



Gerard Coffey  
Senior Project Manager  
CMTEDD ACT Procurement  
ACT Government  
PO Box 158  
CANBERRA ACT 2601

Dear Mr Coffey

**Decision on referral**

**Canberra Brickworks Precinct Access Road and Dudley Street Upgrade,  
Yarralumla, ACT (EPBC 2017/8072)**

Thank you for submitting a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision about the referral of the proposed action, to upgrade Dudley Street in Yarralumla, ACT, from 6 m single carriageway to 10 m single carriageway, and construct a new roundabout and access road for proposed Canberra Brickworks Precinct.

**As a delegate of the Minister for the Environment and Energy, I have decided under section 75 of the EPBC Act that the proposed action is a controlled action and, as such, it requires assessment and a decision about whether approval for it should be given under the EPBC Act.**

The information that I have considered indicates that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

- Listed threatened species and communities (sections 18 and 18A)

Based on the information available in the referral, the proposed action is likely to have a significant impact on the following matters of national environmental significance, but not limited to:

- Golden Sun Moth (*Synemon plana*) – critically endangered

The proposed action involves the clearing of 2.54 ha of native vegetation that is known habitat, and fragmentation and edge effect impacts to a further 0.63 ha of known habitat, supporting a large and stable population of Golden Sun Moth.

- Natural Temperate Grassland of the South Eastern Highlands – critically endangered

The proposed action involves the clearing of 0.13 ha of high and very high quality Natural Temperate Grassland of the South Eastern Highlands.

A copy of the document recording this decision is enclosed.

Please note that this decision only relates to the potential for significant impacts on matters protected by the Australian Government under Part 3 of the EPBC Act.

I have also decided that the project will need to be assessed by preliminary documentation.

Indigenous communities may also need to be consulted during the assessment process. For more information on how and when indigenous engagement should occur during environmental assessments, please refer to the indigenous engagement guidelines at <http://www.environment.gov.au/epbc/publications/engage-early>.

### **Cost Recovery**

Please note, under subsection 520(4A) of the EPBC Act and the *Environment Protection and Biodiversity Conservation Regulations 2000*, your assessment is subject to cost recovery. Please find attached a copy of the fee schedule for your proposal. Fees will be payable prior to each stage of the assessment proceeding. Further details on cost recovery are available on the Department's website at: <http://www.environment.gov.au/epbc/cost-recovery>.

If you disagree with the fee schedule provided, you may apply under section 514Y of the EPBC Act for reconsideration of the method used to work out the fee. The application for reconsideration must be made within 30 business days of the date of this letter and can only be made once for a fee. Further details regarding the reconsideration process can be found on the Department's website at: <http://www.environment.gov.au/epbc/cost-recovery>.

The project manager will contact you shortly to discuss the assessment process.

### **Further Information Required**

While I have determined that your project will be assessed by preliminary documentation, some further information will be required to be able to assess the relevant impacts of the action. You should expect to receive a letter from the Department within 10 business days of the payment of Stage 1 fees, outlining, the information required.

### **Cost Recovery and Management Plans**

At any time before the Minister makes an approval decision of the proposed action under section 133 of the EPBC Act, you may elect under section 132B of the EPBC Act to submit a management plan for approval.

If you choose to make an election under section 132B of the EPBC Act, cost recovery will apply to the approval of any action management plans you submit.

Cost recovery does not apply to the approval of action management plans where you do not voluntarily elect to submit an action management plan for approval under section 132B of the EPBC Act, unless the approval of the action management plan arises from a variation to the approval conditions that you request. Where you vary an approval condition and it results in you being required to submit an action management plan for approval, cost recovery will apply to the approval of the action management plan.

Please note: if you provide an action management plan as part of assessment documentation, this will not engage the section 132B process, and you will not be charged cost recovery fees. Similarly, if you have not voluntarily chosen to submit a management plan under section 132B, and you are instead required to submit a management plan as part of the conditions of approval, you will not be charged cost recovery fees.

If you have any questions about the cost recovery process, please contact the project manager, Zac Neulinger, by email to [zachary.neulinger@environment.gov.au](mailto:zachary.neulinger@environment.gov.au).

