

s22

From: s22
Sent: Monday, 1 July 2019 8:08 AM
To: 'contact@mtwellingtoncablecar.com'
Cc: s22
Subject: EPBC Act - Department of the Environment and Energy - Letter to Adrian Bold [SEC=OFFICIAL]
Attachments: EPBC Act - Department of the Environment and Energy letter.pdf; Protected Matters Report.pdf

Dear Mr Bold

Please find attached a letter from the Department of the Environment and Energy regarding the proposed construction and operation of a cableway at Mt Wellington, Tasmania. This letter explains how the *Environment Protection and Biodiversity Conservation Act 1999* could apply to this proposal.

Regards

s22

s22
Victoria & Tasmania Assessments
Assessments & Governance Branch
Department of the Environment and Energy
02 6274 s22



Mr Adrian Bold
Founder, Project Lead
Mount Wellington Cableway Company Pty Ltd
Level 1
160 Collins Street
HOBART TAS 7000

Dear Mr Bold

Environment Protection and Biodiversity Conservation Act 1999
Mount Wellington Cableway

I am writing to provide you with information about the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). I understand that Mount Wellington Cableway Company Pty Ltd is proposing to construct and operate a cableway at Mt Wellington, Tasmania. I am writing to explain how the EPBC Act could apply to this proposal.

The EPBC Act is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage the environment, in particular nationally and internationally important flora, fauna, ecological communities and heritage places. Under the EPBC Act, actions that have, or are likely to have, a significant impact on nationally protected matters require approval from the Australian Government Minister for the Environment.

The Department notes that, according to the *Natural Values Impacts Assessment* (5 June 2019), that is available on the project's website, the proposed action is likely to directly or indirectly impact up to 17 foraging trees and up to 90 nesting trees for the Swift Parrot, and potentially disturb up to 22 ha of suitable habitat. The Department also notes that the Swift Parrot has been recorded twice within 500 m of the proposed action. According to the *National Recovery Plan for the Swift Parrot* (*Lathamus discolor*) (2011), Mt Wellington and surrounds are priority habitat and a known breeding location for this species.

Based on the available information regarding the location and nature of the proposed action, the Department considers that, in addition to the Swift Parrot, the following nationally protected matters are relevant to the proposed action:

- Tasmanian Devil (*Sarcophilus harrisii*) - Endangered
- Spotted-tail Quoll (*Dasyurus maculatus maculatus* (Tasmanian population)) - Vulnerable
- Eastern Quoll (*Dasyurus viverrinus*) - Endangered
- Masked Owl (Tasmanian) (*Tyto novaehollandiae castanops* (Tasmanian population)) - Vulnerable
- Tasmanian Wedge-tailed Eagle (*Aquila audax fleayi*) - Endangered

For your convenience, I have enclosed a Protected Matters Report for the proposal site. The report lists a number of protected matters that may occur in the area for your consideration. Please note that the enclosed report is based on the limited information available to the Department at this time and may not reflect the true extent of protected matters that may be impacted by the proposed action. You may wish to run your own Protected Matters Report on the Department's website at <http://www.environment.gov.au/epbc/protected-matters-search-tool>.

A person proposing to take an action that is likely to have a significant impact on a matter of national environmental significance must refer their proposal for assessment and approval under the EPBC Act. Substantial penalties apply to a person who takes such an action without approval.

Based solely on information currently available, the Department has formed the view that the proposal should be referred to ensure that the range of complex matters associated with the proposal are sufficiently assessed to inform the Minister and the broader community about the potential, or otherwise, of the action to impact on matters protected under the EPBC Act. Mount Wellington Cableway Company Pty Ltd should be aware that should it undertake the proposed action without a decision under the EPBC Act, it carries all associated risk.

Instructions for submitting a referral through the Department's online services, together with further information on the EPBC Act, is available on the Department's website at <http://www.environment.gov.au/protection/environment-assessments/assessment-and-approval-process>.

Please call or email the contact officer, s22 on 02 6274 s22 within 28 days of the date of this letter to advise whether or not you intend to refer your proposal. Alternatively, if you would like further information about the referral process, you may contact the Referrals Gateway on 02 6274 2496.

