



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ENVIRONMENT AND TRANSPORT AND CITY SERVICES
SUZANNE ORR MLA (CHAIR), CANDICE BURCH MLA (DEPUTY CHAIR), JAMES MILLIGAN MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION TAKEN ON NOTICE
13 November 2018

Asked by MS LEE

In relation to: Ginninderry EIS exemption.

Mr Pepper: So the EPA is part of the planning process as one of the mandatory referral agencies, so it performs a role alongside a number of other regulators and utilities, for example, that as DAs are lodged, there is consideration and advice given back to the planning agency from an environmental perspective. That balances a range of concerns that we would have a look at.

So certainly the EPA has been involved as part of that process. In terms of the minister's decision to exempt, that is done off the back of advice that comes from the Environment, Planning and Sustainable Development Directorate. As a referral entity, it is not our decision on planning matters; we provide input into those planning matters and certainly we work very collaboratively with the team in Planning and Delivery within EPSDD and there is ongoing dialogue about a range of developments that might occur, but ultimately the advice and decision is not one for the EPA.

MS LEE: Sure. And what was EPA's feedback in that process on the decision to exempt Ginninderry?

Mr Pepper: I might need to take that on notice—

MS LEE: Sure.

Mr Pepper: —just in terms of the specifics of the advice that we provided.

MS LEE: That would be great, thank you. And in terms of the—I suppose there has been a bit of public—sorry, you want to just say something? Yes.

Mr Pepper: Sorry Ms Lee, I should just add to that. So we would not advise necessarily on a decision to exempt—to pursue a path of exemption from an impact statement. And I should just clarify as well that often there is a belief that if there is this exemption given, it is a fast track through no environmental approvals. Really, what it is is a recognition that there have been extensive studies that cover what is required and a range of environmental considerations that have already occurred.

MS LEE: So—

Mr Peffer: So to have it run through a second time, you are sort of doubling up on activity that has been occurred—that has already been undertaken.

MS LEE: Yes.

Mr Peffer: From our perspective, we would look at it from the responsibilities and functions we have under our act and we would simply provide advice to the Planning Directorate on that basis not particularly on decisions that their minister may make.

MS LEE: Sure. So my question in terms of that you have taken on notice still stands in so far as what was the ambit of your advice and what were the considerations that the EPA looked at and advised in that process? So it that—

Mr Peffer: Okay.

MS LEE: Yes.

Mr Peffer: We can take that on notice.

Gordon Ramsay MLA: The answer to the Member's question is as follows:—

The information is publicly available on the Environment Planning and Sustainable Development Directorate (EPSDD) website at

https://www.planning.act.gov.au/data/assets/pdf_file/0006/1270725/Ginninderry-Stage-2-Urban-Development-Application-for-EIS-exemption-Consideration-Report-September-2018.pdf.

Environment Planning Authority (EPA) comments can be found on page 41 of the Ginninderry Stage two Urban Development Application for EIS Exemption document.

It should be noted the following contamination assessment and management provisions will be required to be appropriately dealt with in future planning instruments such as estate development plans for each stage of development.

Typical conditions would be as follows:

- The area subject to development under the Estate Development Plan (EDP) must be assessed and remediated, as required, by a suitably qualified environmental consultant specialising in contaminated land assessment in accordance with the EPA Contaminated Sites Environment Protection Policy 2017 and EPA endorsed guidelines.
- The adequacy of the assessment/remediation works must be independently audited by an ACT EPA approved environmental auditor.
- The Auditor must notify the EPA of his/her engagement within 7 working days of receiving a request to carry out the audit.
- The findings of the independent audit into the site's suitability for its proposed and permitted uses under the ACT Territory Plan or appropriate auditor interim advice where acceptable to the EPA must be reviewed and endorsed by the EPA prior to the commencement of development works within the EDP area.

- The findings of the independent audit into the site's suitability for its proposed and permitted uses under the ACT Territory Plan must be reviewed and endorsed by the EPA prior to the site being used for other purposes.
- No soil is to be placed, reused or disposed elsewhere within the greater 'West Belconnen' development area (outside of the area covered by the EDP) or reused or disposed off-site without EPA approval.

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

Signature:



Date: 21/11/18

By the Minister for Business and Regulatory Services, Gordon Ramsay MLA

