

Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Environment portfolio

Question No: 58
Hearing: Additional Estimates
Outcome: Outcome 5
Programme: Environment Assessment and Compliance Division
Topic: Molonglo EPBC Strategic Assessment
Hansard Page: N/A
Question Date: 07 March 2014
Question Type: Written

Senator Waters asked:

1. Did the proponent undertake the relevant assessments, and did the Federal Government also undertake these assessments?
2. How did these assessments differ?
3. Were there any issues raised in the Strategic Assessment about which the Department specifically followed up with the proponent?
4. Were there species or habitats which triggered the EPBC Act's application which weren't captured under ACT environmental protection laws?
5. Were there changes made to the development as a result of the Strategic Assessment carried out by the Commonwealth? What were they?
6. Is the Department aware of any evidence that would suggest that the ACT Government would have undertaken the changes identified in question 5 if the Commonwealth had not undertaken its assessment?
7. Was the ACT Government, as the proponent, planning to realign John Gorton Drive before contact with the Department, or was that done at the request of the Department?
8. Is the Department aware of any instances where the community or experts have expressed concern directly to the Department about the ACT Government's approach to implementing appropriate offsets in the context of projects which destroy habitat?
9. Has the Department ever investigated any alleged impropriety in relation to the ACT Government's implementation of biodiversity offsets?
10. Does the Department share any of the concerns which have been raised by ecologists and community stakeholders in relation to sites nominated by the ACT Government as offsets for development proposals?

Answer:

1. Strategic assessments are a single assessment process as outlined below.

The ACT Government (the proponent) contracted Eco Logical Australia to conduct an environmental impact assessment of the proposal, and prepare a draft strategic assessment report and supplementary report as part of the strategic assessment under section 146 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The proponent submitted these draft reports and the *Molonglo Valley Plan for the protections of national environmental significance* (NES Plan) to the Minister for the Environment for his consideration of endorsement.

The Department prepared a recommendation report to assist the Minister to make a decision on endorsement of the NES Plan and the subsequent approval of class of actions

to be undertaken in accordance with the endorsed NES Plan. The recommendation report assesses the strategic assessment documentation submitted for endorsement, including an assessment of:

- adequacy of the NES plan and reports to address the agreement, terms of reference, and endorsement criteria;
- acceptability of impacts, mitigation strategies and the overall outcomes for matters of national environmental significance proposed in the NES Plan;
- recommendation for or against endorsement.

The then Minister endorsed the NES plan on 7 October 2011.

2. The assessments did not differ. The strategic assessment followed a single assessment process as outlined above.
3. The Department discussed impacts to matters of national environmental significance and commitments for avoidance, mitigation and offset measures as a normal part of the strategic assessment process, particularly with respect to Box-Gum Woodland and Pink-tailed Worm Lizards.
4. No, as species and ecological communities listed under *the EPBC Act* potentially impacted by the proposal were also listed under the ACT Government's *Nature Conservation Act 1980*.
5. The proponent made several changes to the NES Plan as a result of the strategic assessment process:
 - commitment to re-align the north-south bridge (along John Gorton Drive) to reduce impacts on high quality Pink-tailed Worm Lizard habitat
 - commitment to re-align the river corridor development boundary to reduce impacts on high and moderate quality Pink-tailed Worm Lizard habitat and Box-Gum Woodland
 - commitments to capped levels of impact on high and moderate quality Pink-tailed Worm Lizard habitat and Box-Gum Woodland patches within the development area
 - commitments to maintaining and enhancing the ecological condition of high and moderate quality Pink-tailed Worm Lizard habitat and Box-Gum Woodland patches on the northern boundary of the East Molonglo development area and on the western boundary of the East Molonglo development area
 - commitment to transfer a Box-Gum Woodland patch to the National Arboretum and to maintaining and enhancing its ecological condition, and
 - commitment to revise the development boundary to avoid impacts to Pink-tailed Worm Lizard habitat on the western boundary of the East Molonglo development area.
6. No
7. Re-alignment of John Gorton Drive at the Molonglo River crossing was negotiated as part of the strategic assessment process.
8. A range of stakeholders raised issues during the Molonglo Valley strategic assessment public consultation process. Subsequently, commitments for acceptable offsets for residual impacts to matters of national environmental significance were negotiated between the Department and the ACT Government and then incorporated into the *Molonglo Valley Plan for the protection of matters of environmental significance*.

Concerns have also been raised directly with the Department in relation to two ACT projects in the past twelve months about aspects of the ACT Government's approach to biodiversity offsets under the EPBC Act. These concerns were raised through formal and informal channels and have in all cases been addressed in the context of the assessment of individual projects and actions.

9. No

10. No the Department's assessment of the ACT Government's Molonglo Valley strategic assessment proposal found the proposed offsets were acceptable to protect matters of national environmental significance.