

Email to Ben Ponton, Director General, Environment, Planning and Sustainable Development Directorate, ACT Government

Ben Ponton
Director – General
Environment, Planning and Sustainable Development Directorate

In October 2018 MBark made a referral under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for a decision on whether or not the proposed Federal Golf Club (FGC) development required environmental assessment and approval under the EPBC Act. On 17 December 2018, the proposed development was determined to be a ‘controlled action’ under the EPBC Act. This means that the proposed development is likely to have significant impacts on matters of National Environmental Significance (NES) and therefore requires assessment and approval under the EPBC Act. In accordance with the requirements of the Commonwealth/ACT bilateral agreement the assessment will be conducted by the ACT Government. The decision on whether to approve the proposed action will remain with the Commonwealth Environment Minister or his delegate.

The level of assessment of the proposed development required to be undertaken under the Commonwealth/ACT bilateral agreement is an Environmental Impact Statement (EIS). This is the appropriate level of assessment given that the proposal is likely to have a significant impact on a matters of NES. In my view it is now essential that the timing and nature of the EIS process must take into account the important fact that the area proposed for development is subject to the development of the Red Hill Integrated Plan.

The nature of any development allowed by the finalised Integrated Plan may well be very different from that set out in the MBark referral under the EPBC Act, and involve very different impacts on matters of NES. The Integrated Plan may determine that areas other than the development area proposed by MBark should be available for development purposes. Such an outcome could result in an entirely different suite of impacts on matters of NES. The Integrated Plan could also determine that the FGC lease area is only suitable certain types of development, other than residential development. Corridors identified to deliver power and water and allow emergency access may differ from that proposed under the referral. In relation to the access road into any development, possible outcomes which could emanate from the Integrated Plan range from a new route for access being required (with the existing road being closed) to the current road being substantially or fully upgraded, which would result in much greater impacts on matters of NES.

For the above reasons the EIS on the proposed FGC development should be delayed or put on hold until the proposal can be revisited in the context of the completed Integrated Plan. I can see no reason why such a hold cannot be achieved through agreement between the relevant parties. In the context of delaying decisions in relation to this proposal I note that on 8 June 2018 MBark made an application to the ACT Conservator for an Environmental Significance Opinion (ESO) that the proposed FGC development is unlikely to result in significant adverse environmental harm. The Conservator has put the ESO application on hold and it will not be assessed until all the impacts of the proposed development are understood. The Conservator has indicated that the consideration of the impacts will be informed by the outcomes of the Red Hill Integrated Plan process. This is a sensible course of action and a similar approach should also be pursued in relation to the preparation of an EIS on the proposed FGC development for the purposes of the EPBC Act.

An additional important process which needs to be taken into account in relation to consideration of the proposed FGC development is ACT PLANNING STRATEGY 2018 – “4.1.3 - *Investigate land under concessional lease to strategically determine the future use of that land for greatest public benefit*”. The land proposed for development, or any other area of land within the Federal Golf Club concessional lease area proposed to be used for non-lease purposes, clearly falls within the scope of this investigation.

Kind Regards

Wayne Fletcher
Co-Convenor
Garran and Hughes Residents' Action Group
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