



Key EPBC Act contacts in the Department of the Environment and Heritage

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Further information

For general information visit www.deh.gov.au/epbc or contact the Department of the Environment and Heritage Community Information Unit on email ciu@deh.gov.au or free-call 1800 803 772.

Contact Details:

PHOTO CREDITS

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Does your natural resource management project comply with national environmental laws?

Helping communities meet the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*

What is the EPBC Act?

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) delivers significant benefits for all Australians, future generations and the international community by protecting our environment and conserving our native animals and plants.

Under the Commonwealth's environment protection legislation, there are seven Matters of National Environmental Significance (Matters of NES) protected by the Act:

- World Heritage properties
- National Heritage places
- Wetlands of international importance
- Migratory species
- Nationally threatened species and ecological communities
- The Commonwealth marine area
- Nuclear matters.

Under the Act, anyone proposing to take an action that may have a significant impact in any of these areas must submit a proposal to the Australian Government Department of the Environment and Heritage, who will decide if approval is required. Activities approved before July 2000 are not subject to the Act.

While not a matter of NES, Commonwealth land is protected in the same way, so any significant impacts on Commonwealth land also require approval.



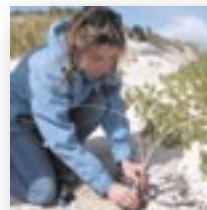
Australian Government

What are the implications of the EPBC Act for natural resource management projects?

Project proponents should be aware that any activity may require EPBC Act approval if it is likely to have a significant impact on a matter of NES. This even includes cases where a project may also have positive benefits – for example salt interception schemes or projects to remove invasive weeds from natural areas. Project funding through the Australian Government Envirofund or regional investments does not mean that the project proponents do not require relevant Commonwealth and State/Territory government regulatory approval.

The Department of the Environment and Heritage has produced administrative guidelines to help you determine whether an action is likely to have a significant impact. For more information visit www.deh.gov.au/epbc/assessmentsapprovals/guidelines/administrative/index.html.

While there are substantial penalties for not complying with the EPBC Act, ultimately it's about Government and communities working together to produce more informed management decisions and better outcomes for our natural resources.



Environment Laws

How do we know if our project is subject to the EPBC Act?

The first step in determining how the EPBC Act may affect your project is to check if there are any matters of NES within your region. In some cases it is relatively simple to determine. The Department of the Environment and Heritage maintains an on-line mapping tool (www.deh.gov.au/erin/ert/epbc) that allows users to produce an indicative list of NES matters for any site or area.

It is important to remember that impacts will depend on the nature of the site and project, and may not always be obvious in terms of proximity to a site. For example, establishing a native tree plantation on old pasture could impact threatened species which may have come to use the pasture, and changed water flows may impact on a downstream wetland.

A development may also be found to have a significant impact because it facilitates or leads to other activities – for example, a new tourist centre may lead to increased visitor traffic or to the development of other infrastructure.

You should refer any project with moderate to high risk of impacts to the Department of the Environment and Heritage. The Department will advise proponents within 20 business days whether an environmental impact assessment is required. Only about one quarter of all proposals referred to the Department in the past four years have required full assessment and approval. It is usually possible to find a way to minimise or eliminate the potential for significant impacts.

If your project is in a region with both high concentrations of NES Matters and strong development pressures, you should consider incorporating a risk assessment for NES Matters in your plan. EPBC Act risk assessments are best undertaken by local experts using inputs from the Department of the Environment and Heritage, natural resource management facilitators, State agencies and local government environment officers.



How can NRM projects contribute to the EPBC Act?

On-ground projects, particularly mapping, research and monitoring, can add to knowledge about NES Matters in your region and can contribute to the way the EPBC Act protects those assets. Key areas where information is needed include up to date maps of the habitat of threatened species and ecological communities, such as condition measures, information about appropriate management regimes for those areas, data about the ecological condition of Ramsar listed wetlands and monitoring of populations of migratory species. Data from regional projects should be routinely provided to the Department of the Environment and Heritage through your relevant State/Territory data agency. The Department also needs your input when projects from your region are referred and you are aware of relevant information about potential impacts.

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EPBC Act Checklist

Here's a brief guide to the key EPBC Act components you should consider when planning and implementing your project.

- ▶ Know where Matters of NES exist in and around your region.
 - Use the EPBC Act mapping tool to generate a list.
- ▶ Consider whether your project is covered by the EPBC Act.
 - Ensure project proponents are aware of their obligations under the Act, particularly concerning referral of actions that may have a significant impact.
 - Obtain information and guidelines on Matters of NES in your region that may be adversely impacted by projects.
- ▶ Consider whether an EPBC Act risk assessment for your region, or for a sub-region likely to experience development pressures, would achieve more than a case-by-case approach.
 - Contact the Department of the Environment and Heritage for assistance or advice on EPBC Act risk assessments.
- ▶ Engage with the Department by routinely visiting the web site and by reviewing any referrals and new nominations for listing species or ecological communities made from your region.
 - Provide information on potential impacts of referred projects to the Department during the normal public consultation period for referrals.
 - Encourage compliance – if you know of a proposed project that has not been referred and you believe that impacts on NES Matters are likely, talk to the project proponent, the Department or both.
 - Check to see whether species or ecological communities from your region have been nominated for listing as Matters of NES.
- ▶ Identify which of the listed species and ecological communities, Ramsar listed wetlands and any World or National Heritage places are under greatest threat from human activity and ensure they are addressed in your project plan.
 - Contact the Department to find out which Matters of NES are likely to be most sensitive to development.
 - Identify and address critical information gaps that would be important to their protection.
 - Remember that mapping, inventories and condition monitoring are most important.
- ▶ Regional bodies should assess whether your team, management or other stakeholders need to know more about the EPBC Act.
 - Contact the Department for information on training and outreach programs.

Environment Laws