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To:
ACT Planning and Land Authority (ACTPLA)
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Submission regarding:

**Exposure Draft Planning and Development
(Environmental Impact Statements)
Amendment Bill 2010**

The Exposure Draft Planning and Development (Environmental Impact Statements) Amendment Bill 2010 (the Bill) proposes significant and far reaching changes to the Environmental Impact Assessment process in the ACT.

Whilst FoMM appreciates the opportunity to comment on the Bill we regret the short time frame allowed for public consultation given the significant consequences the proposed changes will have on future planning and development in ACT.

FoMM is particularly concerned about changes that will further restrict accountability of development proposals by exempting certain proposals from the assessments via Environmental Impact Statements (EIS) processes.

FoMM wishes to fully support the recommendations submitted by the Environmental Defender's Office ACT Inc. (EDO) to ACTPLA.

In particular FoMM supports the eight recommendations by the EDO to retain and strengthen the accountability of Environmental Impact assessments, to retain EIS processes for certain proposals as listed under point 2 (i-iv) of the EDO submission, and to adopt certain assessment actions and definitions provided by the Environment Protection and Biodiversity Act 1999 (Commonwealth) (EPBC) to reflect the bilateral agreement between ACT and the Commonwealth.

The Bill proposes to exempt certain proposals such as the construction of transport corridors from a rigorous environmental impact assessment / impact track if the proposal is on land in an existing urban area or on land that is designated under the Territory Plan (TP) as a future urban area or a transport or service zone. The exemption includes proposals with the

potential to adversely affect the integrity of a site where significant environmental or ecological scientific research is conducted.

As far as FoMM is aware the rationale to exempt proposals is that proposals on designated urban land or land zoned for transport or service use was already subject to environmental assessment and public consultation via the establishment or variation of the TP.

FoMM strongly objects to exempt proposals based on the fact that they are on land designated for urban, transport or service use and submits to retain the EIS trigger for such proposals.

FoMM is not aware that the establishment of the TP or variations of the TP has required or requires rigorous environmental impact assessment of *specific* proposals. Environmental impact assessments have the potential to gather important information that may have been overlooked when the TP or a variation of the TP came into effect. Examples from the Mt Majura area are a transport route defined in an area within endangered ecological community that was declared after establishment of the route, the establishment of a landfill / waste site within endangered ecological community, and the construction of a power transmission line on habitat of a critically endangered orchid species. The ecological significance of the sites was established only after the definition of the transport route in the TP respectively after the transmission line and land fill was constructed. An EIS is the tool to mitigate potential adverse impacts of a proposal on the environment and is best applied at the time when a certain proposal is put forward to ensure all relevant and most recent knowledge will guide the process.

In addition FoMM is concerned that the establishment of an urban or other land use zone in the TP is a too coarse measure to provide for detailed information about the impact a certain project may have on a certain item such as a site where significant scientific research is conducted.

Current legislation allows the Minister to exempt a proposal from EIS if he or she is satisfied that the potential impact a proposal has been already assessed.

Thus FoMM does not see the requirement to exempt proposals as outlined above.

FoMM welcomes the amendment that provides the Conservator for Flora and Fauna and the Environmental Protection Authority (EPA) with an increased responsibility in regard to the EIS process and hopes that the office of the Conservator and the EPA will be adequately equipped to reflect the increased responsibility.

Yours sincerely
Waltraud Pix
17 September 2010