



EPBC ACT REFORM IN A HOUSING CRISIS

Priorities for a more practical
and proportionate approach



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Overview

The Terms of Reference of this Inquiry rightly point out that *it is critical that regulation across all levels of government serves its intended purpose and not act as a handbrake on vital projects that support growth and economic security*. Unfortunately, the experience of the Queensland property industry over a sustained period is that the national *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC) has achieved neither demonstrated landscape scaled, strategic environmental protection, nor managed its impact on essential societal goals such as adequate housing for the community. Further, while it is acknowledged that a 2025 package of reforms is currently being implemented, *representing a substantial expansion and restructuring of Commonwealth environmental regulation*, the Queensland property industry has no confident consensus that the reforms will in any way benefit the scale and pace of much needed additional housing.

As is well known, the Queensland property industry's experience interacting with the EPBC Act has been fraught. Further, exceptionally long delays and near-constant uncertainty arising from entanglement in EPBC processes have been compounded for most project proponents by the Act's poor interface with other environmental matters and meaningless duplication with the environmental requirements of other levels of government.

And whilst these impacts have been felt across both residential and industrial development throughout Queensland, it should be noted that the collision course between the Queensland Housing Crisis and the Act's requirements (both prior to the 2025 changes and after) is particularly acute in the state's south eastern "greenfield" locations where the majority of the region's anticipated housing supply is planned to be delivered.

This submission is made in response to the call for submissions paper released by the Queensland Productivity Commission for the public inquiry into the impacts of the Australian Government's 2025 reforms to the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act) on Queensland.

The inquiry is examining how the reforms affect Queensland in practice, by focussing on regulatory burden, economic impacts, implementation risks and operational arrangements. Where relevant, options are to be identified to reduce unnecessary regulatory burden and improve regulatory efficiency.

The Urban Development Institute of Australia Queensland (the Institute's) submission provides views relevant to residential and industrial development matters in relation to EPBC Act processes and procedures. This submission focuses on the policy and regulatory factors that are affecting the productivity of the (residential and industrial) construction sector in Queensland.

The submission identifies issues with environmental assessment and relevant principally to EPBC Act operation and the reforms, as they are known. Recommendations in this submission centre around our core advice that the Commonwealth should urgently delegate powers and processes associated with applications, assessments, and approvals to the Queensland Government for, at least, the entirety of the south east region. However, should that not occur, this submission identifies key areas where the Queensland Government should advocate strongly to the Australian Government to progress key reforms.

Attachment A provides a summary of recommendations made in this submission collated under the key headings identified in the Inquiry's Terms of Reference, namely:

1. Practical options to reduce unnecessary regulatory burden and improve efficiency, certainty and proportionality in the application of the reforms in Queensland
2. Opportunities to improve alignment between Commonwealth and Queensland frameworks without undermining Queensland's regulatory autonomy
3. Recommendations to inform Queensland Government's policy priorities and ongoing engagement with the Australian Government

Housing supply and EPBC

Unwieldy assessment system

The assessment hierarchy of the EPBC Act of avoid, mitigate, offset, rarely works in an urban development context. The area in which delivery of housing and urban buildings occurs is specifically limited by zoning and in South East Queensland, an urban containment boundary.¹ The area of urban project sites is also generally limited to a few hectares or less, compared to broadscale mining or other projects, limiting the options for avoiding or mitigating on site. In many cases, apart from very large masterplanned communities, avoidance of impact is impossible given other site considerations including size, topography, urban design outcomes, and traffic management. Equally, mitigation measures in an urban development context are also limited, given that urban uses often increase the number of 'threats' including traffic and domestic animals. This forces most urban development projects to the offsets pathway.

Sources for future housing for the community

Housing supply in South East Queensland is predicated on the State government's urban containment boundary (the 'urban footprint'), outside of which rural and environmental areas and activity are protected from urban growth. Local governments are empowered to permit housing development within the urban footprint. The Institute has identified that the present extent of the urban footprint is insufficient to meet the region's housing demand. While increasing density is encouraged (to more efficiently use land), housing affordability pressures and the market's housing preferences mean that it is inevitable that growth will continue to extend outward into existing cleared, semi cleared, and environmental areas. Recent Institute research indicates 59 percent of the greenfield housing demand up to 2046 is unmet within the present South East Queensland urban footprint.²

Ensuring the adequate provision of land for housing requires assessment of its physical utility for housing, proximity to services and infrastructure and appropriate land use options. The inclusion of additional areas for new greenfield comes with major uncertainty in terms of its utility against EPBC Act listings. The time likely to be taken to clarify just the environmental value of the land in

¹ Queensland authorities make deliberate decisions to zone areas where the development industry may operate, -such that no more than necessary land is available for urban use. This is done to minimise urban infrastructure extensions, the zoning decisions determine that the zone area is generally suitable for urban use notwithstanding any vegetation that remains. The overall effect is limited land available for urban use providing little option to achieve urban outcomes and avoid any environment values that are present.

² Forthcoming research for UDIA Queensland

terms of the EPBC Act listings is unclear and longer than is needed given the housing supply crisis in the region.

Streamlined avenues for reconciling Matters of National Environmental Significance (MNES) for areas located within the urban footprint are critically needed. Land zoned for urban use should not be undermined by new or changed EPBC Act species listings. Rezoning for urban use, including environmental assessment, involves a substantial effort and analysis. Given the relatively small number of hectares involved in intensive urban use zones versus the total area of the state, displacement of the zoning hampers the supply of homes with little environmental benefit. . Around 333,000 hectares are included in the present urban footprint, noting much of the footprint comprises a large percentage of non-urban uses and area that is not usable for urban purposes. The footprint is less than 0.2 percent of the state's 173,000,000 hectares in total.

Recommendation 1

Seek Australian Government approval for a delegated model of assessment processes and powers to enable the Queensland Government to fully complete any required EPBC Act approvals prior to the future rezoning of lands for urban purposes in Queensland.

Strategic biodiversity protection and enhancement in the urban context

The Institute believes that sound environmental policy relevant to urban areas should seek to concentrate biodiversity retention areas within corridors of strategically and ecologically significant landscape-level corridors which avoid areas prioritised for housing (i.e. areas clearly indicated in regional plans and local government planning schemes). A strategic, landscape-scale planning approach to habitat retention is possible and urgently needed, as is a clearly defined restoration approach to achieve conservation of specific species; rather than the piecemeal approach created by the current framework.

A mapping review should be undertaken to consider current environmental areas of significance, identify existing offset sites (both State and Federal) and investigate opportunities for long term connections / linkages between offset sites and to / within mapped core habitat locations. A landscape scale approach can also provide more protection, sustainable biodiversity health, and connectivity than when piecemeal and fragmented areas are retained close to urban areas.

Where environmental matters are located in the urban zones, they should be encapsulated in structure planned corridors defined at a high level as urban scale green networks. This allows the property industry to proceed to provide housing with certainty and understand what can be developed, what needs to be rehabilitated, or the contributions required to strengthen the corridor.

Housing supply will be greatly assisted by clarified biodiversity corridors that can create certainty on where urban activity and housing may occur and identify where restoration/ offset activities should occur. Current processes create conflict, result in assessment delays and ultimately increase the cost of housing delivery.

Recommendation 2

Define key biodiversity corridors and priority receiving locations

Priority Development Areas (PDA) housing delayed

The unsuitability of the past and present EPBC Act framework for the Queensland urban and housing delivery context is highlighted in South East Queensland PDAs. These are effective zonings by consecutive Queensland governments seeking to urgently and in a coordinated manner prioritise housing supply and affordability. These PDAs have particularly sought to clarify, balance, and set environmental requirements to enable and fast-track housing supply. However, navigating EPBC assessment in these PDAs have become a major source of frustration for the industry. In 2025 across 15 sites known to the Institute located in South East Queensland, 106,773 lots were under assessment by Department, applications had been under assessment for over 48 months, with six projects (totalling more than 46,000 lots) under assessment for more than five years. Of the applications under assessment more than 73,000 lots were located in PDAs.

