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David Perkins

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Major Project Study
Productivity Commission
Locked Bag 2, Collins Street East
MELBOURNE VIC 8003

Dear Sir/Madam

Cardno (Qld) Pty Ltd
ABN 57 051 074 992

Level 11
40 Creek Street
Brisbane QLD 4000
Australia

Phone: +61 7 3221 8833
Fax: +61 7 3221 0278
www.cardno.com

www.cardno.com/cardnohrp

SUBMISSION ON THE MAJOR PROJECT DEVELOPMENT ASSESSMENT PROCESSES - ISSUES PAPER

Cardno HRP is a specialist town planning consultancy with offices in Brisbane, the Gold Coast, the Sunshine Coast and North Queensland. On behalf of our clients, Cardno HRP has led the preparation of major project development applications and referrals under *the Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) for projects undertaken across Queensland, including those adjacent to environmentally sensitive areas such as the Great Barrier Reef.

The Productivity Commission are currently undertaking a study to benchmark Australia's major project development assessment processes against international best practice. As part of this study the Commission will be considering the extent to which major project development assessment processes across all levels of government affect the costs incurred by business. In this regard, we believe that the following issues should be addressed:

- 1) Clients often refer a proposed action under the EPBC Act as part of a risk management strategy knowing that an application is not likely to be a controlled action but wanting to receive written confirmation that this is the case. In this regard completing the EPBC Act "*Referral of proposed action form*" is an overly onerous and expensive process for both the applicant and also the Commonwealth. In order to address this issue, it would be desirable for the Commonwealth to establish alternative processes, including:
 - (a) Web-based assessment process – a preliminary web-based assessment process may be desirable whereby an applicant can answer a series of questions online regarding the location, type and scale of a proposal and at the end of this process a recommendation could be provided as to whether a referral to the Commonwealth is warranted; and/or
 - (b) Pre-lodgement meeting – the Commonwealth could provide developers with the opportunity to meet with Department of Sustainability, Environment, Water, Population and Community representatives to discuss proposals of a particular scale/location. Information requirements for such a meeting could be prescribed e.g. proposal plans. The outcome of such a meeting would be whether the Commonwealth would require the completion of the "*Referral of proposed action form*".
- 2) In relation to the operation of the EPBC Act, it is noted that although Bilateral agreements are in place with the Queensland State Government, the Commonwealth does not always choose to follow this process. In order to ensure administrative efficiencies, it is recommended that the Commonwealth should always seek to follow the process set out in the Bilateral agreement;

- 3) Planning frameworks prepared by State (e.g. Regional Plans) and Local Governments (e.g. Planning Schemes) provide the policies against which major projects are strategically located and assessed. The Commonwealth should engage with local and state government as key stakeholders, in providing guidance on appropriate policies where high development pressures coincide with matters of national environmental significance (e.g. provide guidance on appropriate zones, uses, levels of assessment and assessment provisions); and
- 4) The Commonwealth should prepare further guidance on key listed ecological communities and threatened species protected under the EPBC Act, similar to those prepared for Littoral rainforest and coastal vine thickets of eastern Australia. Such guidelines should provide applicants with useful upfront guidance on development location and appropriate mitigation measures.

Yours faithfully

David Perkins
Area Manager and Senior Principal
for Cardno HRP