Yours sincerely

s22

s22

Director

Assessments Victoria and Tasmania

26 June 2019

Enclosed:

- Protected Matters Report

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

Mt Wellington Cableway - 2 km buffer

Report created: 25/06/19 15:48:31

[Summary](#)

[Details](#)

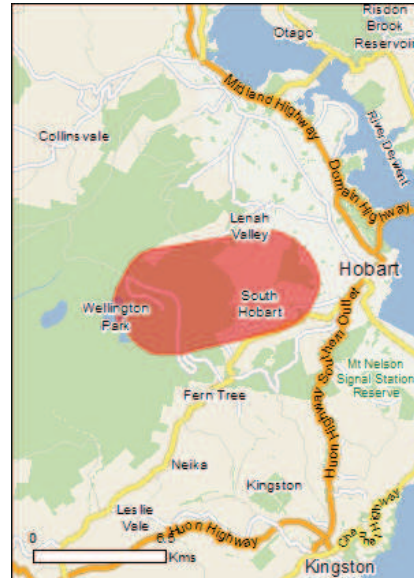
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



This map may contain data which are
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Summary

Matters of National Environment Significance

World Heritage Properties:	2
National Heritage Places:	2
Wetlands of International Significance:	None
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Threatened Ecological Communities:	1
Threatened Species:	28
Migratory Species:	11

Other Matters Protected by the EPBC Act

Commonwealth Lands:	None
Commonwealth Heritage Places:	None
Listed Marine Species:	15
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks	None

Extra Information

This part of the report provides information that may also be relevant to the area you have

State and Territory Reserves:	2
Regional Forest Agreements:	1
Invasive Species:	34
Nationally Important Wetlands:	None
EPBC Act Referrals:	5
Key Ecological Features (Marine)	None

Details

Matters of National Environmental Significance

World Heritage Properties		[Resource Information]
Name	State	Status
Australian Convict Sites (Cascades Female Factory Buffer Zone)	TAS	Buffer zone
Australian Convict Sites (Cascades Female Factory)	TAS	Declared property

National Heritage Places		[Resource Information]
Name	State	Status
Historic		
Cascades Female Factory	TAS	Listed place
Cascades Female Factory Yard 4 North	TAS	Listed place

Threatened Ecological Communities		[Resource Information]
For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.		
Name	Status	Type of Presence
Alpine Sphagnum Bogs and Associated Fens	Endangered	Community likely to occur within area

Threatened Species		[Resource Information]
Name	Status	Type of Presence
BIRDS		
Aquila audax fleayi Tasmanian Wedge-tailed Eagle, Wedge-tailed Eagle (Tasmanian) [64435]	Endangered	Breeding likely to occur within area
Botaurus poiciloptilus Australasian Bittern [1001]	Endangered	Species or species habitat may occur within area
Calidris canutus Red Knot, Knot [855]	Endangered	Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Ceyx azureus diemenensis Tasmanian Azure Kingfisher [25977]	Endangered	Species or species habitat may occur within area
Lathamus discolor Swift Parrot [744]	Critically Endangered	Breeding known to occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
Pterodroma leucoptera leucoptera Gould's Petrel, Australian Gould's Petrel [26033]	Endangered	Species or species habitat may occur within area
Tyto novaehollandiae castanops (Tasmanian population) Masked Owl (Tasmanian) [67051]	Vulnerable	Breeding known to occur within area
FISH		
Prototroctes maraena Australian Grayling [26179]	Vulnerable	Species or species habitat may occur within area
FROGS		
Litoria raniformis Growling Grass Frog, Southern Bell Frog, Green and Golden Frog, Warty Swamp Frog [1828]	Vulnerable	Species or species habitat likely to occur within area
INSECTS		
Antipodia chaostola leucophaea Tasmanian Chaostola Skipper, Heath-sand	Endangered	Species or species

