Submission Environment Impact Assessment Improvement Project

by Murray Scott, 2016 Oct 21.

The "Potential improvements: Suggested changes put forward for discussion" include:

- driving earlier and better engagement with affected communities
- focussing assessment on the most important issues
- improving the quality and consistency of EIA documents
- developing a standard approach for applying conditions to projects
- providing greater certainty and efficiency around decision-making, including assessment timeframes
- strengthening monitoring and reporting on project compliance
- improving accountability of EIA professionals "

While potentially improving transparency of planning, such transparency will merely expose the ineffective basis of current EIS processes, erecting a series of surmountable hurdles for developers to jump before they invariably get what they want. For example in the legal battle to prevent Bulga village falling into the Warkworth / Mt.Thorley coal pit, Courts twice found against the mine expansion until the Government stepped in to change the rules. Transparency of impacts has been carefully avoided in hiding the mess of open cut mines around Musswelbrook from travellers on the New England Highway. The extent of that damage is revealed only by aerial or satellite views.

Australia's system of government traditionally provided a mix of private and public enterprise regulated mostly for the public good. The apparently "boundless plains to share" however led to a cavalier attitude to environment impacts of agriculture, ,mining and manufacting. Current planning laws and privatisations continue to reflect an increasingly "free enterprise" presumption that, subject to minor tweaks, any profitable development is intrinsically good as measured by increased GDP growth, and should therefore be approved.

That morally blind approach encourages development and promotion of growth, including that of social and environmental public "bads" along with the "goods". Commerce has inverted and perverted the definition of economics stated in first year courses to be "the efficient allocation of scarce resources to meet demand". It has now become the "stimulation of demand to profitably absorb limitless products and resources". That approach defies the obvious fact that Earth's resources are indeed limited and can thus not support indefinite material growth. The Club of Rome's "Limits to Growth", including climate change, seemed in 1972 academic and remote, but now appear too "diabolical" for effective political response. Federal and State planning for greenhouse gas emission reductions falls short of meeting even the inadequate <2 degree target agreed in Paris, let alone the more realistic <1.5 degree "desirable" limit. The repudiation of responsibility for fossil fuel exports for example is indefensible while we take no responsibility for imports of goods manufactured overseas using that fuel or derived materials, greenhouse accounting for which would be impracticable anyway. As a major fossil fuel exporter, Australia has a diplomatic responsibility to sponsor an accounting system for downstream emissions and to pay our penalty or else shut down such exports.

What is lacking in the EIS charade then is responsible long-term planning guidelines established through Parliament to identify and legislate sustainable development goals for NSW with science and equity-based constraints on the kind of impacts that will NOT be tolerated. Full Stop! Clearly greenhouse gas pollution, biodiversity loss and material wastage must appear on that avoidance list, to be phased in with declared timelines and enforcement that industry must take seriously in orderly planning for employment and investment horizons. Timelines not, as at present, taken as a hurdle to be ignored, evaded or overcome through lobbying.

Positive sustainability guidelines for economic equity, population stabilisation, education, public health protection and health care should similarly be established and implemented, none of which

can promote indefinite growth in material throughput.

That change to proactive planning would prevent the waste of large amounts of time and money for everybody including developers, consultants, politicians, lobbyists, public servants, community organisations, lawyers and courts. It would produce a great efficiency dividend and robust protection for irreplaceable assets such as water resources, bush and agricultural land. It would also channel creativity, innovation and enterprise into sustainable directions to eliminate intergenerational decay of resources and environment.

From the given list of documents supporting this public consultation, the following link http://ec.europa.eu/environment/eia/eia-support.htm links in turn to: http://ec.europa.eu/environment/eia/pdf/EIA Guidance.pdf from which.

This European Community document offers a sustainability model upon which revised NSW Biodiversity, Climate Change and EIS legislation could and should be based. Its integrated, long-term viewpoint has been sorely lacking in NSW Plannning processes to date, even more so in proposed changes to NSW "Biodiversity" legislation. A summary is quoted below:

Guidance on integrating climate change and biodiversity into EIA 9

Summary

The Guidance on Integrating Climate Change and Biodiversity into Environmental Impact Assessment aims to help Member States improve the way in which climate change and biodiversity are integrated in Environmental Impact Assessments (EIAs) carried out across the EU. This summary gives a brief overview of the guidelines and recommendations presented in the document.

