



Friends of Grasslands

supporting native grassy ecosystems

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Submission to the Senate Standing Committee on Environment and Communications

Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012

Friends of Grasslands (FOG) is a community group dedicated to the conservation of natural temperate grassy ecosystems in south-eastern Australia. FOG advocates, educates and advises on matters to do with the conservation of grassy ecosystems, and carries out surveys and other on-ground work. FOG is based in Canberra and its members include professional scientists, landowners, land managers and interested members of the public.

FOG supports the amendment to the Environment Protection and Biodiversity Conservation (EPBC) Act 1999 to prevent the Commonwealth from delegating the approval of proposed actions covered by bilateral agreements to a state or territory. FOG's reasons for doing so are as follows.

FOG's view is that environmental protection legislation should be both rigorously applied and enforceable. The Commonwealth government, in its administration of the EPBC Act, stands one step removed from many of the economic and other drivers of development impacting on our grassy ecosystems. Because of this, it is more able and willing to make the hard decisions needed to protect our endangered grassland communities, and to insist on adequate offsets where it proves impossible to avoid an impact. State and Territory governments are more likely to gain from particular projects (whether urban, mining or commercial) impacting on high conservation value areas. Political and economic drivers can exert a strong pressure on State and Territory governments, leading to them being more likely to compromise at the expense of the environment.

FOG believes that environmental protection legislation should ensure that there should be no development in high conservation areas, i.e. such areas are "no go". If losses from development are unavoidable, they should be minimized in any area with a conservation value. Where there are losses resulting from development in any area with a conservation value, offsets should always occur, i.e. there should be no development impacting on sites with a conservation value without an offset being obtained. However, FOG is concerned that biodiversity offsets will be seen as a way of "buying off" the environment. Again, this is more likely to occur if approvals are being made at the State/Territory level than at the Commonwealth level.

One issue specific to the ACT is the different roles of the ACT Government in relation to environmental regulation and decision making. The Government owns most of the ACT's land and, via its Land Development Agency, is the proponent in many development proposals affecting threatened natural temperate grasslands (NTG), box-gum woodlands and grassland-dependent species. If the ACT Government evaluates environmental impacts and has the power

to make decisions about approvals under the EPBC Act, this is a clear conflict of interest. There is significant pressure on the ACT Government to release land for housing, both to provide “affordable housing” and to generate revenue for the Government. While the Government has shown some willingness to consider environmental values, avoid destruction of some areas of NTG and box-gum woodlands and (more recently) to offer offsets, there are many examples of either destruction or encroachment on these areas in the ACT. Examples include:

- Proposal to put buildings on a small but stable NTG area and threatened golden sun moth population in Campbell;
- Development at Ngunnawal impacting on a small golden sun moth population
- Bushfire asset zones being within Mulligan’s Flat Nature Reserve rather than in the adjoining development footprint; similarly in Coombs with regard to the pink tailed worm lizard habitat along the river corridor.

Another concern is that State and Territory governments are generally concerned about their own jurisdictions and take little notice of what may be just across the border. Since connectivity between areas of high quality native vegetation is important to retain this vegetation and dependent species over the long term, the Commonwealth government is more able to look at the big picture and make decisions that include these connectivity issues.

While the desire to streamline environmental approvals is understandable, the problem lies with the lower and different standards of state and territory governments, not the EPBC Act. We favour an alternative approach of greater use of Strategic Environmental Assessment, as recommended by the Hawke Review. This involves an overarching assessment of a broader group of activities at a regional scale with both the State/Territory and federal governments so that subsequent projects can be designed within a framework that better protects the environment and requires less onerous approvals at the project development stage. We have experience of this with the Molongolo urban development in Canberra which has resulted in better outcomes for conservation of the environment and urban development than would have otherwise occurred. However strategic assessment is currently a little used, voluntary and ad hoc process. We suggest that the Act be amended so as to enable wider use of strategic assessment by the Federal Government to better facilitate both conservation and development.

In conclusion, FOG supports any move to retain decision-making powers under the EPBC Act with the Commonwealth, and opposed delegation of such powers to the State and Territory governments.

Sincerely yours

John Fitz Gerald
President

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