Name	Status	Type of Presence
Skipper [77672]		habitat known to occur within area
MAMMALS		
Dasyurus maculatus maculatus (Tasmanian population)		
Spotted-tail Quoll, Spot-tailed Quoll, Tiger Quoll (Tasmanian population) [75183]	Vulnerable	Species or species habitat known to occur within area
Dasyurus viverrinus		
Eastern Quoll, Luaner [333]	Endangered	Species or species habitat known to occur within area
Perameles gunnii gunnii		
Eastern Barred Bandicoot (Tasmania) [66651]	Vulnerable	Species or species habitat known to occur within area
Sarcophilus harrisii		
Tasmanian Devil [299]	Endangered	Species or species habitat likely to occur within area
OTHER		
Discocharopa vigens		
Ammonite Snail [82806]	Critically Endangered	Species or species habitat known to occur within area
PLANTS		
Caladenia caudata		
Tailed Spider-orchid [17067]	Vulnerable	Species or species habitat likely to occur within area
Caladenia sylvicola		
Forest Fingers [64860]	Critically Endangered	Species or species habitat likely to occur within area
Colobanthus curtisiae		
Curtis' Colobanth [23961]	Vulnerable	Species or species habitat likely to occur within area
Dianella amoena		
Matted Flax-lily [64886]	Endangered	Species or species habitat likely to occur within area
Epacris virgata		
Pretty Heath, Dan Hill Heath [20375]	Endangered	Species or species habitat known to occur within area
Glycine latrobeana		
Clover Glycine, Purple Clover [13910]	Vulnerable	Species or species habitat likely to occur within area
Lepidium hyssopifolium		
Basalt Pepper-cress, Peppercress, Rubble Pepper-cress, Pepperweed [16542]	Endangered	Species or species habitat likely to occur within area
Prasophyllum amoenum		
Dainty Leek-orchid [64946]	Endangered	Species or species habitat known to occur within area
Prasophyllum apoxychilum		
Tapered Leek-orchid [64947]	Endangered	Species or species habitat known to occur within area
Prasophyllum perangustum		
Knocklofty Leek-orchid [64952]	Critically Endangered	Species or species habitat likely to occur within area
Xerochrysum palustre		
Swamp Everlasting, Swamp Paper Daisy [76215]	Vulnerable	Species or species habitat likely to occur within area
Migratory Species		[Resource Information]
* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.		
Name	Threatened	Type of Presence
Migratory Marine Birds		
Apus pacificus		
Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Migratory Terrestrial Species		
Hirundapus caudacutus		
White-throated Needletail [682]		Species or species habitat known to occur within area

Name	Threatened	Type of Presence
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat known to occur within area
Migratory Wetlands Species		
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area
Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area
Calidris canutus Red Knot, Knot [855]	Endangered	Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
Tringa nebularia Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area

Other Matters Protected by the EPBC Act

Listed Marine Species		[Resource Information]
* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.		
Name	Threatened	Type of Presence
Birds		
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Ardea alba Great Egret, White Egret [59541]		Species or species habitat likely to occur within area
Ardea ibis Cattle Egret [59542]		Species or species habitat may occur within area
Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area
Calidris canutus Red Knot, Knot [855]	Endangered	Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species

Name	Threatened	Type of Presence
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		habitat may occur within area Species or species habitat known to occur within area
Hirundapus caudacutus White-throated Needletail [682]		Species or species habitat known to occur within area
Lathamus discolor Swift Parrot [744]	Critically Endangered	Breeding known to occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat known to occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
Tringa nebularia Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area

Extra Information

State and Territory Reserves [\[Resource Information \]](#)

Name	State
Cascades Female Factory	TAS
Wellington Park	TAS

Regional Forest Agreements [\[Resource Information \]](#)

Note that all areas with completed RFAs have been included.

Name	State
Tasmania RFA	Tasmania

Invasive Species [\[Resource Information \]](#)

Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit,

Name	Status	Type of Presence
Birds		

[Acridotheres tristis](#)
Common Myna, Indian Myna [387]

Species or species habitat likely to occur within area

[Alauda arvensis](#)
Skylark [656]

Species or species habitat likely to occur within area

[Anas platyrhynchos](#)
Mallard [974]

Species or species habitat likely to occur within area

[Carduelis carduelis](#)
European Goldfinch [403]

Species or species habitat likely to occur within area

[Carduelis chloris](#)
European Greenfinch [404]

Species or species habitat likely to occur within area

[Columba livia](#)
Rock Pigeon, Rock Dove, Domestic Pigeon [803]

Species or species habitat likely to occur within area

[Passer domesticus](#)
House Sparrow [405]

Species or species habitat likely to occur within area

[Streptopelia chinensis](#)
Spotted Turtle-Dove [780]

Species or species habitat likely to occur within area

[Sturnus vulgaris](#)
Common Starling [389]

