

24 April 2013

Committee Secretary
House of Representatives Standing Committee on the Environment
PO Box 6021
Parliament House
Canberra ACT 2600

Email: environment.reps@aph.gov.au

Dear Sir/Madam,

Streamlining environmental regulation, 'green tape', and one stop shops

The Urban Taskforce is pleased to make this submission to the House of Representatives Standing Committee on the Environment as part of its review into streamlining environmental regulation. The Urban Taskforce has concerns with the complex development approval system particularly with government processes that duplicate and overly complicate an already complex environmental assessment and approval process. We have strongly advocated for reforms to the assessment and approval process that will deliver an improved, more efficient and transparent environmental assessment and approval system. In this regard we strongly support the reforms being pursued by this Government in the areas of bilateral assessments and approvals regimes.

As the Standing Committee would understand, Australia has a number of pieces of State and Commonwealth legislation that control development while aiming to protect the environment. The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is the Australian Government's primary piece of "environmental" legislation. The states also have legislation that seek to protect the environment and/or promote ecologically sustainable development. In New South Wales, the primary legislation addressing land use, management and the promotion of ecologically sustainable development is the Environmental Planning and Assessment Act 1979. We argue that the problem with having State and Commonwealth legislation concerned with the same issues is that there are instances where development proposals become subject to assessment and approval pursuant to both State and Commonwealth legislation. Thankfully this matter is being addressed and we are pleased to see that duplicate environmental assessments will become a thing of the past through bilateral agreements between the Commonwealth and States.

Though not perfect, the bilateral assessments agreement prevents the duplication of assessment. However, there is still a need for two approvals, one from the State Planning Minister and the other from the Commonwealth Minister for the Environment. Again we are pleased to note that the Government is pursuing the introduction of an approval bilateral.

The Urban Taskforce is passionate about cutting green tape and the elimination of bureaucratic duplication. We argue that a streamlining of the approvals and assessment processes must be pursued if development is to be relied upon to kick start the economy and meet housing demand.

While gains have been made with the removal of duplicate assessments, **duplicate approval is still required**. This is an unfortunate, costly, time wasting and pointless requirement. If the Commonwealth has agreed to accept that state environmental assessment processes are sufficiently comprehensive and able to ensure robust environmental assessment, then surely the Commonwealth must acknowledge that the same system is capable of "following through" to provide a transparent and justifiable approval. Section 46 of the Act provides for approval bilaterals, under which the Commonwealth would agree to be bound by decisions made by the State. In other words, similar to the assessments agreements, the Commonwealth Minister for the

Environment agrees to recognise the state approval process as meeting the requirements of the EPBC Act under certain conditions.

The Urban Taskforce hopes that this review will properly investigate the broader application of s.46 and continue to pursue the development and implementation of a bilateral approvals agreement to complement the existing bilateral assessments agreements.

Administrative and process improvements to improve bilateral assessments are important. However, monumental gains can be made with the integration of the assessment and approval process by way of a bilateral approvals agreement. This has become more apparent in recent times as the potential for more development proposals to be captured under state and Commonwealth environmental assessment and approvals processes increase.

The most appropriate means of ensuring that development assessments are able to proceed efficiently, while managing the tension that exists between environmental protection and the need for development is the implementation of an approval bilateral.

It must be noted that entering into a bilateral approvals agreement does not exclude the Commonwealth. States must notify the Commonwealth of all proposed actions that will have or are likely to have significant impacts on the significant site.

Commonwealth and state environmental management systems must be streamlined and integrated. Duplicative administrative processes and listing regimes must be removed. Most importantly, **the opportunity for a single assessment and approval process must be vigorously pursued.**

Furthermore, complex development proposals should be led by state planning authorities, not the Commonwealth environmental protection agencies. Commonwealth agencies are remote from state and local development pressures and are not able to properly engage in a holistic assessment processes. State Planning Authorities and their respective Ministers are more accessible to the community and readily held accountable for their decisions.

Bilateral approval agreements between the Commonwealth and States must be reached to ensure that assessment and approval of significant proposals are subject to efficient, robust and holistic processes that integrate the economic and social need with environmental conservation.

Notwithstanding any of the above, while we strongly support the removal of duplicate environmental assessment and approval processes we urge the Committee to ensure that when the Commonwealth delegates environmental assessments and approvals functions, it ensures that state and territory assessment process are consistent and robust without being overly onerous.

I understand that the Committee will be accepting evidence from those who made submissions and in this regard I would welcome the opportunity to address the Committee when it visits Sydney on the 1st May.

Yours sincerely

Urban Taskforce Australia



Chris Johnson AM
Chief Executive Officer