides a noise impact assessment for the Proposal and is a supporting document to the REF.
Contamination Due Diligence Assessment AECOM, 2017) G_Contamination Due Dilligence Assessment_Access Road and Dudley Street Upgrade_Rev.01.pdf	Provides a review of contamination assessments previously undertaken for the Proposal and is a supporting document to the REF.
Aboriginal Heritage Stage 1 Cultural Heritage Assessment (Navin Officer, 2014) H_Aboriginal heritage Stage 1 CHA.pdf	Provides an Aboriginal heritage assessment for the Proposal and is a supporting document to the REF. Also provided is a letter advice received from ACT Heritage Council on 11 September 2014 supporting the findings of the Aboriginal heritage assessment for the Proposal.
2017/8072 - Notification of Referral Decision letter from the Department of the Environment and Energy I_2017-8072 Referral-Decision Letter to Proponent.pdf	Letter received from the Department of the Environment and Energy on 1 st December 2017 which includes a notification of Referral Decision
2017/8072 - Decision on Assessment Approach letter from the Department of the Environment and Energy J_2017-8072 Assessment-PD Request and Letter.pdf	Letter received from the Department of the Environment and Energy on 1 st December 2017 which includes a decision of Referral.

If you have any questions in relation to the documents provided or any aspect of our submission, please do not hesitate to contact Gerard Coffey on (02) 6207 2471 or myself using the contact details below.

Yours faithfully

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Appendix A – Response to EPSDD completeness check comments

Access Road and Dudley Street Upgrade – comments register		
Comments received from:	EPSDD Customer Services (Terri-English)	
Comments received on:	08 May 2018	
Response date:	10 August 2018	

Issue raised	Response
Blocks on designated land should not be included on Form 1M. They should, however, be detailed in the supporting documents for context only.	Noted. Form 1M has been updated and is attached.
Custodians should be listed for each block separately on Form 1M.	Noted. Form 1M has been updated and is attached.
Please only fill out section 5 <u>or</u> 7 on Form 1M as they relate to different processes. If you are applying for an EIS Exemption only section 7 should be filled out.	Noted. Form 1M has been updated and is attached.
Please confirm whether Schedule 4 Part 4.2 Item 1 applies to the proposal.	As per Table 4 in the Access Road and Dudley Street Review of Environmental Factors (REF) (Page 55) Schedule 4 Part 4.2 Item 1 is not considered to be applicable to the Proposal. The Proposal does not meet the <i>Planning and Development Act 2007</i> definition for a major road, a dedicated bus way, a railway, or a light rail corridor. In addition, noise and air quality impacts as result of this Proposal are not considered to be significant. See Sections 7.5 and 7.8 of the REF.
Copies of all meeting minutes need to be provided in accordance with Form 1M Part 10.	Noted. Form 1M has been updated and is attached.

Issue raised	Response
Triggers listed on Form 1M, the Impact Assessment Report and the Review of Environmental Factors are inconsistent. Please correct.	Relevant triggers are Schedule 4, Part 4.3 Items 1 and 7. While the Impact Assessment Report (Umwelt, September 2017) identifies Schedule 4, Part 4.3 Item 2 as being <i>relevant to the Project</i>, it later, in Section 3.2.2, clarifies that while there would be removal of native vegetation as a result of the proposal, Schedule 4, Part 4.3 Item 2 is not triggered. The Impact Assessment Report (Umwelt, May-18) has been updated to remove this reference to avoid any confusion.
Please ensure that the list of supporting documents clearly addresses the requirements of sections 211B(3)(d) and 211H(3) of the Planning and Development Act 2007 as listed in the application Form 1M. The following details should be provided for any document considered a supporting study:	Noted.
details of qualifications, expertise and experience of the person(s) who conducted previous studies supporting the application;	Please refer to REF Addendum 1 for these details.
details of public consultation undertaken, as part of statutory requirement, for projects or previous studies included as supporting documentation undertaken. Details of public consultation not required for a statutory process should also be included;	Please refer to REF Addendum 1 for these details.
verification from a qualified person that the information in the previous studies supporting the application is still current if the study is more than 18 months old.	The only supporting report that is greater than 18 months old is the Stage 1 Aboriginal Cultural Heritage Assessment (Navin Officer Heritage Consultants, 2014). As per 7.9.1, this report was reviewed by Luke Kirkwood, a qualified Aboriginal heritage specialist who confirmed that the recommendations are still applicable for use in the Project assessment of impacts. Please refer to REF Addendum 1 which provides further details for this item.

Issue raised	Response
In addition to the above failure reasons, a number of inconsistencies were identified in regards to the proposed impact area. For example, the Review of Environmental Factors notes that the temporary loss of Golden Sun Moth habitat is 0.8 ha and on page 104 it states a loss of 0.78 ha. To avoid confusion please ensure that the figures are consistent and where there are differences due to updated surveys this is clearly identified.	Inconsistencies have been addressed and numbers have been updated to align with the updated biodiversity Offset Strategy report (Umwelt, July 2018). An additional supporting letter has been provided which describes the changes in impact areas from the Impact Assessment Report (Umwelt, 2018) to the Offset Stagey (Umwelt, 2018).