



Environmental Defenders' Office
AUSTRALIAN CAPITAL TERRITORY

Transport Canberra and City Services Directorate
ACT Government,
GPO Box 158
Canberra ACT 2601

By email: communityengagement@act.gov.au

1 April 2019

Dear Transport Planning and Policy Team,

Integrated Transport Strategy: Environmental Defenders Office (ACT) Submission

The Environmental Defenders Office (ACT) Inc ('EDO ACT') is a community legal centre specialising in public interest environmental law in the ACT and surrounds. We provide legal representation and advice, take an active role in environmental policy and law reform, and produce community legal educational publications and programs.

Transport is the second biggest source of greenhouse gas emissions in the ACT, after electricity. Once the ACT moves to 100 per cent renewable electricity, transport will be the ACT's biggest contributor of emissions.¹ Given this, the EDO ACT welcomes the opportunity to comment on the Integrated Transport Strategy.

The EDO ACT welcomes the Strategy's focus on reducing the impact of transport on the climate. The transport strategy recognises the importance of sustainable transport, including active travel and public transport. As a rapidly growing city, the ACT is in a position to be a national leader in regards to transport. We offer the following recommendations to assist the ACT government in reaching this goals.

1. Whole-of-government approach to sustainable transport

The EDO ACT notes that the transport strategy identifies a relationship between it and the ACT Planning Strategy and Climate Change Strategy. This whole-of-government approach needs to be strengthened through the development of legislative frameworks that require decision-makers take into account climate impacts when making decisions about transport. This includes, for example, amending the *Climate Change and Greenhouse Gas Reduction Act (2010)* to require relevant decisions to consider climate impacts.

¹ ACT Climate Strategy to a Net Zero Emissions Territory.



Example: Climate considerations in decisions to approve new roads

Despite the Strategy's emphasis on reducing car travel, the ACT Government continues to build new roads, with \$196 million proposed over the four years to 2020-21 for major and urban road infrastructure, including several new roads.² New roads do not ease congestion,³ and have negative environmental impacts. Indeed, the Transport Strategy itself recognises "*We cannot "build" our way out of congestion. Continuously expanding the road network will create future operational maintenance and renewal burdens*".⁴ A whole-of-government approach would require relevant decision-makers to consider climate impacts when deciding to approve the building of new roads. These climate considerations should include both direct and indirect emissions (including scope 3) which arise from transport policy decisions.

In addition, climate impacts must be at the centre of the strategic planning process. When considering decisions under the Territory Plan, the ACT Planning Minister should be required to plan for climate change, including taking mitigation and adaption measures. This includes considering the impact of strategic planning on emission reduction targets as part of a whole-of-government approach. The Territory Plan must be amended to ensure that compliance with emission reduction targets are included as mandatory rules in all zones and codes. Specific adaption measures must also be included as part of the Territory Plan.

Recommendation: Climate change impacts including emission reduction targets must be a mandatory consideration for decision-makers making transport decisions.

2. Ensuring that environmental concerns are given priority in the implementation of the transport strategy

Despite discussing the importance of environmental considerations in transport strategy, environmental impacts are not given priority in the implementation of the strategy – indeed, they are not even mentioned. For instance, the "Implementation Plan" notes the climate strategy in its "vision principles" and states that sustainability is an "investment principle". However, it fails to include environmental considerations in the strategic merit test or implementation stages of the Implementation Plan.

Consideration of environmental impacts, particularly climate impacts and impacts on biodiversity, should be included as part of the implementation plan. Proposed activities must address any potential

² ACT Infrastructure Plan Update 2017-18

https://apps.treasury.act.gov.au/data/assets/pdf_file/0003/1165530/Infrastructure-Plan-Update-2017-18.pdf

³ See, e.g., the Grattan Institute <https://theconversation.com/stuck-in-traffic-we-need-a-smarter-approach-to-congestion-than-building-more-roads-84774>

⁴ Transport Strategy, page 24.



impacts on the environment and must be a primary consideration at the “Business case”/ “Investment decision” stage. Any proposed transport solution must address environmental considerations. If an activity has an environmental impact, processes must be put into place to assess and avoid these impacts. Our current planning laws must be improved to provide adequate environmental protections, particularly as some forms of “emerging technology” included in the transport strategy fail to enliven the environmental impact assessment provisions in the *Planning and Development Act 2007*.⁵ Prioritising environment issues in the implementation plan goes beyond a “triple bottom line” approach, and ensures that environmental considerations are not compromised.

Recommendation: Environmental considerations, including climate impacts and impacts on biodiversity, must be given priority in the implementation of the transport strategy.

3. Avoiding greenfield developments and outwards growth

The Strategy recognises the benefits of “density done well”⁶ in achieving positive environmental outcomes:

*Moving Canberra supports the ACT Planning Strategy and future land use intentions for Canberra. Low density suburbs disperse commuter demand and contribute to an overreliance on private cars as the primary mode of travel. Density done well and frequent public transport services, such as rapid buses and light rail, will support infill developments in Canberra’s major activity centres and corridors.*⁷

The EDO ACT has discussed the impacts of greenfield development on the natural environment in submissions to the Housing Choices Discussion Paper (February 2018); ACT Climate Strategy to a Net Zero Emissions Territory (April 2018); Inquiry into Engagement with Development Application Processes in the ACT (August 2018); and Inquiry into the value of the natural environment to an urbanising Canberra (December 2018).⁸ In particular, greenfield development embeds emissions intensive transport by increasing travel distances and increasing reliance on private vehicles.

While the EDO ACT welcomes strategies to reduce the environmental impact of new greenfield developments, such as providing public transport services to new suburbs as early as possible, it remains our position that, where possible, greenfield development must be avoided due to its impacts on the environment. We are concerned that despite broad recognition of the impacts of greenfield

⁵ See, for example, the submissions of EDO ACT and others that discuss the failure to adequately assess impacts of the trial drone delivery service in Bonython (http://www.edoact.org.au/submission_drones).

⁶ Transport Strategy page 14.

⁷ Transport Strategy page 13.

⁸ Available at www.edoact.org.au/submissions.



Environmental Defenders' Office
AUSTRALIAN CAPITAL TERRITORY

development, land releases and developments in greenfield areas in the ACT continue.⁹ Given the impact of greenfield development on the natural environment, the EDO ACT welcomes solutions that reduce developments on greenfield land by creating a more compact city through urban infill initiatives, and adequate public transport to service them.

Recommendation: Development on greenfield land must be avoided where possible. Where development on greenfield land is likely, accessible and sustainable transport options must be included in development design.

If you have any questions or wish to clarify any of the above, please do not hesitate to contact the EDO ACT on (02) 6243 3460 or Stephanie.Booker@edoact.org.au.

Yours faithfully,

Stephanie Booker
Principal Legal Officer

⁹ ACT Government Land and Property Report (2017)
https://www.planning.act.gov.au/_data/assets/pdf_file/0016/1226104/act-land-and-property-report-december-2017.pdf ; https://www.planning.act.gov.au/_data/assets/pdf_file/0008/1207295/Indicative-Land-Release-Program-2018-19.pdf.