Recommendation 3

Seek Australian Government approval for a delegated model of assessment processes and powers to enable the Queensland Government to fully complete any required EPBC Act approvals on lands currently within a Priority Development Area (PDA) and in PDAs declared into the future in Queensland

The EPBC Assessment Experience

Overview

This chapter illustrates the issues experienced by operators in the housing and development supply with specifics of projects involved with the EPBC Act in recent years (see **Table 1** and interactions with the Department of Climate Change, Energy, the Environment and Water (the Department). Examples of issues experienced in EPBC Act engagement include:

- High project consultant costs and time
- Challenges with EPBC Act Department processes and management such as staff turnover, meeting availability, decision-making
- Effects and complexities of new listings/up-listings on projects and their assessment
- Lack of supporting guidance materials to coincide with changes to listing, which flows through to uncertainty in assessment and decision making
- Securing offsets – cost, complexity, uncertainty, and availability
- Compounding impact of the above on housing project timelines and costs.

In our sample, assessment timeframes have been taking on average 51 months to process (see **Table 1**). Based on experience with other assessment processes, the EPBC assessment and approval process should take no more than 12 months to complete.

While the industry acknowledges that there has been some progress made in progressing EPBC assessments over the last 6-9 months, this has often resulted in projects being moved to the next phase of assessment, such as offset definition, and then becoming stalled once again, or progressed with unfavourable and unexpected conditions.

Delays and costs in EPBC Act assessments

Delays and additional requirements from the EPBC assessment framework such as additional surveys or consultant reports have a significant effect on projects. In the past, project proponents have reported:

- Repeated requests for material already provided
- seeking information greater than the latest available scientific research
- listed environmental matters or status that have changed while the project has been in assessment
- requests for further information to satisfy a new (replacing the previous) assessments officer's differing approach to the assessment

The above is exacerbated by a lack of clear guidance, clearly articulated methodology and a reluctance from the Department to set and adhere to standardised protocols and precedents. Consultants, including ecologists and matter experts, have frequently cited 'shifting goal posts' and inexplicably, a refusal on behalf of Departmental representatives to articulate clear requirements and outline a clear methodology. This leads to significant additional work as consultants attempt to develop and test different approaches with the Department, without guidance or clear parameters. This additional cost is passed onto homebuyers.

Unsubstantiated increased costs and inordinate delays in housing delivery projects impact project productivity and viability. More concerning is the fact that the impact leads to higher home prices as strong demand is sought to be met from an increasingly impeded supply of homes.

Some examples of cost and delay impacts experienced in housing projects are provided below. For example, one Institute member's EPBC Act assessment progressed to public notification after six years under assessment. However, following public notification and submissions suggesting that another matter was present on site, the project has stalled again, with the project once again forced to respond to the Department and creating further uncertainty and cost. The process has once again ground to a halt, based on public submissions which cite an unconfirmed citizen observation from four years ago on a site located 30km from the proponent's site. The matter has not been sighted on site during surveys or spotter catcher activities.

Prolonged assessment timeframe leaves projects at the mercy of changing economic conditions, buyer preferences, and ever increasing holding costs. The long assessment timeframes also have other impacts on housing projects including:

- They can effectively sterilise a site, given no activity can be undertaken until EPBC approval is received

- Projects risk ‘missing the market’ meaning that the final cost of delivering land (once the offset obligations have been determined) renders the project unviable and as it cannot be delivered at a price the market is willing or able to pay at that time
- It is difficult to hold an offset site with any confidence on the basis that the result is very uncertain.

Recommendation 4

Seek Australian Government approval for a delegated model of assessment processes and powers to enable the Queensland Government to reform existing EPBC Act project application, assessment and approval processes in Queensland to achieve greater transparency, rigour, and consistency

Wider housing system issues

Housing is a complex system. While 97% of all housing in Queensland is delivered by the private sector, it is heavily regulated with a multiplicity of legislative and regulatory frameworks governing the development of housing in Queensland. The EPBC Act requirements alone are overlayed with State and local government requirements and complexities. The industry is also heavily taxed with a significant percentage of the price of the average new home being the ticket price of development related fees, charges, or taxes.

Further, housing-related regulation and taxation is highly inter-connected with many government fees and processes requiring sequential handling across a broad range of departments and levels of government. Small changes by one arm of government can result in large knock-on impacts as consequences including delay and cost escalation amplify as a housing project progresses through its program.

Despite the powerful impact of government regulation and process on housing delivery, there is no single role within State government with oversight of housing outcomes for Queenslanders resulting in a cascading flow of conflicting decisions which thwart the goal of new reforms before they even get started. The Institute has suggested in the past at a State government level that the Government establish a Chief Housing Officer within the Department of Premier and Cabinet to, among other responsibilities, conduct ongoing examination of the impact of EPBC Act assessment and coordination (including delay and cost impacts), and act to resolve emerging issues impeding housing delivery.

Recommendation 5

Create and appropriately empower a Chief Housing Officer within the Department of Premier and Cabinet to, among other responsibilities, conduct ongoing examination of the impact of EPBC Act assessment and coordination (including delay and cost impacts), and act to resolve emerging issues impeding housing delivery

Trigger for referral for EPBC Act assessment

Projects that do not have a significant impact on MNES do not need to be referred. However, determining if referral is required is fraught. The options around self-assessment are vague and very subjective, and creating significant legal and compliance risk if no referral. Even if a consultant is willing to undertake the self-assessable process there is no way to ascertain that the assessment is correct. The onus is always on the land owner to interpret the legislation correctly.

Some years ago, it was understood that the Commonwealth was uninterested if the project site was less than two hectares, providing some confidence in a self-assessment but this is not enshrined in the regulatory framework. There is also no validity period for the self-assessment meaning if legislation changes part way through the process you may be in breach. More recently, the Department has created an application process to determine if a referral is required with a \$6,000 fee.

Recommendation 6

As part of the delegation of powers and process described above, establish a quick and low cost pre-application (trigger/referral) process to clarify if referral is or is not required. This process would include clear and detailed articulation of a threshold indicator of when a referral is needed or not

Complexities of new listings/up-listings during assessment

While legislative change is a legitimate avenue to address red tape and reduce assessment timeframes – it is clear from the industry's experience over the last few years that long assessment timeframes are less about legislation than are attributable to several issues related to changes in conservation advice or guidelines. These changes are rarely communicated to the industry prior to implementation, nor formally documented. An example relates to the Greater Glider. At one point in 2021/22, at least 34 projects were subject to a snap decision to add the species to the list of relevant matters on each site, despite this species not being flagged in any preceding Request for Information (RFI).³ This was because of a change in conservation advice by Department officers. Senior, experienced ecologists sought for three years to understand and have some level of consistency and clarity on the Department's methodology on scoring impacts and suitable offsets. After three years, officers made an admission that their change in approach was wrong. However, at least 33 projects had sat idle in the assessment system and were then informed that these sites had no impact on the species.

Any person may nominate a native species, ecological community, or threatening process for listing under the EPBC Act. Updates including the threatened status of existing listings are reported annually. 592 listing changes have been made in the last 10 years with little broad public consultation.⁴

³ A written request from department officer/s for additional information in relation to an application.

⁴ <https://www.environment.gov.au/cgi-tmp/publiclistchanges.29bf6a4af4a48cf1f13d.html>

Listing changes under the EPBC Act generally requires some action, change to state species records, and effects on developing and projects under assessment. There is no 'binding' of matters at the outset of an assessment, meaning that the species of interest can alter throughout the duration of an assessment. This not only creates a sudden need for more surveying of sites (often required over multiple seasons/years), but also significantly changes the scale and location of potential offsets.

