



## Standing Committee on Planning, Transport and City Services

### **Inquiry into Planning Bill 2022** **ANSWER TO QUESTION ON NOTICE**

Asked by Jo Clay MLA:

Reference: Hearing on 7 December 2022

In relation to: Strategic Environmental Assessments

- (1) I understand that strategic environmental assessments have been removed from the new Planning Bill because they haven't been used. Why haven't they been used, when we have been investigating large tracts of land for development (like the Western Edge)?
- (2) Where strategic environmental assessments are required under the EPBC Act, how will the Conservator and the Territory Planning Process engage with this process?
- (3) Where a proponent is required to do a strategic environmental assessment under the EPBC Act, is it correct that there is no requirement under in the proposed Planning Bill for an assessment of threatened species under the Nature Conservation Act 2005?
- (4) Why is there no requirement under in the proposed Planning Bill for an assessment of threatened species under the Nature Conservation Act 2005 if a proponent is required to do a strategic environmental assessment under the EPBC Act?
- (5) How will a proponent be required to assess impacts on ACT-threatened species under the Nature Conservation Act 2005 if it is not required to through a strategic environmental assessment under the EPBC Act, or the proposed Planning Bill?

**Mick Gentleman MLA: The answer to the Member's question is as follows:–**

- 1) Where large tracts of land are proposed for potential development, the proposal will ordinarily be assessed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), should triggers apply, and also the ACT Environmental Impact Statement (EIS) or EIS exemption process (the ability for an EIS exemption is proposed to be removed under the Planning Bill 2022). A strategic environmental assessment, under the *Planning and Development Act 2007* (PD Act), is not a statutory assessment and approval process.

- 2) The Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) administers the EPBC Act. Some of the matters protected under the EPBC Act also require assessment under the PD Act. Currently, if a strategic assessment is approved by DCCEEW, the proponent must also undergo an application and assessment process for works on Territory land (as opposed to National or Designated land), which is assessed by the independent planning and land authority and this is proposed to continue under the Bill. The Conservator of Flora and Fauna is a mandatory referral entity in the assessment process.
- 3) Under the proposed Planning Bill, all existing EIS triggers relating to threatened species will remain. Therefore, an EIS would still be required for a development on Territory land (as opposed to National or Designated land) that impacts on threatened species.
- 4) See above.
- 5) See above.

Approved for circulation to the Standing Committee on Planning, Transport and City Services

Signature:



Date: 19/12/2022

By the Minister for Planning and Land Management, Mick Gentleman MLA