

23 November 2008

MLA (Individually addressed)
Legislative Assembly

Dear MLA,

Tuggeranong Power Station and Data Warehouses on Block 1610 – EIS

Given the recent release of the latest report in the above matter, we, the community, thought it may be of assistance to remind our elected MLAs of what an Environmental Impact Statement (EIS) should be and what part it is supposed to play within the planning process. This may assist in understanding the growing concerns of the community and the frustration with the increasing mis-information about this latest report within the media and areas of government.

The requirements of an EIS under land and planning legislation comes from the acceptance by developers, governments and environmentalists that protections are needed to exist within the process, to ensure that certain developments, those with the potential to harm the environment and community, are only proceeded with if the harm is mitigated to acceptable levels or extinguished.

These protections come in the form of independent reports and surveys detailing site-specific studies and site-specific surveys. The key to this is that these reports should refer to *site-specific* studies. The EIS is compiled around the detail of the proposed development on that site, with that site's individual ecology, environment, wind dispersals, animal migrations, geology, human influence, etc.

An EIS works in conjunction with the Precautionary Principle. This principle has validity independent of the planning Act by virtue of the Rio Declaration. It is defined to mean "*that if there is a threat of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*" In the context of planning applications it is interpreted to mean that a development with the potential to damage or harm, should not advance unless there is full scientific certainty the harm can be extinguished, mitigated or the benefits of the development irrefutably outweigh the harm.

What this GHD report presents is a desk-top study of the submissions commissioned and filed by ActewAGL in support of their proposal. Where there are identified gaps in the information, GHD have taken studies from other areas to fill the gaps in their opinion. As an example, (Page 138, Volume One of GHD, Draft EIS) an absence of site-specific information on the background levels of Sulfur Dioxide (SO₂) was identified by the community. Rather than conduct site-specific studies into the background levels of SO₂, GHD have taken results from Bargo, NSW collected in 2003. These are not relevant to this site and this development. This is not what is intended to happen within an EIS. This merely replicates the flaws in the original reports.

Similarly the supporting documents were commissioned on the premise that this development was a state significant development, providing a second power source for Canberra. Many of

these reports have not been altered or reviewed in the light of this being a privately owned real estate gas-fired power station solely to support a privately owned data warehouse complex. Within the protective functions of a real EIS, this is a key and relevant point.

The requirement of an EIS is placed in planning legislation for the protection of the environment and the community. It is called into play in the face of developments such as gas-fired power stations. It is supposed to be approached as a thorough independent study of the potential effects of a specific development on that specific site. It is only with this level of information and expert advice, independent of the interests of the developers, that Ministers and planning experts can properly assess the suitability of developments.

It is not within the power of a Minister for Planning to make this decision without the benefits of this level of information.

The report filed by GHD does not provide this level of site-specific study. It is an opinion based on consideration of the data already filed and where gaps have been identified they have filled them with information from areas many kilometres away.

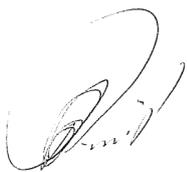
GHD are not independent. It was their HIPS report (the Hume Industrial Planning Study) which prompted the selection of this site. They base their opinions on the background assumptions that this entire area will and should be industrialised. It should be noted that in compiling the HIPS, they did not conduct any site-specific surveys or community consultation.

The document itself has not been disseminated to the community, only being revealed as part of the application under Freedom of Information, despite it being referenced within the proponents' original application as a justification for filing a development application on this site.

We would further remind our elected MLAs that the community asked for a full independent site selection process and then a full and independent EIS at the commencement of this application. Our request was made in reference to the intent and detail of an EIS as expected by the EPBC Act, Precautionary Principle and the safeguards built into planning legislation for developments of this kind.

The Minister for Planning, Andrew Barr, called for this report in August 2008 in response to the damning evaluation of this PA by ACTPLA and the government's perceived need to sack the HIASG. Within a mere 65 working days, and in order to continue to the developer's tight timetable for commencing their development this document has now been produced and what has been produced does not constitute an EIS within the intent, meaning or detail of planning legislation.

Yours sincerely



Bill Reid
President of CPR inc