Recommendation 7

As part of the delegation of powers and process described above, establish processes to ensure that changes to EPBC Act listings be ignored for the purposes of completing that application and subsequently the project until that listing has been in effect and/or publicly notified for 12 months. The matters of interest for each application should be confirmed at the outset of an assessment and should not be subject to change during the course of an assessment

Recommendation 8

As part of the delegation of powers and process described above, establish processes to ensure that a change in listing once an application process has commenced is ignored for the purpose of completing that application and subsequently the project

Recommendation 9

The matters of interest for each application should be confirmed at the outset of an assessment and should not be subject to change during the course of an assessment

Customer service

There have also been issues raised with the Institute regarding the level of customer service offered by the Department. Issues relating to customer service are not unique to the Department, however proponents have advised the ability to speak directly to the assessment officer and seek to follow-up outstanding items would aid to resolve many of the issues raised. At times over the past few years, the proponent and/or the proponent's experts have only been provided with a generic email address from the Department and are unable to contact officers via a dedicated email address or phone number. The Institute acknowledges an improvement in the Department's approach over the last 12 months, however members still report significant turnover in staff in the Department, with limited continuity through an assessment.

Recommendation 10

As part of the delegation of powers and process described above, provide a Department client contact person with a monitored email and phone number, for each assessment, including back up contact should that person leave or not be available

Guidelines

The lack of adequate supporting guidance materials compounds the changes to listing, which flows through to uncertainty in assessment and decision making. Adequate guidance for housing delivery projects is a critical concern for the present and proposed EPBC Act arrangements. Presently, there are no clear requirements on the data that needs to be supplied to support an application and there is no cap on additional requests relating to data and surveys from the Department.

A fundamental issue is the uncertainty on the Department's requirements to assess an application. Project proponents have little clarity or confidence of a site and its potential impact on MNES. Expert consultants seek to advise proponents professionally, but their confidence is undermined as timeframes and decisions change. As a result, project proponents and experts are left to interpret referral decisions on the fundamental question of 'does this project need to be referred for to the department for assessment'. Judging incorrectly whether a project will need to be referred can have large cost, legal, and time consequences. Issues of uncertainty and cost of the offsets arrangements are included in a later section.

When asked, the industry suggests that the EPBC assessment and approval process should take no more than 12 months to complete. Below are examples of projects undertaken or still in process.

Recommendation 11

As part of the delegation of powers and process described above, develop and provide clear requirements on the data that needs to be supplied to support an application and any additional requests that may be made. These requirements to be made publicly available at all times so that they are available to applicants prior to lodgement of the application

Table 1

EPBC Assessments

	Project 1	Project 2	Project 3	Project 4	Project 5	Project 6	Project 7	Project 8	Project 9	Project 10	Project 11
Lots	████	████	████	████	████	████	████	████	████	████	████
Lodgement	████	████	████	████	████	████	████	████	████	████	████
Approval date (actual or expected)	████████	██████	██████	████████	████	████	████	██████	██████	████	████
Total expended in consultant fees (application preparation, surveying, advice and responses to RFIs)	████	████	██████	████	████	████	████	████	████	████	████
Holding costs per month	████████	██████	██████	██████	██████	██████	██████	██████	██████	████	██

*expected

Environmental offsets

Offsets at three levels of government

The Institute supports renewed focus on improving the effectiveness, transparency, and delivery of environmental offsets in Queensland and the avoid-mitigate-offset hierarchy. Environmental offsets deliver real environmental benefits. The Institute notes that in urban development with sites generally smaller, opportunities to ‘avoid’ and ‘mitigate’ are limited, and so a suitable, practical, and pragmatic offsets framework is of critical importance to the property industry’s purpose: the continued supply of housing for the community.

The Institute is supportive of reforms to the EPBC Act offset requirements and purchase pathways to delivery greater levels of certainty and ultimately, genuine conservation benefits.

The EPBC Act offsets requirements are substantial matters of concern (as detailed below) and likely the largest offset system relevant to the Queensland property industry. Whilst these matters are outside of the current Inquiry’s scope, the State and local government offset systems are also of concern. The State offset legislation applies to a limited number of matters, has an ineffective offset bank account that is not delivering results, and does not have sufficient flexibility in delivery, and a strategic locational plan for where offsets should be delivered for greatest species benefit. The local government local matters of environmental significance are inadequately regulated resulting in inconsistent trigger environmental matters between local governments and critically the environmental matters often overlap and duplicate state and commonwealth environmental matters. The Institute notes that the State has commenced a review of the State offsets framework.

Improvements to and alignment of Commonwealth, State, and local offset frameworks is needed. Streamlining the offsets framework across the board can provide a viable and functioning offsets framework and provide certainty for the industry to deliver much needed new housing at pace and deliver benefits for biodiversity. A range of issues have arisen with the existing Department offsets system and are discussed below.

Recommendation 12

Champion a national project to urgently resolve costly duplication of required offsets projects across levels of government to support the affordability of housing projects

Offset uncertainty

The offset delivery framework at the Commonwealth level is uncertain and has serious cost implications for housing. The industry already faces uncertainty and risk with offset delivery from inception, project approvals, and approval/acceptance by the Department of the delivered offset. There is no certainty for investors and proponents of the end offsets outcome when conducting initial due diligence on the originating project site.

Available guides are inadequate and due to scope creep during the assessment process and the nebulous and highly subjective assessment of scoring in the offsets calculator, the final offsets obligation is often significantly more than first anticipated. In one example provided to the Institute, the project initially factored in an **expected offsets cost of \$7 million** when conducting due diligence on a site. The final approval required the securement of three separate offsets sites at a **final cost of \$30 million**. In this example, and excluding ongoing maintenance costs and holding costs, this increase **added more than \$17,000 per dwelling**.

The proportionality of offset obligations relative to the size of the project is also increasing. In one example provided to the Institute, a \$35 million road resulted in an offsets obligation of \$10 million and 300 hectares. The road is critical to providing access to a housing development and employment opportunities.

Recommendation 13

As part of the delegation of powers and process described above, streamline the offsets framework by resolving a practical, stable offsets calculator which supports housing affordability

Lack of offset calculation precedents

Adding to the uncertainty regarding the final offsets outcome, the Department opposes the use of precedents in assessment. Proponents (and their experts) are unable to ascertain offsets obligations with any level of certainty because the Department will not acknowledge suitable reference projects, including other projects with similar matters and similar impacts, to determine the final obligation. This illustrates the highly subjective nature of the offset calculation and shifting ‘sentiment’ involved with assessments by the Department. Changes to methodologies, calculations, or information required are not supported by guidance material or practice notes, leaving applications to engage in an iterative and expensive process of continual RFI.

The industry believes that there should be clear guidelines and ratios for matters, which are made publicly available. This would allow some level of certainty and would enable developers to have clarity when conducting due diligence on sites. While the impact score would still be required to be confirmed, dictating ultimately the quantum of offsets required for each matter, a standard offset ratio for each matter for housing projects would provide a significant improvement.

Offset delivery

Presently, in some instances, the size of the offsets across projects does not increase, however the maintenance obligations do. In one example provided to the Institute, after an elongated assessment process and negotiation to accept an offset site, approval was received with conditions. The conditions increased the period of maintenance from twenty years to thirty years, increasing cost and ongoing obligations.

Like the industry, government agencies have traditionally struggled to discharge financial offsets due to difficulty in finding suitable sites, tension regarding the location of the site/s relative to the impact site and the financial expense of securing offsets. The Institute has suggested in past

submissions at a state government level that the Government establish a dedicated team to efficiently and effectively deliver State and Federal offsets.

Better collaborative pathways between industry and both State and Federal departments are needed and would yield good results quickly. The creation of an EPBC Offsets Delivery Team within the Queensland Government is recommended as a key action to achieve these goals. Core responsibilities of the team would include receipting industry contributions for the provision of EPBC offsets in instances where the offset enables housing supply or key associated trunk infrastructure. This team would also make representations to the Commonwealth Government around the provision of offsets acquired and delivered by the State,. Proponents with offset-ready land could also contribute this into the system. The State government could otherwise strategically target key land parcels for purchase / compensation for the purposes of creating offset outcomes in locations that provide maximum benefit to the species at risk.