Species or species habitat likely to occur within area

Name	Status	Type of Presence
Turdus merula Common Blackbird, Eurasian Blackbird [596]		Species or species habitat likely to occur within area
Mammals		
Canis lupus familiaris Domestic Dog [82654]		Species or species habitat likely to occur within area
Felis catus Cat, House Cat, Domestic Cat [19]		Species or species habitat likely to occur within area
Lepus capensis Brown Hare [127]		Species or species habitat likely to occur within area
Mus musculus House Mouse [120]		Species or species habitat likely to occur within area
Oryctolagus cuniculus Rabbit, European Rabbit [128]		Species or species habitat likely to occur within area
Rattus norvegicus Brown Rat, Norway Rat [83]		Species or species habitat likely to occur within area
Rattus rattus Black Rat, Ship Rat [84]		Species or species habitat likely to occur within area
Sus scrofa Pig [6]		Species or species habitat likely to occur within area
Vulpes vulpes Red Fox, Fox [18]		Species or species habitat likely to occur within area
Plants		
Anredera cordifolia Madeira Vine, Jalap, Lamb's-tail, Mignonette Vine, Anredera, Gulf Madeiravine, Heartleaf Madeiravine, Potato Vine [2643]		Species or species habitat likely to occur within area
Asparagus africanus Climbing Asparagus, Climbing Asparagus Fern [66907]		Species or species habitat likely to occur within area
Asparagus asparagoides Bridal Creeper, Bridal Veil Creeper, Smilax, Florist's Smilax, Smilax Asparagus [22473]		Species or species habitat likely to occur within area
Asparagus scandens Asparagus Fern, Climbing Asparagus Fern [23255]		Species or species habitat likely to occur within area
Chrysanthemoides monilifera Bitou Bush, Boneseed [18983]		Species or species habitat likely to occur within area
Chrysanthemoides monilifera subsp. monilifera Boneseed [16905]		Species or species habitat likely to occur within area
Cytisus scoparius Broom, English Broom, Scotch Broom, Common Broom, Scottish Broom, Spanish Broom [5934]		Species or species habitat likely to occur within area
Genista linifolia Flax-leaved Broom, Mediterranean Broom, Flax Broom [2800]		Species or species habitat likely to occur within area
Genista monspessulana Montpellier Broom, Cape Broom, Canary Broom, Common Broom, French Broom, Soft Broom [20126]		Species or species habitat likely to occur within area
Lycium ferocissimum African Boxthorn, Boxthorn [19235]		Species or species habitat likely to occur within area

Name	Status	Type of Presence
Nassella neesiana Chilean Needle grass [67699]		Species or species habitat likely to occur within area
Nassella trichotoma Serrated Tussock, Yass River Tussock, Yass Tussock, Nassella Tussock (NZ) [18884]		Species or species habitat likely to occur within area
Rubus fruticosus aggregate Blackberry, European Blackberry [68406]		Species or species habitat likely to occur within area
Salix spp. except S.babylonica, S.x calodendron & S.x reichardtii Willows except Weeping Willow, Pussy Willow and Sterile Pussy Willow [68497]		Species or species habitat likely to occur within area
Ulex europaeus Gorse, Furze [7693]		Species or species habitat likely to occur within area

EPBC Act Referrals [\[Resource Information \]](#)

Further details about the referral or advice - including its current status if still active - are available in its PINK report; click on the title.

Referral			
Title	Reference	Referral Outcome	Assessment Status
Development of 90 residential lots with associated public roads and underground	2004/1706	CA	Approval Decision Made-POST-APPROVAL/COMPLIANCE
Cascade Female Factory Historic Site Conservation Project	2009/4710	NCA	Referral Decision Made-Completed
Cascade Female Factory Historic Site Conservation Project	2009/4922	NCA	Referral Decision Made-Completed
Removal of bathroom addition in the Matron's Quarters, Cascades Female Factory Historic Site	2013/6743	NCA	Referral Decision Made-Completed
Improving rabbit biocontrol: releasing another strain of RHDV. sthrn two thirds of Australia	2015/7522	NCA	Referral Decision Made-Close

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under 'type of presence'. For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [Office of Environment and Heritage, New South Wales](#)
- [Department of Environment and Primary Industries, Victoria](#)
- [Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [Department of Environment, Water and Natural Resources, South Australia](#)
- [Department of Land and Resource Management, Northern Territory](#)
- [Department of Environment and Heritage Protection, Queensland](#)
- [Department of Parks and Wildlife, Western Australia](#)
- [Environment and Planning Directorate, ACT](#)
- [Birdlife Australia](#)
- [Australian Bird and Bat Banding Scheme](#)
- [Australian National Wildlife Collection](#)
- Natural history museums of Australia
- [Museum Victoria](#)
- [Australian Museum](#)
- [South Australian Museum](#)
- [Queensland Museum](#)
- [Online Zoological Collections of Australian Museums](#)
- [Queensland Herbarium](#)
- [National Herbarium of NSW](#)
- [Royal Botanic Gardens and National Herbarium of Victoria](#)
- [Tasmanian Herbarium](#)
- [State Herbarium of South Australia](#)
- [Northern Territory Herbarium](#)
- [Western Australian Herbarium](#)
- [Australian National Herbarium, Canberra](#)
- [University of New England](#)
- [Ocean Biogeographic Information System](#)
- [Australian Government, Department of Defence](#)
- [Forestry Corporation of NSW](#)
- [Australian Tropical Herbarium, Cairns](#)
- [eBird Australia](#)
- [Australian Government – Australian Antarctic Data Centre](#)
- [Museum and Art Gallery of the Northern Territory](#)
- [Australian Government National Environmental Science Program](#)
- [Australian Institute of Marine Science](#)
- [Reef Life Survey Australia](#)
- [American Museum of Natural History](#)
- [Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

