

Comment – Organisation Sunshine Coast Association of Residents Inc.

Comment

This submission supports efforts to improve the efficiency of environmental assessment processes and reduce unnecessary duplication between state and Commonwealth governments. However, such reforms should not diminish the fundamental purpose of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).



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TO: Queensland Productivity Commission

Email: enquiry@qpc.qld.gov.au

RE: Inquiry into the Impact of the Australian Government's 2025 Environment Protection Reforms on Queensland

The Sunshine Coast Association of Residents Inc. (OSCAR) is a non-partisan, not-for-profit peak body/umbrella group representing resident and community organisations across the Sunshine Coast and Noosa Local Government Areas in South East Queensland.

OSCAR currently comprises 36 member groups spanning from Pumicestone Passage to Noosa and from the Coast to the Hinterland and Ranges. Collectively, these organisations represent several thousand engaged, community-minded residents who are deeply committed to protecting the environmental, cultural and social values of our region.

Over a number of years OSCAR as a resident and community group peak/umbrella organisation has taken a keen interest in and has commented on many State Government proposals. We acknowledge and thank the Productivity Commission for the attention provided to OSCAR in the Teams meeting on 29 June in relation to this topic. We appreciate the opportunity to make this submission.

Submission to the Queensland Productivity Commission

Inquiry into the Impact of the Australian Government's 2025 Environment Protection Reforms on Queensland

Preserving the EPBC Act as an Environmental Safeguard of Last Resort

Executive Summary

This submission supports efforts to improve the efficiency of environmental assessment processes and reduce unnecessary duplication between state and Commonwealth governments. However, such reforms should not diminish the fundamental purpose of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The EPBC Act exists because some environmental values are of national significance and require an independent layer of scrutiny beyond state planning and environmental assessment systems. The Act's value lies not merely in assessing environmental impacts, but in providing a safeguard when state processes do not fully identify, assess or address risks to Matters of National Environmental Significance (MNES).

The principal risk associated with future bilateral agreements between Queensland and the Commonwealth is not duplication. It is the risk that the independent Commonwealth safeguard becomes weakened through reliance on state processes that may not always provide equivalent scrutiny of MNES.

This submission argues that:

- the *EPBC Act* should continue to function as an environmental safeguard of last resort;
- bilateral agreements should preserve meaningful Commonwealth oversight of MNES;
- cumulative environmental impacts should remain a mandatory consideration;
- bilateral arrangements should minimise Ministerial discretion and maximise consistent application of environmental standards; and
- nationally significant environmental values should receive the same level of scrutiny regardless of the approval pathway followed.
- community confidence in laws, their interpretation and just implementation must be maintained.

In our local community, in regard to two different projects with which we are familiar, the contrasting treatment of the Coochin Creek developments¹ and the Aura South proposal² demonstrates why these safeguards remain necessary.

The Purpose of the *EPBC Act*

The *EPBC Act* was never intended simply to duplicate state planning laws.

State planning systems are responsible for balancing a wide range of competing objectives including economic development, housing supply, infrastructure delivery, employment and environmental protection. The *EPBC Act* performs a different role. It provides specific protection for **Matters of National Environmental Significance**, including Ramsar wetlands, threatened species and migratory species.

For this reason, a degree of overlap between state and Commonwealth processes is not necessarily evidence of inefficiency. In some circumstances it represents a deliberate safeguard designed to ensure that nationally significant environmental values receive independent scrutiny.

The question for this inquiry should therefore not be whether every aspect of environmental assessment can be consolidated into one process. Rather, it should be whether any new bilateral arrangements preserve the Commonwealth's capacity to intervene when state processes leave significant environmental questions unresolved.

The Importance of Independent Environmental Scrutiny

No regulatory system is perfect.

Every assessment framework contains limitations, resource constraints and competing policy objectives.

¹ https://www.planning.qld.gov.au/_data/assets/pdf_file/0015/112470/Decision-Notice.PDF; https://www.planning.qld.gov.au/_data/assets/pdf_file/0022/113836/Change-Application-Decision-Notice-April-2026.PDF

² EPBC Number: **2023/09548** https://epbcpportal.environment.gov.au/all-referrals/project-referral-summary/?id=8cef31b8-16ef-ed11-8849-00224818a6aa&utm_source=sunshine%2Bcoast%2Bcouncil&utm_medium=website

Good governance recognises this reality and incorporates checks and balances to ensure that important issues are not overlooked.

The *EPBC Act* provides one such safeguard.

Its value is greatest not when state processes fail outright, but when it provides an independent mechanism for identifying environmental risks that may not have been fully examined through other approval pathways.