Recommendation 14

As part of the delegation of powers and process described above, establish a Queensland Government EPBC Offsets Delivery Team to coordinate the identification, acquisition, delivery and maintenance of offset sites in Queensland

Further issues with the environmental offsets system

What is clear is that the current offsets approach is dysfunctional in several ways, including:

- The time-consuming nature involved in sourcing a suitable offsets site
- Uncertainty as to what constitutes a suitable offset –in terms of attributes, location, and quantum
-
- The lack of a strategic approach to offsets, meaning that each property development proponent is left to find a site, with little guidance from the Department and little confidence that it is contributing to a strategic and real ecological benefit
- The interaction and sterilisation of sites across South East Queensland for the purposes of offsets, rendering this land exclusively as conservation area, with very limited companion uses allowed (e.g. grazing).

Further recommended actions around environmental offsets to improve the pace and volume of new dwellings delivered during the current housing crisis, include:

- Clarify vegetation types and regrowth that require an offset
- Remove the requirement that an offset is located within the same government area or biosphere where the project is located
- Rationalise type of Matters of Local Environmental Significance (MLES)
- Reduce offsets requirements local government can create
- Deliver more efficient financial settlements and land-based outcomes
- Achieve aligned definitions across legislation
- Provide greater accountability and defined timelines for offset delivery payments by efficient administration and including a commitment that a generated financial offset will be spent within a 12 month timeframe, or, where not, re-allocated to National Park acquisition

- Allow grandfather arrangements to projects that may be affected by any change
- Achieve an active, competitive, timely, and efficient market to deliver offsets for industry or from the state fund
- Enable alternate environmental beneficial options when like for like is not achievable or other opportunities exist
- Provide annual updates to proponents and the community on how financial contributions are being spent to allow the community to understand that disturbance in a local area is being addressed beneficially
- Provide for bonding and staging of both proponent-driven and financial settlement offsets
- Create a government tender/auction process for delivery of land-based outcomes from moneys received as financial offsets which is readily available for the industry to streamline offset obligation achievement.

Recently, uncertainty has been created regarding the acceptable means of legal securement of offsets. It is not clear what form of legal security will be acceptable for the permanency required for EPBC Act land based offsets though it is unlikely voluntary declarations under the *Vegetation Management Act 1999* (Qld), will be acceptable under the final Offsets Standard.

Recommendation 15

As part of the delegation of powers and process described above, streamline the offsets framework to provide clearer requirements (including vegetation types and regrowth), guidelines, terminology and thresholds, preset standards and information on precedent calculations

Recommendation 16

As part of the delegation of powers and process described above, streamline the offsets framework to provide clearer requirements about how to discharge financial settlements and land-based outcomes

Recommendation 17

As part of the delegation of powers and process described above, remove the requirement that an offset is located within the same biosphere

Recommendation 18

In addition to the above, the Queensland government EPBC Offsets Delivery Team identify and facilitate innovative alternate offset options

Recommendation 19

In addition to the above, the Queensland government EPBC Offsets Delivery Team provide annual updates to proponents and the community on how financial contributions are being spent

Recommendation 20

As part of the delegation of powers and process described above, spend financial offset funds within 12 months of collection, or where not expended within that timeframe, re-allocated to National Park acquisition

Recommendation 21

As part of the delegation of powers and process described above, allow for bonding and staging of both proponent-driven and financial settlement offsets

Recommendation 22

As part of the delegation of powers and process described above, design and deliver an administrative framework to support the emergence and operation of an active, competitive, timely, and efficient market to deliver offsets for industry or from the Queensland Government's Offset Account. This would include creation of a tender/auction process for delivery of land-based outcomes from moneys received as financial offsets which is readily available for the industry as part of the delegation of powers and process described above

Recommendation 23

Implement transitional arrangements to allow optional grandfathering of arrangements to projects that may be affected by any change

Recommendation 24

Amend the Vegetation Management Act 1999 to ensure acceptable means of legal securement of offsets harmonise with requirements under the EPBC Act Offsets Standards

Recommendation 25

Amend the Queensland Offsets Act 2014 to harmonise with definitions set out in the EPBC Act

Resolution of *Nature Repair Act 2023* (Cth) biodiversity certificates

The Nature Repair Act 2023 (Cth) has also been amended to allow biodiversity certificates registered by the Clean Energy Regulator (CER) to be used to discharge offsets obligations under EPBC Act approvals. Appropriate methods will need to be developed that comply with the Offsets Standard and it is uncertain how approval of a suitable certificate will operate, noting it is the CER who issues the certificates and not the Department. Confirmation of offsets has implications for offsets providers and their financial arrangements. The result is increased risk for projects, likely

concern for financiers, threats to project and offset delivery and viability, or at least increased costs for the project.

Once a project proponent has offset at the Federal level, some sites are then also caught needing to pay offsets at the State and local government levels. This is particularly common at local government level, where each local government can identify MLES. These are prescribed through local planning schemes without close State government oversight to reduce duplication. In the Brisbane local government area, many project proponents are required to pay financial offsets at a cost of \$750,000/hectare.

Recommendation 26

Separate to the processes described above, amend regulations under the Queensland Planning Act 2016 to reduce the number of matters identified by local governments as of Matters of Local Environmental Significance (MLES) and reduce offsets that can be applied

Recommendation 27

Advocate to the Australian Government to ensure the efficient operation of biodiversity certificates under the Nature Repair Act 2023 (Cth) to support the affordability of urban projects

EPBC Act offset reforms

It is understood that a component of the reforms will include a financial payment for offsets or a ‘pay and go’ option. The Institute understands that this option should only be accessed as a ‘last resort’ and priced accordingly. Despite this sentiment, the industry sees real value in the ability to discharge offset obligations through financial means. It reduces the time and expense involved in locating and negotiating the purchase of suitable sites and would also negate ongoing maintenance burdens. However, the industry will assess the viability of this option once the cost is known.

Provided below is a table of projects subject to offsets and their outcome costs per housing lot.

Table 2

	Project 1	Project 2	Project 3	Project 4	Project 5	Project 6	Project 7	Project 8	Project 9	Project 10	Project 11
Lots	█	█	█	█	█	█	█	█	█	█	█
Cost/ha	█	█	█	█	█	█	█	█	█	█	█
Total offset cost	█	█	█	█	█	█	█	█	█	█	█
Offset cost per dwelling	█	█	█	█	█	█	█	█	█	█	█

*estimated

The above does not include the cost of rehabilitation of offset sides, nor ongoing maintenance obligations of the site. As a guide, onsite rehabilitation costs for Project 4 are estimated to be █.

Industry's Views of the 2025 EPBC Reforms

Inadequate EPBC Act reform detail to date

The Institute, through our National office, has been engaged and consulted in the development of the EPBC Act reform development and delivery. This has involved volunteer involvement by the key environment consultants across the country. However, there is a consensus view across the Queensland property industry that much work remains to be done. Given the current state of the reform, it is difficult for the Institute and industry to ascertain whether the recent legislative changes and accompanying standards and guidelines will deliver any meaningful and/or durable and reliable improvement in clarity, assessment timeframes, or the consideration of environmental matters, alongside other priorities including housing.

There are many components of the reform and at the time of writing, many of the companion instruments are not yet available. For this reason, it is too early to give a definitive assessment whether the EPBC reforms will address core industry concerns and, importantly, boost housing supply.

Assessment delays

Industry's feedback during a recent peak in assessment delays, was firmly focussed on the subjective application of legislation. Based on the detail of the reforms that the Institute has seen to date, there is nothing to suggest that these concerns have been addressed through legislation. Rather, industry challenges relate to the administration of the regulation, rather than the legislation itself.

