



Mr Gerard Coffey
Senior Project Manager – Land Release Infrastructure
Transport Canberra and City Services Directorate
480 Northbourne Avenue
DICKSON 2602

Dear Mr Coffey

Decision on referral - William Hovell Drive Duplication, Molonglo Valley and Belconnen, ACT

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 for the duplication of William Hovell Drive, between John Gorton Drive and Drake Brockman Drive, in the districts of Molonglo Valley and Belconnen, ACT.

As a delegate of the Minister for the Environment, I have decided under section 75 of the EPBC Act that the proposed action is a controlled action. As such, it requires assessment and a decision on whether or not it should be approved under the EPBC Act. A copy of the document recording this decision is attached and will be published on the Department's website.

The information that I have considered indicates that the proposed action is likely to have a significant impact on listed threatened species and communities (section 18 & section 18A), specifically the critically endangered White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological Community. Based on the information in the referral, the Department considers the proposed action will result in the clearance of up to 13.75 ha of habitat critical to the survival of the ecological community.

The Department also considers that further information is required to determine whether the proposed action will have a significant impact on the following species:

- Superb Parrot (*Polytelis swainsonii*) – vulnerable
- Swift Parrot (*Lathamus discolor*) – critically endangered
- Golden Sun Moth (*Synemon plana*) – critically endangered.

Please note that this decision only relates to the potential for significant impacts on matters protected by the Australian Government under Chapter 2 of the EPBC Act.

The ACT Government has advised the Department that your project will be assessed under the bilateral agreement with the ACT.

Each assessment approach requires different levels of information and involves different steps. All levels of assessment include a public consultation phase, *in which any third parties can comment on the proposed action.*

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 proposed action. As your project will be assessed under the bilateral agreement, some cost recovery stages may not apply as the ACT Government will be undertaking works on behalf of the Commonwealth. At a minimum, Stage 4 fees will apply and the Department will inform you at the appropriate points whether your project will incur additional fees. 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/protection/environment-assessments/assessment-and-approval-process/refer-proposed-action>.

You may elect under section 132B of the EPBC Act to submit a management plan for approval at any time before the Minister makes an approval decision of the proposed action under section 133 of the EPBC Act. If an election is made 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 elect to submit an action management plan for approval under section 132B of the EPBC Act and the approval of the action management plan does not arise from a variation to the approval conditions that you have requested.

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 refer to [Attachment A](#) for more details.

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, Kelly Steele, by email to kelly.steele@awe.gov.au, or telephone (02) 6274 1907 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

A handwritten signature in black ink that reads "Louise Vickery". The signature is written in a cursive, flowing style.


Louise Vickery
Assistant Secretary
Environment Approvals and Wildlife Trade Branch
28 / 07/ 2020



**Notification of
REFERRAL DECISION AND DESIGNATED PROPONENT – controlled action**

William Hovell Drive Duplication, Molonglo Valley and Belconnen, ACT (EPBC 2020/8703)

This decision is made under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

proposed action	The duplication of William Hovell Drive, between John Gorton Drive and Drake Brockman Drive, in the districts of Molonglo Valley and Belconnen, ACT [See EPBC Act referral 2020/8703].
decision on proposed action	The proposed action is a controlled action. The project will require assessment and approval under the EPBC Act before it can proceed.
relevant controlling provisions	Listed threatened species and communities (sections 18 & 18A)
designated proponent	Transport Canberra and City Services Directorate ABN: 37 307 569 373
assessment approach	The project will be assessed under the bilateral agreement with ACT.
Decision-maker	
Name and position	Louise Vickery Assistant Secretary Environment Approvals and Wildlife Trade Branch
Signature	
date of decision	28/07/20