This independent scrutiny is particularly important for:

- cumulative impacts;
- catchment-scale environmental effects;
- impacts to Ramsar wetlands and threatened species;
- long-term ecological risks; and
- projects where environmental consequences extend well beyond the development footprint.

A bilateral agreement that removes or weakens this independent function risks undermining the purpose for which the *EPBC Act* was established.

Coochin Creek and Aura South: A Comparative Example

Two current development projects on the Sunshine Coast provide a useful illustration of why the Commonwealth safeguard remains necessary.

The Coochin Creek developments and the proposed Aura South development both occur within the broader Pumicestone Passage catchment and both have potential pathways to Matters of National Environmental Significance.

However, the level of environmental scrutiny applied to the two projects has been markedly different.

The Coochin Creek developments have obtained Queensland planning approvals through a special Ministerial call-in and, to-date, have not been subject to Commonwealth EPBC assessment. No single assessment process has comprehensively examined the cumulative environmental impacts of the two developments as a combined proposition.

In contrast, Aura South has been subject to a comprehensive Commonwealth assessment process focused specifically on impacts to Matters of National Environmental Significance. The EPBC process has required detailed environmental investigations, public documentation, assessment of cumulative effects and independent Commonwealth scrutiny.

This submission does not seek to argue that either outcome is necessarily correct or incorrect.

Rather, the comparison highlights a broader governance issue.

Different approval pathways can result in materially different levels of environmental scrutiny, even where projects occur within similar environmental settings and may affect the same broader ecological systems.

The existence of an independent Commonwealth process provides an important mechanism for ensuring that potential impacts on nationally significant environmental values are consistently examined.

Without that safeguard, there is a risk that the level of environmental scrutiny applied to MNES becomes

dependent on the approval pathway adopted rather than on the nature of the environmental risk itself.

Ministerial Discretion as a Regulatory Risk

A key issue for the Commission is the role of ministerial discretion within future bilateral arrangements.

This submission does not raise concerns about any particular government, minister or political party. Rather, it highlights a general governance principle.

Where broad discretionary powers exist, environmental assessment outcomes can become less predictable, less transparent and less consistent.

The risk is not that decision-makers will necessarily act improperly. The risk is that systems which rely heavily on discretion are inherently less robust than systems which rely on clear and enforceable rules.

Where nationally significant environmental values are concerned, bilateral agreements should be designed to minimise opportunities for projects to receive different levels of environmental scrutiny because of discretionary approval pathways.

If state governments are entrusted with functions that previously attracted Commonwealth scrutiny, the assessment requirements associated with MNES should remain mandatory and incapable of being reduced, waived or bypassed through discretionary processes.

The effectiveness of a bilateral agreement should not depend upon the judgement, priorities or goodwill of individual office holders.

It should depend upon transparent requirements that apply consistently regardless of who holds office.

Recommendations

The Queensland Productivity Commission should recommend that any bilateral agreement between Queensland and the Commonwealth:

1. Preserve the *EPBC Act's* role as an environmental safeguard of last resort for Matters of National Environmental Significance.
2. Maintain meaningful Commonwealth oversight where impacts on MNES may occur.
3. Require robust assessment of cumulative environmental impacts.
4. Ensure that nationally significant environmental values receive consistent scrutiny regardless of the approval pathway adopted.
5. Minimise reliance on ministerial discretion and maximise reliance on clear, transparent and enforceable assessment requirements.
6. Preserve Commonwealth intervention powers where assessment gaps emerge or where nationally significant environmental values may not have been adequately considered.

Conclusion

The success of the Commonwealth's environmental reforms should not be measured solely by reductions

in duplication or approval timeframes.

The more important question is whether the reforms preserve the *EPBC Act*'s essential function as an independent safeguard for Matters of National Environmental Significance.

The comparison between Coochin Creek and Aura South demonstrates why that safeguard continues to matter. Different approval pathways can produce significantly different levels of environmental scrutiny. In such circumstances, the Commonwealth's role is not an unnecessary duplication of state processes. Rather, it is a critical mechanism for ensuring that nationally significant environmental values receive consistent, independent and transparent assessment.

Any bilateral agreement that weakens that safeguard risks undermining the very purpose for which the *EPBC Act* was created. Conversely, a bilateral agreement that preserves independent oversight, limits discretionary loopholes and ensures consistent protection of MNES can achieve both regulatory efficiency and environmental integrity.

Again thank you for the opportunity to comment.

Yours sincerely,

A solid black rectangular box used to redact the signature of Melva Hobson.

Melva Hobson PSM
President OSCAR

Organisation Sunshine Coast Association of Residents Inc.