s22

From: s22
Sent: Monday, 15 July 2019 3:48 PM
To: s22
Cc: Compliance
Subject: FW: EPBC Act - Department of the Environment and Energy - Letter to Adrian Bold [SEC=OFFICIAL]
Attachments: EPBC Act - Department of the Environment and Energy letter.pdf; Protected Matters Report.pdf

Hi s22

This email is to record that I received a phone call from Chris Oldfield, the executive chair of the Mt Wellington Cableway Company. Chris advised that the Mt Wellington Cableway Company received the Department's letter (attached) and that they will be referring the proposed action, and he expressed an interest in having a pre-referral discussion. Chris stated that he will write to the Department to formally notify us of their decision to refer.

Kind regards

s22

s22

Victoria & Tasmania Assessments
Assessments & Governance Branch
Department of the Environment and Energy
02 6274 s22 environment.gov.au

From: s22
Sent: Monday, 1 July 2019 8:40 AM
To: Compliance
Cc: s22
Subject: FW: EPBC Act - Department of the Environment and Energy - Letter to Adrian Bold [SEC=OFFICIAL]

Hi Compliance

Please see the [third party report](#) for a proposal to construct and operate a cableway at Mt Wellington, Tasmania. On 1 July 2019, the Department sent Mount Wellington Cableway Company Pty Ltd the email below with the attached obligations letter and protected matters report. All documents are saved in the third party report [SPIRE folder](#).

The attached letter states that the Department has formed a view that the proposal should be referred for assessment under the EPBC Act.

Kind regards

s22

Victoria & Tasmania Assessments
Assessments & Governance Branch
Department of the Environment and Energy
02 6274 s22 @environment.gov.au

From: s22
Sent: Monday, 1 July 2019 8:08 AM
To: 'contact@mtwellingtoncablecar.com' <contact@mtwellingtoncablecar.com>
Cc: s22 environment.gov.au; s22 environment.gov.au>
Subject: EPBC Act - Department of the Environment and Energy - Letter to Adrian Bold [SEC=OFFICIAL]

Dear Mr Bold

Please find attached a letter from the Department of the Environment and Energy regarding the proposed construction and operation of a cableway at Mt Wellington, Tasmania. This letter explains how the *Environment Protection and Biodiversity Conservation Act 1999* could apply to this proposal.

Regards

s22

s22
Victoria & Tasmania Assessments
Assessments & Governance Branch
Department of the Environment and Energy
02 6274 s22 environment.gov.au

s22

From: Christopher Oldfield s47F @gmail.com>
Sent: Tuesday, 16 July 2019 11:54 AM
To: s22
Subject: EPBC Act - Mount Wellington Cableway

s22

Contact Officer
Assessments Victoria and Tasmania
Department of the Environment and Energy
GPO Box 787
Canberra ACT 2601
s22 @environment.gov.au

Dear s22

I refer to the correspondence dated 26th June 2019 from your Director, s22 regarding the Mount Wellington cableway proposal and the EPBC Act.

Thank you for making the time available to talk to me about this issue yesterday, it was most appreciated.

As I advised you yesterday, we will be referring the proposal to your agency for assessment under the EPBC Act. I can confirm no construction will occur until this process has been satisfactorily completed.

Again as we discussed yesterday, we will wish to take up your kind offer of a pre-referral meeting. I am on s47F I will be in touch in order to make a time that is convenient to you.

In the meantime, please feel free to reach out to me if there are any other matters I can assist with

Kind regards,

Chris

Christopher Oldfield

Executive Chair

Mount Wellington Cableway Co. Pty Ltd

s22

From: s22
Sent: Tuesday, 16 July 2019 12:37 PM
To: 'Christopher Oldfield'
Cc: s22
Subject: RE: EPBC Act - Mount Wellington Cableway [SEC=OFFICIAL]
Attachments: prereferral-meeting-agenda-template.docx; information-proposed-action-template.docx

Dear Chris

Thank you for your email, and for the confirmation that you intend to refer the proposal for assessment under the EPBC Act.