Section 1 contains an introduction explaining the purpose, identifying the target audience and presenting an overview of the contents, to help readers decide when and how to use the guidance.

Sections 2 and 3 explain why climate change and biodiversity are so important in EIA and present the relevant EU-level policy background.

Section 4 provides advice on how to integrate climate change and biodiversity into selected stages of the EIA process. The annexes provide sources of further reading and links to other relevant information, data, and tools.

The boxes below summarise the main ways of incorporating climate change and biodiversity into EIA. The information has been organised according to four headings, which do not match the structure of the document, but reflect the key messages that appear throughout the guidance.

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HOW TO INCORPORATE CLIMATE CHANGE AND BIODIVERSITY INTO EIA:

- Build them into the assessment process at an early stage (screening and scoping):
  - You will be more likely to include them in the rest of the EIA process;
  - They will be built into the mindset of all key parties involved, including authorities and
  - policymakers, planners, EIA practitioners, etc.

- Tailor how you incorporate biodiversity and climate change to the specific context of the project:
  - It is not a matter of simply ticking off items on a checklist. Every EIA is different.

HOW TO IDENTIFY CLIMATE CHANGE AND BIODIVERSITY ISSUES IN EIA:

- Bring together all the relevant stakeholders who need to be part of biodiversity / ecosystems-related and climate change-related decision-making:
  - Let the stakeholders help identify the key climate change and biodiversity issues early in the process;
  - Design the engagement process and select the best tools for your particular situation. Consider the needs of the EIA and of climate change and biodiversity in particular.

- Understand how both climate change and biodiversity interact with other issues to be assessed in the EIA, as well as with each other.

CRITICAL CHALLENGES FOR ADDRESSING CLIMATE CHANGE AND BIODIVERSITY IN EIA:

- Consider the impact that predicted changes in climate and biodiversity will have on the proposed project, potentially over a long timescale, and the project's resilience and capacity to cope.
- Consider long-term trends, with and without the proposed project, and avoid 'snapshot' analyses.
- Manage complexity.
  - For example, introducing an element such as climate change mitigation would usually be positive, but it might have a negative impact on climate change adaptation and/or biodiversity
- Consider the complex nature of climate change and biodiversity and the potential of projects to cause cumulative effects.
- Be comfortable with uncertainty, because you can never be sure of the future.
  - Use tools such as scenarios (for example, worst-case and best- case scenarios) to help handle the uncertainty inherent in complex systems and imperfect data. Think about risks when it is too difficult to predict impact.
- Base your recommendations on the precautionary principle and acknowledge assumptions and the limitations of current knowledge
- Be practical and use your common sense!
- When consulting stakeholders, avoid drawing out the EIA procedure and leave enough time to properly assess complex information.

HOW TO ASSESS EFFECTS RELATED TO CLIMATE CHANGE AND BIODIVERSITY IN EIA:

- Consider climate change scenarios at the outset:
  - Include extreme climate situations and 'big surprises', which may either adversely affect the implementation and operation of a project or worsen its impact on biodiversity and other environmental aspects.
- Analyse the evolving environmental baseline trends:
  - Include trends in key issues over time, drivers for change, thresholds and limits, areas that may be particularly adversely affected and key distributional effects
  - Use vulnerability assessment to help assess the evolution of the baseline environment and identify the most resilient alternative(s).
- Take an integrated approach to planning and assessment, investigating relevant thresholds and limits
- Seek to avoid biodiversity and climate change effects from the start, before considering mitigation or compensation. For biodiversity, EIA should focus on ensuring 'no-net-loss'.

- Assess alternatives that make a difference in terms of climate change and biodiversity.
- Use ecosystem-based approaches and green infrastructure as part of project design and/or mitigation measures.
- Assess climate change and biodiversity synergies and cumulative effects, which can be significant.
    - Causal chains/network analysis may be helpful in understanding these interaction

This submission prepared by Murray Scott, 2016 Oct 21.