

## Gungahlin Strategic Assessment Report: Commitment 15

The independent audit for the Gungahlin Strategic Assessment (audit report) was finalised in November 2017, consistent with commitment 19 of the Gungahlin Strategic Assessment Biodiversity Plan (the Plan).

The audit report noted that:

*Parks and Conservation Service advised that a temporary perimeter exclusion fence was inadvertently erected by Woden Contractors in October 2015 in the wrong location along the north-eastern boundary of Throsby. The boundary fence misalignment allowed construction to encroach onto the edge of the offset area.*

*After inspection of the site, a Parks and Conservation Service staff member contacted the Commonwealth verbally on 13 June 2017 regarding the fence impinging on the offset area. This was not within the required timeframe of 2 weeks. The response from the Commonwealth was that the area impacted was too small to warrant taking any compliance action under the EPBC Act. No written evidence of this contact was available and the Plan Implementation Team (PIT) was not informed of the issue. An investigation report was not prepared or submitted to the Commonwealth.*

The audit report identified the following corrective action for commitment 15:

***Prepare a process document outlining the steps required to document or report investigations into any real or potential breaches of commitments of the Plan.***

The ACT Environment, Planning and Sustainable Development Directorate (EPSDD) has consulted with the Commonwealth Department of the Environment and Energy (DoEE) to define what a 'breach' is in regards to this commitment. DoEE confirmed that a breach is considered any incident that has an adverse impact on a Matter of National Environmental Significance (MNES) within the Gungahlin Strategic Assessment area, that was not assessed and approved by the Commonwealth.

The procedure ([Attachment A](#)) has been drafted based on the above confirmation, in consultation with the Parks and Conservation Service, Environment Protection Authority and Suburban Land Agency. It should be noted that this procedure does not replace the regulatory and enforcement requirements of these agencies, it is only a mechanism to report any breach in relation to the commitments of the Plan.

To ensure agencies are aware of the procedure and their obligations to report any breach of the Plan, the procedure will be included in service delivery agreements between ESPDD and each agency.

## Attachment A: Incident reporting procedure for Gungahlin Strategic Assessment

This procedure relates to any incident that adversely impacts on a Commonwealth Matter of National Environmental Significance (MNES) within the Gungahlin Strategic Assessment Area (that has not been assessed and approved by the Commonwealth).

MNES identified in the Gungahlin Strategic Assessment area include:

- golden sun moth (*Synemon plana*);
- white box – yellow box – Blakely’s red gum grassy woodlands and derived native grasslands;
- striped legless lizard (*Delma impar*); and
- superb parrot (*Polytelis swainsonii*)

This procedure covers both real and potential breaches. Regardless of the possible insignificance of the breach, this procedure should be followed to confirm if the Commonwealth agrees that the breach is minor in nature.

Timeframe	Action	Person/Agencies Responsible
Immediately (within 1 business day)	Upon discovery, notify the Strategic Assessment Coordinator of the real or potential breach. <i>(Note: if there is any uncertainty regarding the incident, the relevant agency should contact the Strategic Assessment Coordinator).</i>	Supervisor/ officer Relevant Agencies
Immediately (within 1 business day)	<b>Recording requirement:</b> The Strategic Assessment Coordinator will create an Objective folder to file all written documentation and records of any phone conversations relating to the breach.	Strategic Assessment Coordinator
Immediately (within 1 business day)	The Strategic Assessment Coordinator is responsible for an initial phone call to notify the Commonwealth of real or potential breach.  <b>Recording requirement:</b> The Strategic Assessment Coordinator must document the call via a file note or email to the Commonwealth to confirm the conversation and any preliminary advice.  <u>All emails and files notes must be saved in the Objective folder.</u>  <i>Note: The Commonwealth may confirm at this stage that no further action is required. This advice should be requested in writing.</i>	Strategic Assessment Coordinator
Immediately (within 1 business day)	The Strategic Assessment Coordinator will notify the PIT in writing. This email should contain information on:	Strategic Assessment Coordinator

	<ul style="list-style-type: none"> <li>- The nature of the (potential) breach</li> <li>- When the (potential) breach was reported</li> <li>- Action to be undertaken to investigate the (potential) breach or remediation actions if known.</li> </ul>	
Within 5 business days of breach being detected	<p>Provide compliance report to the Strategic Assessment Coordinator.</p> <p>Information to be included but not limited to: maps, photos, conversation records, and other documented evidence where available. A template (see Attachment B) can be used.</p>	Supervisor/ officer Relevant Agencies responsible for detecting breach
Within 1 business day of receiving the compliance report	Provide compliance report to the PIT.	Strategic Assessment Coordinator
As required	Meetings, site visits or remediation action. Any of these actions should be documented (e.g. minutes).	PIT members/Strategic Assessment Coordinator/Relevant Agencies
Within 2 weeks of breach being reported to the PIT	<p>Investigation report to be finalised and submitted to Commonwealth.</p> <p>Investigation report must include the compliance report, recommendations from the PIT, remediation actions and timeframes.</p>	Strategic Assessment Coordinator
Within 2 months of breach being reported	Submit a report to Commonwealth with recommended course of action (if Commonwealth requires compliance action).	PIT/Strategic Assessment Coordinator
<b>Reporting</b>	Ensure that any breaches are reported in the Annual Report.	Strategic Assessment Coordinator

**Contact details:**

Role	Contact area	Contact
<b>Strategic Assessment Coordinator / PIT Secretariat</b>	Impact Assessment Team	<a href="mailto:EPDimpact@act.gov.au">EPDimpact@act.gov.au</a>
<b>Commonwealth</b>	Office of Compliance	<a href="mailto:EPBCmonitoring@environment.gov.au">EPBCmonitoring@environment.gov.au</a>

## Attachment B: Compliance Report template

EPBC Approval Condition Number:			
Location of breach:			
GSA commitments in breach:			
Date breach detected:		Breach detected by:	
Issues:	<p><i>include all relevant information, including but not limited to:</i></p> <ul style="list-style-type: none"> <li>- <i>The nature of the breach</i></li> <li>- <i>How long the breach may have been occurring for</i></li> </ul>		
Future actions:	<ul style="list-style-type: none"> <li>- <i>What (if any) actions have been taken to remedy the breach</i></li> <li>- <i>Any proposed future actions to remedy the breach or actions to prevent similar breaches occurring in future</i></li> <li>-</li> </ul>		
Stakeholders:	<p><i>(include all that apply – ACT Government, Commonwealth Government and private sector. Provide names, positions and contact details, plus their roles in reporting or remedying this breach)</i></p>		
Clearance officer:		Position:	
Date of this report:			