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16 January 2013

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Sir/Madam

**ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION
AMENDMENT (RETAINING FEDERAL APPROVAL POWERS) BILL 2012
SUBMISSION**

Thank you for the opportunity to make a submission to the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012.

Latrobe City Council understands that the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012 aims to remove from the EPBC Act the ability for the federal government to hand its responsibility for approving projects that involve significantly impacting our nationally protected matters to state and territory governments.

Officers have considered the Bill and wish to provide the following submission to the Senate committee inquiry.

Latrobe City Council supports the development of more robust legislation for the protection of the environment. Federal government oversight on matters of national environmental significance provides critical protection for Australia's threatened species and iconic wild places in a consistent manner. Specifically we support moves for the federal government to permanently retain its responsibility for approving projects that involve significant impacts on our nationally protected matters, including:

- world heritage areas,
- national heritage areas,
- internationally listed wetlands,
- migratory species, and
- threatened species and ecological communities.

Latrobe City is home to seven species listed under the EPBC Act, as well as a major river system which flows into an internationally listed wetland. Previous surveys of our community have shown that laws protecting the environment were generally considered too weak (42.8%) or about right (37.4%) with only a small minority considering them too strong (5.6%).

We do not believe that the COAG proposal to redress delays from double-handling and duplication of environmental assessments, by devolving decision making responsibility to the states and territories, is warranted. The EPBC Act's significance threshold already precludes federal intervention in all but the most environmentally impacting projects, and bilateral assessment agreements can already be used to align the requirements of state and federal environmental assessments without requiring a hand-over of decision making responsibilities.

The absence of the federal government from environmental decision making would result in few, if any, checks and balances on state government processes. This is of particular concern as state governments are often the proponent for, or beneficiary of major development projects that traditionally trigger the EPBC Act, resulting in a significant conflict of interest.

At the local level, Latrobe City Council is responsible for regulating the way land can be used and developed within our municipality in regard to environmental protection. As is the case with our local planning scheme, we understand that discretion is inherently involved in decisions made under the EPBC Act, which require an often difficult balancing of economic, social and environmental values. This means that it matters who makes the ultimate decision, and we believe that the federal government is better placed than state or territory governments to make decisions in the national interest.

It is for these reasons Latrobe City Council support the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012.

Yours sincerely

DEIRDRE GRIEPSMA
Manager Natural Environment Sustainability