



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Agreement No: 2016-052

## AUSTRALIAN CAPITAL TERRITORY

### ENVIRONMENTAL PROTECTION AGREEMENT UNDER THE ENVIRONMENT PROTECTION ACT 1997

Name: **Justice and Community Safety Directorate**  
ABN: **98 636 852 025**  
Street: **Level 9, 12 Moore Street**  
Suburb: **Canberra City ACT**  
Postcode: **2601**

#### **PURPOSE OF THE ENVIRONMENTAL PROTECTION AGREEMENT**

The *Environment Protection Act 1997* (the Act) provides for the protection of the environment from pollution and includes a provision under Section 38 for the Environment Protection Authority (EPA) to enter into an Environmental Protection Agreement (Agreement).

This Agreement is an agreement between the **Justice and Community Safety Directorate (JACS)** and the Environment Protection Authority (EPA) concerning the ongoing management of the site(s) detailed in Schedule A of this Agreement in accordance with the requirements of the site management plans (SMP) specified.

The aim of this Agreement is to ensure that the site(s) specified in this Agreement is/are managed in such a way as to ensure the residual contamination at the site(s) does not, or is not likely to, cause a significant risk of harm to human health or a significant risk of material environmental harm or serious environmental harm while measures for its management continue.

#### **TIME PERIOD COVERED**

This Agreement is current for an indefinite period from the date of signing or until the EPA agrees in writing that the site(s) no longer requires management under its SMP.

Either party can initiate negotiations to vary the content of this Agreement at any stage during the currency of the Agreement.

The EPA must be notified and consent obtained before any change in custodianship/responsibility for the Site(s) subject to this Agreement.

## **RELATIONSHIP OF THE AGREEMENT TO LEGISLATIVE REQUIREMENTS**

Clause 40 of the Act makes it clear that Agreements cannot override any of the provisions of the Act. Instead, the Agreement supplements those legal obligations and establishes a practical framework to ensure that requirements of the Act are given effect.

Breach of this Agreement may result in the serving of an Environment Protection Order under section 125(3) of the Act on JACS thereby requiring compliance with the Act.

## **ENVIRONMENTAL ISSUES**

Each of the sites listed in Schedule A of this Agreement have undergone assessment, remediation and independent audit to determine their suitability for their permitted landuses. In each case the independent Auditor's Site Audit Statement (SAS) has identified contamination which requires ongoing management to ensure the site(s) does not pose an unacceptable risk to human health or the environment and is suitable for its permitted uses.

## **PROCEDURE**

JACS agrees to manage the site(s) listed in Schedule A in accordance with the requirements of the site's corresponding SAS and SMP.

All aspects of the SMP, as varied from time to time, must be implemented by the JACS or their authorised representative. Variation to the requirements of the SMP can only be made following agreement in writing by an EPA approved environmental auditor and the EPA.

## **PUBLIC INSPECTION OF DOCUMENT**

In accordance with section 19 of the Act a copy of this Agreement will be made available for public inspection on the Access Canberra website and during business hours at the office of the Environment Protection Authority.

**ENVIRONMENTAL PROTECTION AGREEMENT**

**Between**

**Justice and Community Safety  
Directorate**

**at**

**Level 9, 12 Moore Street  
CANBERRA CITY ACT 2601**

**And**

**the ENVIRONMENT PROTECTION AUTHORITY**

This agreement has been signed for and on behalf of the parties on the \_\_\_\_\_ day of \_\_\_\_\_ 2016.

Signed for and **on behalf**  
**Justice and Community Safety Directorate**  
**Level 9, 12 Moore Street**  
**CANBERRA CITY ACT 2601**

**Sign:** -----

**Print full name:** -----

**Title:** -----

In the presence of

**Sign:** -----

**Print full name:** -----

Signed by the  
**Environment Protection Authority,**  
**Access Canberra**

**Sign:** -----

**Print full Name:** **Greg Jones**

**Title:** **Environment Protection Authority**

In the presence of

**Sign:** -----

**Print full name:** -----



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Schedule A

### List of sites

| Site Description              | Site Details   | Name of Site Audit Statement and Report   | Name of Site Specific Management Plan  |
|-------------------------------|--|---|--|
| Block 3 Section 53<br>Phillip | Refer to Figure 4 of the document titled<br><i>“Environment Management Plan Forensic<br/>Medicine Centre Botany Street, Phillip,<br/>ACT (Block 3 Section 53)”</i><br><i>(Ref: 484804_EAR_EMP_20110729.docx)</i><br>dated July 2011<br><br>by Robson Environmental Pty Ltd | Site Audit Statement ( <i>No. 171</i> )<br>dated 11 August 2011<br><br>Site Audit Report titled <i>“Block 3<br/>Section 53, Botany Street Phillip<br/>ACT” (Ref: 10018SAR_v02)</i><br>dated August 2011<br><br>by Mr Rod Harwood of<br>Environmental Strategies Pty Ltd | <i>“Environment Management Plan Forensic Medicine<br/>Centre Botany Street, Phillip, ACT (Block 3 Section 53)”</i><br><i>(Ref: 484804_EAR_EMP_20110729.docx)</i><br>dated July 2011<br><br>by Robson Environmental Pty Ltd |