Please feel free to email myself to arrange a time for a pre-referral meeting. I am expecting to be s47F so please CC s22 s22 @environment.gov.au) into any correspondence and one of us will be able to assist you.

More information on pre-referral meetings is available at this [link](#). I have also attached two forms to this email that you can use to provide us with information about the project, in preparation for the pre-referral meeting. I would be grateful if you could provide myself and s22 with completed forms at least one week prior to the pre-referral meeting date.

Kind regards

s22

s22
Victoria & Tasmania Assessments
Assessments & Governance Branch
Department of the Environment and Energy
02 6274 s22 @environment.gov.au

From: Christopher Oldfield [s47F @gmail.com]
Sent: Tuesday, 16 July 2019 11:54 AM
To: s22
Subject: EPBC Act - Mount Wellington Cableway

s22

Contact Officer
Assessments Victoria and Tasmania
Department of the Environment and Energy
GPO Box 787
Canberra ACT 2601

s22

Dear s22

I refer to the correspondence dated 26th June 2019 from your Director, s22 regarding the Mount Wellington cableway proposal and the EPBC Act.

Thank you for making the time available to talk to me about this issue yesterday, it was most appreciated.

As I advised you yesterday, we will be referring the proposal to your agency for assessment under the EPBC Act. I can confirm no construction will occur until this process has been satisfactorily completed.

Again as we discussed yesterday, we will wish to take up your kind offer of a pre-referral meeting. I am on s47F I will be in touch in order to make a time that is convenient to you.

In the meantime, please feel free to reach out to me if there are any other matters I can assist with

Kind regards,

Chris

Christopher Oldfield
Executive Chair
Mount Wellington Cableway Co. Pty Ltd



PRE-REFERRAL MEETING AGENDA TEMPLATE

Proponent name:
Other attendees:
Jurisdiction:

Department officer attending:
Date:
Time: 30–90 minutes

This is a suggested pre-referral meeting agenda. Please modify this agenda to suit your requirements.

Pre-referral discussion	Time
<ul style="list-style-type: none"> • Referral history – including details of previous or current referrals (if applicable). 	
<ul style="list-style-type: none"> • Discuss project <ul style="list-style-type: none"> ○ Background of the proposed action (including split referrals, part of a larger action – if applicable). ○ Description of the proposed action including alternative solutions considered to avoid or minimise impacts to Matters of National Environmental Significance (MNES). 	
<ul style="list-style-type: none"> • Matters of National Environmental Significance <ul style="list-style-type: none"> ○ Identify MNES likely to be directly or indirectly impacted by the proposed action ○ If available, provide accurate and up-to-date information including surveys, mapping and supporting details on specific MNES. ○ Department to discuss any suggested additional information required to determine the scale and severity of impacts to MNES as a result of the proposed action. 	
<ul style="list-style-type: none"> • Avoid, minimise and mitigate <ul style="list-style-type: none"> ○ Discuss mitigation and management measures proposed to avoid or minimise impacts to identified MNES. 	
<ul style="list-style-type: none"> • Environmental offsets (if applicable) <ul style="list-style-type: none"> ○ Note that while offsets cannot be taken into account in the referral decision, it may be relevant in deciding the appropriate level of assessment and be considered at the assessment and approval stages. 	
<ul style="list-style-type: none"> • Any other issues/areas to be included by proponent/consultant (please provide details): <ul style="list-style-type: none"> ○ If applicable, clarify the timing and details for any external processes that may need to be considered as part of a referral e.g. Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (IESC) etc 	

<ul style="list-style-type: none"> • Expected timeframes (commencement/completion). 	
EPBC Act Information and decision making process	
<ul style="list-style-type: none"> • Discuss EPBC Act assessment process including legislative timeframes and expectations. 	
<ul style="list-style-type: none"> • Discuss cost recovery requirements. 	
<ul style="list-style-type: none"> • Detail state/territory bilateral process being undertaken and discuss Commonwealth assessment alignment considerations, if applicable, including Client Service Charter. 	
Next steps – email follow-up to capture outcomes of meeting	
<ul style="list-style-type: none"> • Department officer to email proponent/consultant outlining the key messages discussed in the meeting including any outstanding issues or suggested additional information that may be included in your formal referral. 	

Caveat

The Department cannot give any assurance on a proposed action until it has been referred under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Once the formal referral is received and the cost recovery fee is paid, the Minister (or delegate) will consider whether the proposed action is a 'controlled action' and thus requires assessment and approval under the EPBC Act. Further information may be requested by the Department for the purposes of making that decision, as well as deciding on the appropriate assessment approach for the action.