EPBC Act changes including in MNES and Offset standards, regulations, Draft Guidance and notes, could have significant impact in project design and assessment timelines, particularly for major infrastructure, renewable energy, critical mineral, and housing projects. The industry as yet has little confidence that the reforms will deliver a substantially improved experience in terms of assessment timeframe, certainty and/or outcomes.

Risk and uncertainty for housing delivery

EPBC referral continues to represent an area of extremely high risk that development businesses are actively avoiding, or managing with vendors who have little knowledge of the deleterious impact of an EPBC referral and resulting actions. While some may consider that this represents a good outcome and is a sign that proponents are avoiding MNES impacts, it is worth remembering that this land has been identified for urban uses and has been factored into government calculations as representing housing or employment supply to support a growing population. While two levels of government (local and State) are sending a strong signal that these areas represent 'future' housing or employment opportunities, another level of government (Commonwealth) is sending a strong signal that projects on this land should be avoided at all costs. This situation is untenable.

Table 3**Summary of key elements of EPBC reforms and potential impact on housing**

Reform	Summary	Likely impact on Housing projects
National Environmental Protection Agency	Establishes an independent regulator with the power to enforce compliance, require audits and issue environmental protection orders.	Commenced 1 July 2026. Implication for urban development is unclear, an authoritarian approach without achieving optimum solutions from balancing environmental protection, flexible and creative restoration and enhancement and negotiation is a risk to housing development.
National Environmental Standards	Introduces legally binding, measurable Standards for MNES, regional planning, restoration actions and contributions, community engagement and consultation, and First Nations engagement	Further clarification is required around definitions, such as acceptable impact, recovery plans, and final of the standards.
Streamlined environmental impact assessment	Introduces a new streamlined assessment process to replace three of the current pathways. The Minister will have the power to approve 'national interest proposals' (such as social housing and renewable energy projects) which do not have to strictly comply with the Standards, may have unacceptable impacts and may not be required to deliver a net gain for nature.	It is uncertain that this will produce assessment times less than those applying at present. Uncertain that this will produce assessment times less than those applying to the largest mining or other projects that have severe environmental impacts. KPIs, appeals to the minister etc are required to enable the processes to pushed ahead if delayed. The industry believes that the present average 51 months EPBC assessment and approval process should take no more than 12 months to complete.
Offsets and restoration contributions	Completely revamps the offset framework. Proponents will have to deliver a 'net gain' for nature via traditional land-based offsets or payments to a new Restoration Contributions Special Account, which will be managed by an independent Restoration Contributions Holder for restoration actions.	Definitions, calculator and the standard remain unclear and impact progress on offset delivery. The form of legal security required for permanency of EPBC Act land based offsets is unclear and voluntary declarations under the <i>Vegetation Management Act 1999 (Qld)</i>, are now no longer operable for final Offsets Standard. This must be resolved by State and Commonwealth cooperation.

Regional (bioregional) planning	introduces bioregional plans to map areas for development and protection, and seeks to streamline approvals for compliant projects.	Draft bioregional guidance plans have been released for Brigalow Belt North and Gulf Plains. These are located away from major growth areas and the efficacy of the plans to support housing delivery is untested.
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Reference: Summary of reforms above adapted from [Understanding the EPBC Act reforms: A practical guide | Australia | Global law firm | Norton Rose Fulbright](#)

Uncompleted matters

The EPBC Act changes are still being delivered in detail and so their actual impact or benefit on Queensland urban development is unable to be resolved as yet. Matters that are of critical import that at this time are still being resolved or awaiting detail from the Department include:

- Definition of acceptable impact – this is important in relation to required offsets and project approval
- Potential use of Protection Statements under the new changes – this could possibly include an outright prohibition on effect on a species in a region. Concerns with this approach include:
 - The process may not permit consideration of any projects despite their benefit
 - The process may not permit appeal rights for projects or land holders
 - Consultation may not be undertaken prior to applying the Protection Statement
 - A species recovery plan/s may not be involved
 - Environmental outcomes of the protection statement may not be monitored
 - The need for the Protection Statement may not be reviewed.
- Release of the Calculator for calculation of the required offset and the required restoration offsets value
- Resolution of the offsets model - existing models of biodiversity certification and offset mechanisms have been undermined by complex approvals processes, immature markets, non-strategic site selection, and slow take up, which in combination, degrade participation, undersupplies biodiversity certificates and over-inflates certificate prices. The development of a Nature Repair Market that incorporates tradable offsets from housing projects is supported. But detail is needed around:
 - Ensuring clear instructions on when and how principles are to be applied, including in the context of 'nonstandard' offsets
 - Ensuring clearer key definitions in the Standard
 - Ensuring offsets can be deemed capable of commencement prior to the action
 - Ensuring practical long term sustainability management for offsets
 - Ensuring circumstances in which an offset can be other than like-for-like Ensuring offsets can be outside the same bioregion as the impact
 - Ensuring the Standard does not stifle innovation in biodiversity restoration
- The MNES standard needs to be further resolved in regard to:
 - Clarifying that opportunities for avoidance, mitigation, and (where possible) repair must be appropriately considered before offsets are required including in regional scale actions by governments

- Providing draft regulations or other material regards the operational issues in the Standard
- Clarifying key definitions in the Standard – including "appropriate", "avoid", "feasible", "mitigate" and "context"
- The Draft Guidance and notes on key processes in support of Offset and MNES
- Confirm Metrics & KPIs to support proper application/outcomes of the Standards to assist the rules
- Industry- wide workshops with worked examples to resolve the operation of Offsets and MNES
- Confirm all consultation groups will be provided with a second review of each standard and regulation before release for public consultation - we will not know what has been adopted until then
- Confirm a 12-18 month post implementation review of the changes to resolve any unintended issues.

These matters need to be addressed to understand the effect of the reforms and provide opportunities for improvement of the EPBC Act.

Recommendation 28

Advocate to the Australian Government to clarify the EPBC Act reforms regarding intended use of Protection Statements including there be no further prohibitions. And should include appeal rights, prior consultation, Species recovery plans, monitoring, and review intervals

Recommendation 29

Advocate to the Australian Government to deliver Industry- wide workshops with worked examples to resolve the operation of Offsets and MNES. As part of this process, also advocate for a 12-18 month post implementation review of the changes to resolve any unintended issues

Bilateral agreement and commonwealth cooperation

The EPBC Act allows bilateral agreements between the Australian and state governments. These can accredit Queensland environmental assessment and approval processes to reduce duplication. They allow states or territories to use their own processes to assess actions under the EPBC Act.

Present delegation to Queensland is limited to resource projects and does not extend to urban uses.

A potential bilateral agreement does offer an opportunity for streamlining duplication and broader benefits. Importantly, it is industry's view that a bilateral agreement could bring better balance and a more practical approach to the consideration of environmental matters in an urban context, administered by the level of government which also sets the strategic direction for land use planning in the State. The notion of the state government administering environmental legislation coordinating with the department that provides the planning for urban delivery to meet population growth creates opportunities for improved communication.

However, it should be noted that aside from the bilateral currently administered by the Queensland Coordinator General, previous discussions relating to bilaterals and strategic assessments for South East Queensland have never progressed. The Institute understands that this is due to a range of reasons, including a view by the Federal government that the Queensland environmental system is not equipped to consider applications, or able to apply stringent standards in line with the Commonwealth's expectations. In discussions with the Federal Department in the past, the Institute understands that Federal assessment officers fundamentally disagree with the location of key growth areas in South East Queensland to support a growing population, due to its intersection of key environmental matters.

In addition to this misalignment, the Institute understands that the geographic size and complexity of South East Queensland and the array of matters also makes the notion of a bilateral agreement unwieldy and too complex to consider, agree, and execute.

Notwithstanding, and as discussed above, it remains the Institute's view that powers and processes associated with application, assessment and decision under the EPBC Act should be delegated to the Queensland Government.

