



Introduction

Thank you for the opportunity to respond to the proposed listing of potentially threatened coastal floodplain eucalypt forests via the *Environment Protection & Biodiversity Conservation Act 1999*.

We do not believe the proposed listing should proceed at this time. Our submission identifies several flaws in the consultation process, a raft of issues arising from the listing, and potential implications for the urban development industry.

The current proposal risks sterilising large tracts of land designated for urban development without providing for full and detailed analysis, properly considering the implications for future project assessment and understanding the red tape implications for housing development projects.

About Urban Development Institute of Australia (UDIA)

UDIA is the development industry's most broadly representative industry association with more than 2,500 member companies – spanning top tier global enterprises and consultants to local governments and small-scale developers.

We have a long history of engaging positively with the Federal Government and its agencies on issues critical to the property industry – spanning tax, population, infrastructure, land use planning and beyond.

UDIA National's advocacy is defined by our state-representative National Council – and informed by a diverse membership base, extensive network of state councils and committees and businesses on the frontline of housing development around the country.

Our voice is backed by real experience and quality research designed to support good policy making and dialogue with governments, oppositions and the bureaucracy.

Comments on consultation process

There are several issues arising from the current approach to consultation which UDIA regards as requiring deferral of the current assessment until they are appropriately resolved.

These include:

Mapping

The draft maps released as attachments to the consultation documentation are insufficient and vague. They do not allow fine-grain analysis of the potential overlap between existing urban development

boundaries and proposed application of the listing. In fact, they are so broad they risk becoming irrelevant.

UDIA instead encourages the Department to pause the consultation process until more detailed and sophisticated mapping is made available.

EPBC Act Review

As you are aware, there is a pending review of the *Environment Protection & Biodiversity Act* and our expectation is that the Government will initiate the review in the last quarter of 2019.

The 10-year review marks an opportunity to streamline the design and application of the Act, consistent with the Government's focus on reducing inefficient red tape and approval times for major projects.

The Government has already flagged that it intends to substantially overhaul the design and application of the Act as part of the review, so the proposed listing should be deferred until its outcomes are known.

Engagement with state agencies

This submission expands further on the implications for land and housing development below. But based on the consultation documentation and the vague mapping documentation, there is no evidence of detailed engagement by the Department with state-based agencies with responsibility for strategic land use planning.

These agencies across the three relevant jurisdictions are given primary responsibility for assessing and identifying potential future land use. The proposed listing should not occur until the Commonwealth has better reconciled tensions between proposed coverage and land release areas.

Comments on inconsistency with state assessment framework

There are a host of issues raised by the proposed listing that would give rise to substantial inconsistency with existing arrangements, particularly across state agency assessment regimes.

By way of example, we have explored the listing in the context of South-East Queensland.

The listing documents (refer p49) cite seven vegetation communities that are also considered as Regional Ecosystem types under the Queensland Vegetation Management Act (QVMA). Of the seven, four are regarded as 'endangered' and three as 'of concern' under the QVMA.

Currently, urban development on sites of less than 5 hectares in designated urban areas are exempt from assessment by state agencies. And for sites over 5 hectares, the trigger for assessment excludes 'of concern' regional ecosystems.

However, under the listing now subject to consultation, the advice suggests polygons as small as 0.5 hectares would be called in for EPBC assessment (noting that most regional ecosystem mapping is prepared).

This presents a stream of inconsistencies between the referral requirements of the proposed listing and the existing referral requirements under state legislative and regulatory frameworks.

It also provides for duplication, given both the proposed listing and the existing state concurrence framework would trigger an assessment.

Likewise, an inconsistency would emerge in the treatment of remnant or regrowth vegetation, which are not currently subject to referral to state agencies – whereas the proposed listing appears to capture a far broader range of vegetation condition.

Comment on implications for urban development

As noted above, the sweeping of the potential listing risks sterilising large tracts of land already identified for urban development. It captures vast floodplain areas, particularly in South-East Queensland as well as coastal Victoria and New South Wales.

The inadequacy of the mapping may exaggerate the effects of this – but regardless, it points to the need for the consultation to be stalled subject to better mapping being made available.

Overall, the listing could result in a high volume of urban development proposals being called in for EPBC Act assessment for the following reasons:

- The broad range of vegetation condition (highly disturbed through to less disturbed) that we note above
- The smaller scale of parcels that are captured for potential referral for assessment under the EPBC Act
- The inconsistency between the application of federal and state rules – and as we note in Queensland, investment will have been made in good faith based on the existing application of the QVMA.

There is one further issue raised by the proposed listing. It suggests a requirement for 30m buffers around relevant patches. Given the overlay of smaller, scattered patches and the need for each one to have a 30m buffer, there is a risk the proposal would substantially diminish the yield and developable land available to developers who have made decisions in good faith based on the understanding of the approved framework at that time.

Summary

The UDIA believes there are substantial flaws in the proposed consultation and listing which require further consideration and assessment. As a result, we respectfully request that it be deferred.

Regards



Connie Kirk
UDIA National Executive Director