Information on proposed action (template)

By providing this information including the issues and questions you would like discussed at the pre-referral meeting will ensure that the Department provides the appropriate resources to your project.

	Details
Project name	
Brief description of the proposal including location (latitude/longitude). <i>If available, any maps should contain the project boundary.</i>	
Name of person/company proposing to take the action (Proponent) and contact details	
Purpose of the meeting – what key areas would you like to discuss? <i>A suggested Pre-referral meeting agenda template (http://www.environment.gov.au/protection/environment-assessments/assessment-and-approval-process) is available to help as a guide for the pre-referral meeting. Please modify this agenda to suit your requirements.</i>	

<p>Preferred meeting date/time (morning/afternoon)</p> <p><i>Provide a range of dates and times to allow for flexibility. The Department will then arrange a meeting and inform you of the final arrangements.</i></p>	
<p>Meeting attendees</p> <p><i>Please indicate who will be attending and their job titles.</i></p>	
<p>Meeting requirements</p> <p><i>What specific equipment can the Department provide for the meeting e.g. laptop and/or projector, whiteboard etc.</i></p>	
<p>Expected timing of submission of the referral documentation.</p> <p><i>This information can assist the Department with its resource planning.</i></p>	
<p>Expected timeframes for commencement and completion of proposed action (if known).</p> <p><i>Note that we cannot fast track approvals to suit projects; rather we are required to follow statutory processes. Where we can provide advice to ensure a streamlined approach we will do so.</i></p>	

s22

From: Christopher Oldfield s47F @gmail.com>
Sent: Tuesday, 16 July 2019 2:26 PM
To: s22
Cc: s22
Subject: Re: EPBC Act - Mount Wellington Cableway [SEC=OFFICIAL]

Many thanks s22

I am on s47F

Kind regards

Chris

From: s22
Date: Tuesday, 16 July 2019 at 12:36 pm
To: 'Christopher Oldfield'
Cc: s22
Subject: RE: EPBC Act - Mount Wellington Cableway [SEC=OFFICIAL]

Dear Chris

Thank you for your email, and for the confirmation that you intend to refer the proposal for assessment under the EPBC Act.

Please feel free to email myself to arrange a time for a pre-referral meeting. I am expecting to be s47F so please CC s22 @environment.gov.au) into any correspondence and one of us will be able to assist you.

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Kind regards

s22

s22

Victoria & Tasmania Assessments
Assessments & Governance Branch
Department of the Environment and Energy
02 6274 s22 environment.gov.au

From: Christopher Oldfield s47F [mailto:s22@gmail.com]

Sent: Tuesday, 16 July 2019 11:54 AM

To: s22

Subject: EPBC Act - Mount Wellington Cableway

s22

Contact Officer
Assessments Victoria and Tasmania
Department of the Environment and Energy
GPO Box 787
Canberra ACT 2601
s22 [@environment.gov.au](mailto:s22@environment.gov.au)

Dear s22

I refer to the correspondence dated 26th June 2019 from your Director, s22, regarding the Mount Wellington cableway proposal and the EPBC Act.

Thank you for making the time available to talk to me about this issue yesterday, it was most appreciated.

As I advised you yesterday, we will be referring the proposal to your agency for assessment under the EPBC Act. I can confirm no construction will occur until this process has been satisfactorily completed.

Again as we discussed yesterday, we will wish to take up your kind offer of a pre-referral meeting. I am on s47F I will be in touch in order to make a time that is convenient to you.

In the meantime, please feel free to reach out to me if there are any other matters I can assist with

Kind regards,

Chris

Christopher Oldfield
Executive Chair
Mount Wellington Cableway Co. Pty Ltd

s22

From: s22
Sent: Wednesday, 24 July 2019 4:09 PM
To: s22
Cc: s22
Subject: File note - Mt Wellington Cableway [SEC=OFFICIAL]

Hi s22

I just had a call from Chris Oldfield, Executive Chair of the Mount Wellington Cableway Company Pty Ltd, who stated that they had received an inquiry from *The Australian* regarding their proposal to construct and operate a cableway at Mt Wellington, Tasmania. He stated that *The Australian* had advised the proponent that they (*The Australian*) were in possession of a copy of a letter from the Department about this proposal, and Chris was interested in how they had received a copy of this letter.