Recommendation 30

Identify necessary change to state legislation and subordinate material to enable continued state assessment under a bilateral agreement by the Coordinator General and expand these powers and processes to enable greater state assessment of all EPBC Act matters

Recommendation 31

Advocate to the Australian Government to clarify the EPBC Act reforms regarding improvements to definitions in offsets and other standards, the offsets Calculator, definition of biodiversity test, biodiversity certificates and tradable offsets, definition of acceptable impacts, confirmation that offsets can commence prior to the action, long term sustainability management for offsets, further consultation on developing provisions and guidance and KPIs and post implementation review

Developing EPBC Act matters

State Legislative Recognition of a Bilateral Agreement

With the delivery of the EPBC Act reforms the current bilateral agreements will need to be updated for the new framework to avoid duplicative assessment again being needed. Assessment under the bilateral agreement by the State would need to reflect the EPBC Act changes such as:

- MNES and Offset Standards
- Draft Regulations, Draft Guidance and notes

Adapting to the new arrangements and to ensure continuation of, and possibly expansion to, additional delegated assessment likely would require state legislation change. It is an opportunity to expand the matters for which there is delegated assessment and achieve faster and more coordinated housing delivery.

Recommendation 32

Action by the state government be taken to identify necessary change to state legislation and material to enable continued state assessment under a bilateral agreement and enable greater state assessment of EPBC Act matters

Bioregional Plans

Changes have been made to the EPBC Act to provide for bioregional planning. This covers plans for regions to clarify environmental importance and guide planning and development. Types of plans include Bioregional guidance plans (regional environmental priorities and values focussed), Bioregional plans (including enforceable conditions and commitments, prohibitions, zones, rules, and bioregional restoration areas for offsets).

The Queensland Government is collaborating with the Australian Government to pilot bioregional guidance planning in Queensland. Draft bioregional guidance plans have been released for Brigalow Belt North and Gulf Plains, neither of which are urban areas featuring urban uses.

The outputs from the two bioregional pilots which have been publicly released do not offer the granularity of mapping detailed needed to inform planning and property decisions. In these pilots, matters are indicated as non-specific ‘blobs’ and cannot be interrogated at a parcel scale.

The present pilot plan guidance plan releases do not clarify for industry the methodology, for example the relevance of restoration areas chosen and whether this would be suitable in an urban area. In particular, the scale of the mapping is incompatible with the scale needed for urban purposes.

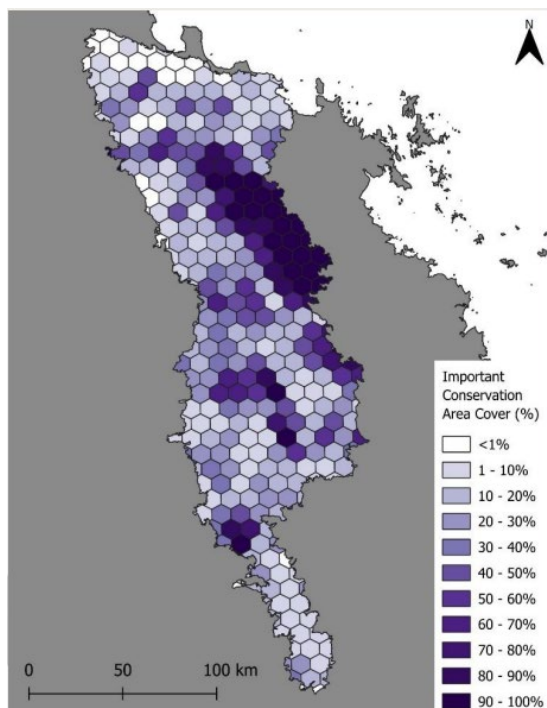


Figure 6— Indicative summary of important conservation areas. It shows the percentage coverage of important conservation areas summarised in 10-kilometre-wide hexagonal grids. Totals are calculated based on hex area within the Plan area.

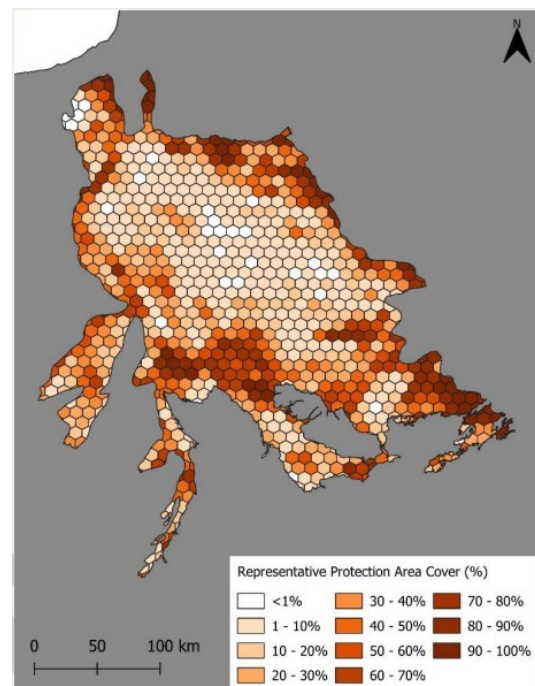


Figure 8 - Indicative summary of representative protection areas. It shows the percentage coverage of representative protection areas summarised in 10-kilometre-wide hexagonal grids. Totals are calculated based on hex area within the plan boundary.

It is important to note that the property industry develops on land which the government identifies is 'suitable' for development. While this suitability is not a carte blanche for the entire site, proponents proceed on the basis that the land is zoned for an urban use. A significant aspect of the current challenges related to the EPBC Act is the mixed signals on what constitutes 'land suitable for development'. In a best practice world, with reduced uncertainty, and increased speed to market; the reconciliation of environmental matters (at all three levels of government) and compatibility of that land would be completed, prior to urban zoning. In any event, regardless of the potential of a bilateral, the industry still faces a future where there are mixed 'go' and 'no go' signals.

Recommendation 33

Once a bilateral agreement in place, act to:

- *turn off state environmental triggers if EPBC granted as in accord with the bioregional plan*
- *reduce on-ground environmental assessment need*
- *develop plan of a scale suitable for defining impact in local areas, presently only very large scale projects would be likely to discern the impact of the plan on their proposal*
- *certainty that proposed restoration areas reflect urban and land planning, development, infrastructure, and cost benefit considerations rather than theoretic environmental values only*

Recommendation 34

Advocate to the Australian Government to improve bioregional plans to ensure it includes less applicant environmental assessment, plan scale suitable for defining impact in local areas, that state environmental triggers are turned off, and restoration areas reflect urban and land planning, development, infrastructure, and cost benefit considerations rather than theoretic environmental values only

Opportunities for Improvement

Fundamentally, in a housing crisis, it does not make sense that prime urban development and infrastructure land is treated the same as land that is not otherwise identified for such significant and important uses. There is little variance in the principles applied to the assessment of impact on matters and offsetting obligations for housing projects versus resource projects.

The industry and homebuyers urgently need a more strategic approach to streamline the consideration of government and societal priorities. In South East Queensland, the array and complexity of the intersection of a high number of matters, on land already identified for urban uses, places environmental and housing objectives on a collision course. What has become very clear over the last few years is that uncertainty and long assessment delays increase the cost of

housing, reduce housing supply and do little to drive better ecological outcomes. This is particularly the case within the urban footprint, and within Priority Development Areas.

Any streamlining measures must also consider mechanisms to control ever-expanding offset requirements. As outlined above, it is clear to the Institute that the quantum, cost, and maintenance obligations have escalated over the past six years. Searching for an offset site is not the core business of project proponents, nor is the maintenance of such sites over long periods. While both these functions can be outsourced to offset providers, this exercise is costly, fraught, and given current pressures, highly contested and expensive. Again, this expense is passed onto new homebuyers.

Standards and Calculators

There are three critical elements that will determine whether the new Standards are workable, time-efficient, and capable of delivering balanced, evidence-based outcomes beyond clearer definitions. They must:

1. Provide clear, concise and reasonable information requirements for both Proponents and Regulators
2. Ensure that Further Requests for Information are targeted, limited and non-iterative; and most importantly,
3. Deliver a transparent, predictable, and simple offset calculator.

