

## Secretariat to the Independent Review of the EPBC Act

I made a preliminary submission by email on 19.12.08 in my own name as a Fellow of the Environment Institute of Australia and New Zealand and as a citizen living in Canberra. I formulated eight propositions regarding various basic provisions of the ACT. I foreshadowed some illustrative case studies.

In this supplementary submission, I want to focus on one case study and one further proposition, with regard to heritage protection in the Act. Unfortunately, I have been unable to find the time to back up the eight propositions. On the other hand, my current rather demanding responsibilities as Chair of the Canberra Chapter of the Walter Burley Griffin Society have highlighted the need to say something about trends in heritage protection under the Act.

### **Case study: Olympic Dam mine at Roxby Downs, SA**

I want to just briefly mention the manifest point that the environmental impact assessment of the proposed expansion of BHP Billiton's Olympic Dam mining and processing operation has made no significant difference to the proponent's plans and allowed a manifestly unsustainable development to proceed. Evidence of the failure to adequately assess sustainability is abundant:-

- no life cycle assessment of nuclear fuels
- undue reliance on trade in uranium and, ultimately, nuclear power
- allowing accelerated expansion of energy supplies and energy demand at a global historical juncture when a pause in economic growth and application of the precautionary principle warrant consideration
- depletion of ground water resources
- inordinate demands on the conventional power grid
- reliance on a desalination plant entailing heavy energy demands and government subsidies
- incessant refrain of politicians emphasising conventional economic growth and jobs to the exclusion of alternatives, such as development and jobs in sustainable sectors, a more resilient and diversified economy and conservation of natural resources.

Having participated in the proponent's public consultations, these issues were neither well defined nor seriously addressed. They required a level of process above EIS to that of major inquiry, in order to render BHP Billiton and Governments alike accountable and for sustainability criteria to be accorded their full and imperative significance. The EPBC Act has eventually proved ineffective.

### **The heritage provisions of the EPBC Act**

This part of the submission is made on behalf of the Walter Burley Griffin Society. The ideas have been intensively and regularly discussed by our members over time. It is likely that the Management Committee of the Society and the President James Weirick will be able to make a submission in due course, albeit late. As Chair of the Canberra Chapter of the Society, I wish to tender the following points:

1. Changes to Commonwealth national estate and heritage statutes in the past decade have produced a decline in the status of heritage and in the policy instruments available to protect heritage.

2. This decline is reflected, perhaps to a lesser extent, in State, Territory and local government spheres.
3. The ACT, however, is suffering the same downgrading and loss of heritage assets, values and protective measures. This is due in large part to the outcomes of EPBC processes.
4. One factor at work is the ability of the National Capital Authority to avoid public scrutiny and unduly influence the assessment process with biased and selective information. Their behaviour has been criticised strongly in successive reports of the Parliamentary Joint Standing Committee on the ACT (2004, 2007, 2008). The Government is considering changes to the governance, transparency and consultative nature and culture of the NCA.
5. This factor raises the issue of independent, third-party expert reviews of complex and esoteric development proposals. There is a need for greater use of outside experts, panels and juries in assessment procedures, particularly where there are professional and scientific disagreements of differences.
6. Notable cases in point are the extensions to the National Gallery of Australia, the redevelopment of Old Canberra House (Crawford School Building – ANU proponent with NCA as planning approval authority) and the Arts & Sciences Campus, Parkes, ACT (National Library/Questacon).
7. Whilst due processes and assessments were carried out, with some public involvement, the outcomes in terms of the Minister's determinations, manifestly gave a low weighting to heritage values and to the evaluation of the public and community organisations and individuals who made submissions.
8. Given the workloads and existing Departmental resources, there is a clear and emphatic need to increase these resources, particularly in areas of strategic and regional planning and design and with respect to the planning of the National Capital.

Thank you for accepting this submission.

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