I advised Chris that I was unsure what letter *the Australian* was referring to. However, I advised that as part of the third party report process the Department responded to a member of the public about their concerns, and that this may be the letter that *The Australian* was referring to (rather than the letter sent by the Department to the proponent). I advised that sending letters to third parties, when they raise concerns, is part of our standard process and that the content of that letter would have informed that third party that the Department had written to the proponent to inform them of their obligations under the EPBC Act. I advised Chris that the Department had also received an inquiry from the Australian, but I did not provide any information about the Department's processes in responding to that inquiry or about the content of the response.

Chris repeated that the proponent is intending to refer the action and that they would welcome a pre-referral discussion in due course s47F
().

Kind regards

s22

Victoria & Tasmania Assessments
Assessments & Governance Branch
Department of the Environment and Energy
02 6274 s22 @environment.gov.au

s22

From: s22
Sent: Friday, 23 August 2019 10:05 AM
To: 'Christopher Oldfield'
Subject: RE: EPBC Act - Mount Wellington Cableway [SEC=OFFICIAL]

Hi Chris

The Department has received an inquiry about the Mt Wellington Cableway, and I would be grateful if you could please give me a call to discuss.

My phone number is 02 6274 s22

Kind regards

s22

s22
Victoria & Tasmania Assessments
Assessments & Governance Branch
Department of the Environment and Energy
02 6274 s22 environment.gov.au

From: Christopher Oldfield s47F [mailto:s22@gmail.com]
Sent: Tuesday, 16 July 2019 2:26 PM
To: s22
Cc: s22
Subject: Re: EPBC Act - Mount Wellington Cableway [SEC=OFFICIAL]

Many thanks s22

I am s47F

Kind regards

Chris

From: s22 [redacted] [environment.gov.au](mailto:s22@environment.gov.au)>
Date: Tuesday, 16 July 2019 at 12:36 pm
To: 'Christopher Oldfield' s47F [redacted] [@environment.gov.au](mailto:s47F@environment.gov.au)>
Cc: s22 [redacted] [environment.gov.au](mailto:s22@environment.gov.au)>
Subject: RE: EPBC Act - Mount Wellington Cableway [SEC=OFFICIAL]

Dear Chris

Thank you for your email, and for the confirmation that you intend to refer the proposal for assessment under the EPBC Act.

Please feel free to email myself to arrange a time for a pre-referral meeting. I am expecting to be s47F [redacted] so please CC s22 [redacted] [@environment.gov.au](mailto:s22@environment.gov.au)) into any correspondence and one of us will be able to assist you.

More information on pre-referral meetings is available at this [link](#). I have also attached two forms to this email that you can use to provide us with information about the project, in preparation for the pre-referral meeting. I would be grateful if you could provide myself and s22 [redacted] with completed forms at least one week prior to the pre-referral meeting date.

Kind regards

s22 [redacted]

s22 [redacted]
Victoria & Tasmania Assessments
Assessments & Governance Branch
Department of the Environment and Energy
02 6274 [redacted] s22 [redacted] [environment.gov.au](mailto:s22@environment.gov.au)

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Subject: EPBC Act - Mount Wellington Cableway

s22 [redacted]
Contact Officer
Assessments Victoria and Tasmania

Department of the Environment and Energy
GPO Box 787
Canberra ACT 2601
s22 [REDACTED] [@environment.gov.au](mailto:s22@environment.gov.au)

Dear s22 [REDACTED]

I refer to the correspondence dated 26th June 2019 from your Director, s22 [REDACTED] regarding the Mount Wellington cableway proposal and the EPBC Act.

Thank you for making the time available to talk to me about this issue yesterday, it was most appreciated.

As I advised you yesterday, we will be referring the proposal to your agency for assessment under the EPBC Act. I can confirm no construction will occur until this process has been satisfactorily completed.

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In the meantime, please feel free to reach out to me if there are any other matters I can assist with

Kind regards,

Chris

Christopher Oldfield
Executive Chair
Mount Wellington Cableway Co. Pty Ltd

s22

From: s22
Sent: Friday, 23 August 2019 2:35 PM
To: s22
Subject: Conversation with s22

s22 11:12 AM:

I've left an email and a voicemail with the Mt Wellington Cableway Company. I'll let you know when they get back to me.

s22 11:12 AM:

thanks

s22 2:32 PM:

Talked with Chris Oldfield from the Mt Wellington Cableway Company. He's going to get back to me Monday with any concerns. He gave some background. Happy to discuss

s22 2:33 PM:

ok. Thanks. Can we have a quick chat when you're free?

s22 2:33 PM:

Sure.