These elements are not about lowering standards—they are about ensuring the system operates efficiently, transparently, and with integrity.

To achieve all three critical elements, the standards, regulations, and offset calculator need:

1. To be workshopped jointly with all industries and the Department – there are too many moving parts to leave until later
2. A 12-18 month EPBC post-implementation review to resolve unintended consequences – even well prepared, complex law, will have inadvertent errors and unintended issues that need to be resolved.

When the rules are clear, industry can invest with confidence, regulators can assess consistently, and environmental outcomes can be achieved more effectively.

Recommendation 35

Advocate to the Australian Government to ensure Queensland is consulted on the development of Draft Guidance material and that this material is completed and issued as a matter of urgency

KPIs and Data

The past EPBC Act has been plagued by slow and uncertain processes with severe effects on housing delivery. Recent improvement in assessment timeframes indicates the framework requires additional measures to ensure self-correcting action for smooth and efficient processing.

The new EPBC Act has complex rules and requires both industry and the State and Federal Governments to understand: what is needed, what can be achieved, what is practical, what is

economically viable, and what is holding up assessments. Monitoring and assessing performance via KPIs and metrics is key to determining achievement of the Act's desired outcomes. In the Institute's view metrics and KPIs, are in fact crucial to the success of the new EPBC. However, currently there is no confirmation that metrics and KPIs will be implemented to monitor the performance of the 2025 changes to the EPBC Act.

The following KPIs should be flagged for review by the Federal Minister where:

1. Any project receives more than two RFIs
2. Any total project assessment time (measured from lodgement to decision) is 12 months or longer
3. More than 10% of housing project applications take 12 months or longer
4. More than 10% of streamlined assessment processes have more than 1 RFI – ideally, 'streamlining' should equate to no RFIs
5. More than 10% of housing projects fail to proceed due to offset funding cost or adverse affordability outcomes from environmental processes.

Recommendation 36

Advocate to the Australian Government to establish a Key Performance Indicators Framework including but not limited to the measures described in this submission

The following information should be available about EPBC Act processing to assist accountability, transparency, and community information:

- Number of applications currently under assessment, with time spent to date and RFIs– including those under RFI currently with the proponent. Time should include time lapsed in 'stop the clock'
- Applications approved and time to approval (broken down by application size) – measured from application date to final approval including time for stop the clock RFIs
- Number of homes approved under EPBC referral
- Number of houses currently in outstanding approvals
- List of applications equal or longer than 12 months in approval (including any stop the clock or currently with proponent) – should be escalated to the Federal Minister for approval
- Average number of RFIs per application – there should be no more than two per application
- Number of projects withdrawn and reason stated for withdrawal.

Recommendation 37

Advocate to the Australian Government to ensure full transparency of the results emerging from the KPI Framework as described in this submission

Offsets

Better collaborative pathways to discharge offsets obligations between industry and both State and Federal departments are needed and would yield good results quickly.

The creation of an EPBC Offsets Delivery Team within the Queensland Government is recommended as a key action to achieve these goals. Core responsibilities of the team would include receipting industry contributions for the provision of EPBC offsets in examples where the offset enables housing supply or key associated trunk infrastructure. This team would also make representations to the Australian Government around the provision of offsets acquired and delivered by the State, bringing in some much needed timing buffers that will facilitate the commencements of impacts. Proponents that already have offset land under control could also contribute this into the system. State government could otherwise strategically target key land parcels for purchase/compensation for the purposes of creating offset outcomes in locations that provide maximum benefit to the species at risk from housing supply. Recommendations are included in the Environmental Offsets section above.

Conclusion

Productivity in the Queensland property industry has been impacted by the EPBC Act and the administrative delays and errors which have characterised its processes. Some recent administrative effort has reduced assessment delays. However, relying on a concerted burst of administrative effort is inadequate to create a durable, long term process that supports the delivery of much needed housing during a housing crisis. Put more simply, it is a reaction, not a system.

Reform of the EPBC Act is underway and is acknowledged and welcomed by industry. However, there is still a lack of industry confidence that reforms will increase the pace of housing and urban development delivery. State and local government processes are intrinsically linked with the EPBC Act approach to environmental assessment. Reform in one area requires reform and alignment in the other. The past has not seen coordinated, comprehensive, and strategic environment thinking and processes between State and the Commonwealth. There is much room for improvement.

As the housing crisis in Queensland continues to propel toward ever less affordable homes, higher prices, and less productive delivery of fewer homes, something needs to be done. And urgently.

The factors which have driven this housing crisis are many, multi-layered, and often exert a multiplier effect on each other. Environmental controls are part of the cascading failures in the housing and construction process which simply cannot be overcome at the project level.

Reform, new framework design, and policy development are needed to enable increased land supply, increased housing supply, reduced engagement with the EPBC Act process, reduced cost engaging in the EPBC Act process, reduced environmental approval delays, removal of duplicative approvals and assessments between levels of government, recognition of when land is zoned for housing and urban development it reasonably can be used for that purpose.

OPTIONS AND RECOMMENDATIONS REQUESTED

This is a summary of recommendations made in this submission collated under the key headings identified in the Inquiry's Terms of Reference

It is recommended that the Queensland Government:

No.	Recommendation	Description of Improved Outcome	Heading/Page
Practical options to reduce unnecessary regulatory burden and improve efficiency, certainty and proportionality in the application of the reforms in Queensland			
Land and Housing Supply			
Recommendation 1	Seek Australian Government approval for a delegated model of assessment processes and powers to enable the Queensland Government to fully complete any required EPBC Act approvals prior to the future rezoning of lands for urban purposes in Queensland	This reform would ensure that the current lengthy delays that occur when seeking to develop lands zoned for urban purposes when the EPBC Act is triggered	5
Recommendation 3	Seek Australian Government approval for a delegated model of assessment processes and powers to enable the Queensland Government to fully complete any required EPBC Act approvals on lands currently within a Priority Development Area (PDA) and in PDAs declared into the future in Queensland	This reform would ensure that the current lengthy delays that occur when seeking to develop lands within a PDA when the EPBC Act is triggered	
Structural Improvements			
Recommendation 4	Seek Australian Government approval for a delegated model of assessment processes and powers to enable the Queensland Government to reform existing EPBC Act project application, assessment and approval processes in Queensland to achieve greater	This reform would improve application, assessment and approval timeframes which would lower costs and increase the pace of housing delivery	8

	transparency, rigour, and consistency		
Recommendation 2	Define key biodiversity corridors and priority receiving locations	This reform would allow provide stronger practical protection to environmentally significant lands as well as allow project proponents to make better investment decisions by avoiding same lands	6
Assessment Process Improvements			
Recommendation 6	As part of the delegation of powers and process described above, establish a quick and low cost pre-application (trigger/referral) process to clarify if referral is or is not required. This process would include clear and detailed articulation of a threshold indicator of when a referral is needed or not	This reform would improve the pace of housing delivery by providing a certain pathway for those projects not requiring EPBC Act measures to proceed with housing projects quickly Consequently, this reduces project risk and protects the attractiveness of investment into Queensland housing projects	9
Recommendation 7	As part of the delegation of powers and process described above, establish processes to ensure that changes to EPBC Act listings be ignored for the purposes of completing that application and subsequently the project until that listing has been in effect and/or publicly notified for 12 months. The matters of interest for each application should be confirmed at the outset of an assessment and should not be subject to change during the course of an assessment	This reform would enable proponents to manage risk, make better investment decisions and prevent disruption to housing projects once project planning and execution commenced	10
Recommendation 8	As part of the delegation of powers and process	This reform would prevent disruption and	10

	described above, establish processes to ensure that a change in listing once an application process has commenced is ignored for the purpose of completing that application and subsequently the project	delay to completion of an assessment and as a result improve the pace of housing delivery	
Recommendation 9	The matters of interest for each application should be confirmed at the outset of an assessment and should not be subject to change during the course of an assessment		10
Recommendation 10	As part of the delegation of powers and process described above, provide a Department client contact person with a monitored email and phone number, for each assessment, including back up contact should that person leave or not be available	This reform would enable faster resolution of complexity and shorten the application process and improve customer service standards.	10
Recommendation 11	As part of the delegation of powers and process described above, develop and provide clear requirements on the data that needs to be supplied to support an application and any additional requests that may be made. These requirements to be made publicly available at all times so that they are available to applicants prior to lodgement of the application	This reform would enable faster processing of applications by improving the quality of applications, and reducing the number of Requests for Information (RFIs) and the delays RFIs provoke	11
Offsets Improvements			
Recommendation 13	As part of the delegation of powers and process described above, streamline the offsets framework by resolving a practical, stable offsets calculator which supports housing affordability	This reform would improve project cost certainty and ultimately support housing affordability	14