### **Further consultation**

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

|                            |                                                                                                                                                                |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Referring party            | Mr Richard Farmer, Team Leader, AECOM                                                                                                                          |
| Territory Minister         | Mr Brett Phillips, delegate for Mr Mick Gentleman MLA, ACT Minister for Planning and Land Management                                                           |
| Other relevant authorities | Mr Malcolm Snow, CEO National Capital Authority<br>The Hon Darren Chester MP, Commonwealth Minister for Regional Development, Local Government and Territories |

Please also note that once a proposal to take an action has been referred under the EPBC Act, it is an offence under section 74AA to take the action while the decision making process is on-going (unless that action is specifically excluded from the referral or other exemptions apply). Persons convicted of an offence under this provision of the EPBC Act may be liable for a penalty of up to 500 penalty units. The EPBC Act is available on line at: <http://www.environment.gov.au/epbc/about/index.html>

The Department has recently published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines the Department's commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at: <http://www.environment.gov.au/epbc/publications/index.html>.

If you have any questions about the referral process or this decision, please contact the project manager, Zac Neulinger, by email to [zachary.neulinger@environment.gov.au](mailto:zachary.neulinger@environment.gov.au), or telephone 02 6275 9447 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Dane Roberts  
Acting Assistant Secretary  
Assessments (NSW, ACT) and Waste Branch  
/ December 2017



# COMPLIANCE MONITORING AND AUDITING

This fact sheet provides an overview of the compliance monitoring and auditing program in place for projects referred under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and permits granted under the *Environment Protection (Sea Dumping) Act 1981* (the Sea Dumping Act).

## What is the EPBC Act?

The EPBC Act is Australia's key national environment law. Under the EPBC Act, proposals which are likely to have a significant impact on matters of national environmental significance must be referred, assessed, and a decision made by the Minister or his delegate on whether to approve the proposal.

## What is the Sea Dumping Act?

The Sea Dumping Act regulates the loading and dumping of waste at sea. The Sea Dumping Act fulfils Australia's international obligations under the London Protocol to prevent marine pollution by dumping of wastes and other matter. Permits are required from the Department for all ocean disposal activities.

## What is compliance monitoring and auditing for?

The Department has implemented a program to monitor and audit projects that have been referred under the EPBC Act and the Sea Dumping Act to ensure they are complying with their approval/permit conditions or particular manner requirements and the legislation.

Compliance monitoring activities, including inspections and audits, aim to ensure projects with the potential to impact on nationally protected matters are implemented as planned. Monitoring and audits help the Australian Government to understand how well conditions or requirements are being understood and applied, and contribute to improving the effectiveness of the Department's operations.

All compliance monitoring activities, and any subsequent enforcement activities, are conducted in accordance with the Department's Compliance and Enforcement Policy.

## What is a monitoring inspection?

Approved projects are subject to monitoring inspections to ensure and verify compliance with the conditions or requirements of the approval or permit. Projects are selected for a monitoring inspection based on a risk-based process informed through a number of factors, including sector, location, compliance history and the potential impact on listed matters (such as threatened species and ecological communities).

## What is a compliance audit?

A compliance audit is an objective assessment of a project's compliance against selected criteria. Projects are audited against conditions or requirements. A compliance audit usually takes the form of a desktop document review and may include a site inspection, if necessary. In some cases, the document review provides the Department with enough information to verify that a project is compliant.

Projects can be chosen for audit based on a random selection process or a risk-focused selection process. If your project is selected for an audit, you will be contacted by a Departmental officer who will explain the process. All audit report summaries are posted on the Department's website. The results of audits may also be publicised through the general media.

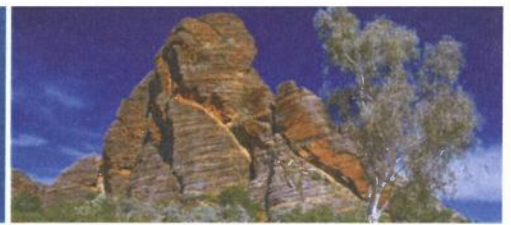
## Further information

For further information on the compliance monitoring and auditing program, please visit the Department's website at [www.environment.gov.au](http://www.environment.gov.au) or contact:

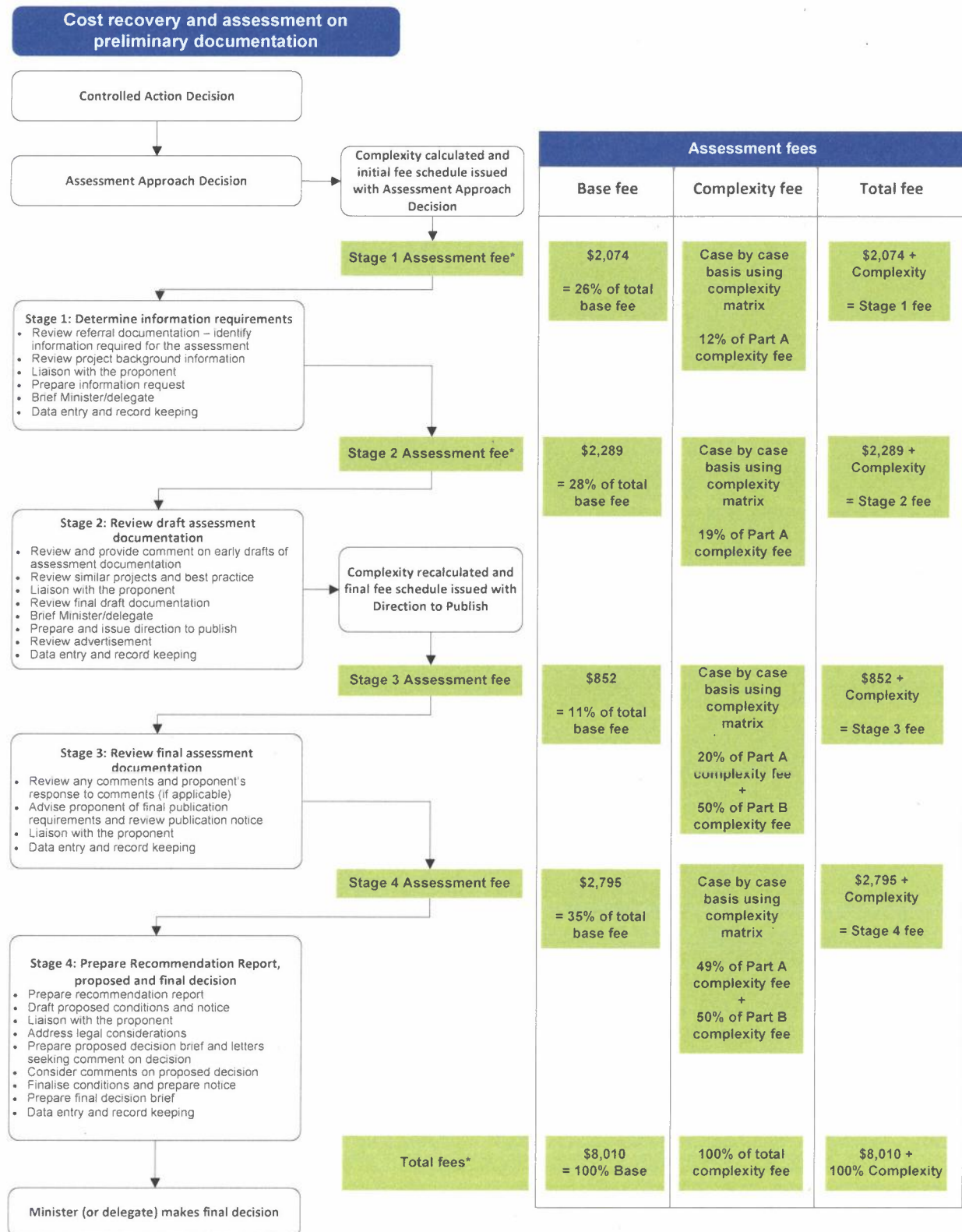
The Director, Monitoring and Assurance Section  
Department of the Environment and Energy  
GPO Box 787 CANBERRA ACT 2601  
Telephone: (02) 6274 1111  
Email: [EPBCmonitoring@environment.gov.au](mailto:EPBCmonitoring@environment.gov.au)







## Factsheet – stages of assessment under Preliminary Documentation



\* If an information request is not required (if no further information is required under section 95(1) of the EPBC Act) then stages 1&2 of the assessment process do not occur and the stages 1&2 fees are not applicable, therefore reducing the overall fee payable by this amount.