Recommendation 15	As part of the delegation of powers and process described above, streamline the offsets framework to provide clearer requirements (including vegetation types and regrowth), guidelines, terminology and thresholds, preset standards and information on precedent calculations	This reform would improve knowledge inputs available to proponents during project feasibility assessment phase and reduce the complexity of housing projects, leading to housing supply timeframe improvements	16
Recommendation 16	As part of the delegation of powers and process described above, streamline the offsets framework to provide clearer requirements about how to discharge financial settlements and land-based outcomes		16
Recommendation 17	As part of the delegation of powers and process described above, remove the requirement that an offset is located within the same biosphere	This reform would make delivery of offsets more achievable and improve the pace of housing delivery	16
Recommendation 14	As part of the delegation of powers and process described above, establish a Queensland Government EPBC Offsets Delivery Team to coordinate the identification, acquisition, delivery and maintenance of offset sites in Queensland	This reform would create collaborative pathways between government and industry to correct the current uncoordinated management of offsets in Queensland, and allow industry to concentrate on housing delivery at pace and scale	15
Recommendation 18	In addition to the above, the Queensland government EPBC Offsets Delivery Team identify and facilitate innovative alternate offset options	This reform would enable superior environmental actions to be identified and acted upon.	16
Recommendation 19	In addition to the above, the Queensland government EPBC Offsets Delivery Team provide annual updates to proponents and the community on how	This reform would allow the community to understand that disturbance in a local area is being addressed beneficially	16

	financial contributions are being spent		
Recommendation 20	As part of the delegation of powers and process described above, spend financial offset funds within 12 months of collection, or where not expended within that timeframe, re-allocated to National Park acquisition	This reform would improve the Queensland Governments' purchasing power by avoiding the current situation where delays in expenditure force the Queensland Government to pay more for restoration or conservation activities than would have been the case purchasing earlier.	17
Recommendation 21	As part of the delegation of powers and process described above, allow for bonding and staging of both proponent-driven and financial settlement offsets	This reform would allow for improved system efficiency and improve the pace of housing delivery	17
Recommendation 22	As part of the delegation of powers and process described above, design and deliver an administrative framework to support the emergence and operation of an active, competitive, timely, and efficient market to deliver offsets for industry or from the Queensland Government's Offset Account. This would include creation of a tender/auction process for delivery of land-based outcomes from moneys received as financial offsets which is readily available for the industry as part of the delegation of powers and process described above	This reform would speed up the expenditure of offset funds for the benefit of conservation outcomes as well as allow proponents achieve compliance faster and thus improve the pace of housing delivery	17
Recommendation 26	Separate to the processes described above, amend regulations under the Queensland Planning Act 2016 to reduce the number of matters identified by		18

	local governments as of Matters of Local Environmental Significance (MLES) and reduce offsets that can be applied		
Coordination Improvements			
Recommendation 5	Create and appropriately empower a Chief Housing Officer within the Department of Premier and Cabinet to, among other responsibilities, conduct ongoing examination of the impact of EPBC Act assessment and coordination (including delay and cost impacts), and act to resolve emerging issues impeding housing delivery	This reform would provide an ongoing mechanism to ensure reforms implemented both imminently and into the future continue to address emerging issues arising from the inherent complexity of the EPBC Act regulatory framework.	8
Recommendation 23	Implement transitional arrangements to allow optional grandfathering of arrangements to projects that may be affected by any change	Transitional arrangement options are important for allowing proponents to identify the fastest path to project completion and housing delivery	17
Bilateral Agreements			
Recommendation 30	Identify necessary change to state legislation and subordinate material to enable continued state assessment under a bilateral agreement by the Coordinator General and expand these powers and processes to enable greater state assessment of all EPBC Act matters		24
Recommendation 32	Action by the state government be taken to identify necessary change to state legislation and material to enable continued state assessment under a bilateral agreement and enable greater state assessment of EPBC Act matters		25
Bioregional plans			

Recommendation 33	Once a bilateral agreement in place, act to: • turn off state environmental triggers if EPBC granted as in accord with the bioregional plan • reduce on-ground environmental assessment need • develop plan of a scale suitable for defining impact in local areas, presently only very large scale projects would be likely to discern the impact of the plan on their proposal • certainty that proposed restoration areas reflect urban and land planning, development, infrastructure, and cost benefit considerations rather than theoretic environmental values only		26
Opportunities to improve alignment between Commonwealth and Queensland frameworks without undermining Queensland's regulatory autonomy			
Recommendation 25	Amend the <i>Queensland Offsets Act 2014</i> to harmonise with definitions set out in the EPBC Act	This reform would improve the legibility of legislation for proponents, making legislative compliance easier and less variable	17
Recommendation 24	Amend the <i>Vegetation Management Act 1999</i> to ensure acceptable means of legal securement of offsets harmonise with requirements under the EPBC Act Offsets Standards		17
Recommendation 27	Advocate to the Australian Government to ensure the efficient operation of biodiversity certificates under the <i>Nature Repair Act 2023 (Cth)</i> to support		18

	the affordability of urban projects		
Recommendation 12	Champion a national project to urgently resolve costly duplication of required offsets projects across levels of government to support the affordability of housing projects		13
Recommendations to inform Queensland Government policy priorities and ongoing engagement with the Australian Government			
Recommendation 31	Advocate to the Australian Government to clarify the EPBC Act reforms regarding improvements to definitions in offsets and other standards, the offsets Calculator, definition of biodiversity test, biodiversity certificates and tradable offsets, definition of acceptable impacts, confirmation that offsets can commence prior to the action, long term sustainability management for offsets, further consultation on developing provisions and guidance and KPIs and post implementation review		24
Recommendation 28	Advocate to the Australian Government to clarify the EPBC Act reforms regarding intended use of Protection Statements including there be no further prohibitions. And should include appeal rights, prior consultation, Species recovery plans, monitoring, and review intervals		23
Recommendation 34	Advocate to the Australian Government to improve bioregional plans to ensure it includes less applicant environmental		26

	assessment, plan scale suitable for defining impact in local areas, that state environmental triggers are turned off, and restoration areas reflect urban and land planning, development, infrastructure, and cost benefit considerations rather than theoretic environmental values only		
Recommendation 35	Advocate to the Australian Government to ensure Queensland is consulted on the development of Draft Guidance material and that this material is completed and issued as a matter of urgency		27
Recommendation 29	Advocate to the Australian Government to deliver Industry- wide workshops with worked examples to resolve the operation of Offsets and MNES. As part of this process, also advocate for a 12-18 month post implementation review of the changes to resolve any unintended issues		23
Recommendation 36	Advocate to the Australian Government to establish a Key Performance Indicators Framework including but not limited to the measures described in this submission	This reform would deliver a performance framework which ensures a 12 month completion of the application, assessment and decision process which will increase the pace of housing delivery	28
Recommendation 37	Advocate to the Australian Government to ensure full transparency of the results emerging from the KPI Framework as described in this submission		28