



April
2020

Do you need Australian Government approval for your project?



State and territory governments are primarily responsible for land use, water, pollution control and air quality matters. However, if you are involved in a project or development proposal that could impact Australia's environment, you may need state, territory or local government, as well as Australian Government approval before you proceed.

Australia's national environmental law is called the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The EPBC Act makes sure that 'nationally significant' animals, plants, habitats and places are identified, and any potential negative impacts on them are carefully considered before changes in land use or new developments are approved.

This means that landowners, developers, companies, individuals and governments must seek Australian Government approval in addition to state, territory or local government approvals if their plans might impact on matters of national significance.

Gaining approval for your project

You can use the [Protected Matters Search Tool](#) to help understand if your proposed site is home to, or located near, any matters of national environmental significance are likely on, or near, your proposed site.

If there are matters of national significance related to your site, it's best to contact the Department of Agriculture, Water and the Environment as early as possible to understand the process and investigate ways that improved environmental outcomes can be built into your project from the start.



Sir John Gorge, Kimberley region © Nick Rains

One of the most important ways that you can help protect Australia's animals, plants, habitats and heritage places is by selecting a site that aims to avoid or minimise impacts. In your early planning stages the department can help you determine the extent to which a site will be of interest to us.

Contacting the department and incorporating Australian Government environmental assessment into your project planning early can also help avoid duplication and delays and potentially lower your costs.

Before referring your project for assessment, consider organising a pre-referral meeting with the department to understand more about the assessment process and what information we will need to complete your assessment.

To refer your project or activity for assessment under the EPBC Act complete the referral of proposed action form (onlineservices.environment.gov.au).

More information is available at environment.gov.au/epbc.





April
2020

What does the EPBC Act protect?



Australia's national environmental law is called the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The EPBC Act makes sure that 'nationally significant' animals, plants, habitats and places are identified, and any potential negative impacts on them are carefully considered before changes in land use or new developments are approved.

The Department of Agriculture, Water and the Environment is responsible for managing the environmental assessment and approval process under the EPBC Act.

If a '[matter of national environmental significance](#)' is on, or near, your property then you are in a position to help protect it. There are nine matters of national significance that come under the EPBC Act:

- world heritage properties
- national heritage places
- wetlands of international importance (listed under the Ramsar Convention)
- listed threatened species and ecological communities
- migratory species protected under international agreements
- Commonwealth marine areas
- the Great Barrier Reef Marine Park
- nuclear actions (including uranium mines)
- a water resource, in relation to coal seam gas development and large coal mining development.



Corunna Lake beach, Eurobodalla National Park © Andy Heaney

The EPBC Act also covers actions on, or impacting on, Commonwealth land or actions by Commonwealth agencies. It also covers Commonwealth heritage places outside Australia.

Before any changes in land use or new developments can be approved, any potential negative impacts on matters of national significance must be carefully considered.

To find out what is on, or near, your land or affected land, and whether your project requires assessment under the EPBC Act before proceeding, you can:

- use the [Protected Matters Search Tool](#)
- read additional information including the significant impact guidelines for:
 - > [1.1 matters of national environmental significance](#)

- > [1.2 actions on, or impacting upon, Commonwealth land and actions by Commonwealth agencies](#)
- > [1.3 coal seam gas and large coal mining developments – impacts on water resources.](#)

You should also check state and local government heritage registers and any previous surveys that have been done on the site or in the vicinity. Find out more about the assessment process on the department's EPBC Act website or contact us on 1800 803 772 to organise a pre-referral meeting.

More information is available at environment.gov.au/epbc.





April
2020

What are significant impacts under the EPBC Act?



Australia's national environmental law is called the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The EPBC Act makes sure that 'nationally significant' animals, plants, habitats and places are identified, and any potential negative impacts on them are carefully considered before changes in land use or new developments are approved.

The Department of Agriculture, Water and the Environment is responsible for managing the environmental assessment and approval process under the EPBC Act.

- the scale of the action and its impacts
- the intensity of the action and its impacts
- the duration and frequency of the action and its impacts.

In particular, you should consider:

- the environmental context, for example, the sensitivity, value, quality and size of the environment, the site's connectivity to other habitats in the broader landscape and its importance in the conservation of the environment
- the nature of the potential impacts that are likely to result from your actions
- whether mitigation measures will avoid or reduce these impacts.



The department recommends taking a conservative approach to analysing whether your project will have a significant impact on the environment. For example, if you think that your actions have the potential to result in a significant impact, or you are not sure, it is best to contact the department early. State and territory protected species lists and heritage lists will also help you identify impacts that you will need to manage or avoid.

Projects should avoid impacts to the environment wherever possible. If environmental impacts resulting from your project are unavoidable, you will need to tell us about your proposed mitigation and offset strategies as part of the assessment process.

If you wish, you can request a pre-referral meeting, in person in Canberra or over the phone, to discuss your project and ensure that you understand the assessment process and what you will need to provide. Otherwise, you can refer your project directly to the department.

More information is available at environment.gov.au/epbc.





April
2020

The Department's role under the EPBC Act



Australia's national environmental law is called the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The EPBC Act makes sure that 'nationally significant' animals, plants, habitats and places are identified, and any potential negative impacts on them are carefully considered before changes in land use or new developments are approved.

The Department of Agriculture, Water and the Environment is responsible for managing the environmental assessment and approval process under the EPBC Act.

- We apply a common set of processes for each unique project we are asked to assess using the EPBC Act to guide us.
- It's important to recognise that our responsibilities are directly linked to the EPBC Act. The EPBC Act is Australia's primary environmental legislation that determines how we protect the environment. The role of the department is not to determine whether a development is 'good' or 'bad' for Australia, and the EPBC Act is not designed to stop development.
- Where appropriate, approvals may include conditions that require developers to take certain action to minimise harm to the environment.
- Many proposed developments and actions are also subject to state, territory or local government laws.



Water Lilies, Kimberley region © Nick Rains

How you can help us

If you are planning to submit an environment assessment application you should:

- be well informed when selecting your site – this is one of the most important ways you can help protect Australia's animals, plants, habitats and heritage places. If you are choosing between potential sites or have some flexibility regarding your chosen site, speaking with us early can help you avoid or minimise environmental impacts and streamline the assessment process. This can also help reduce your costs
- consider how your project can avoid environmental impacts from the outset and if impacts are unavoidable, how you can minimise the impacts. Engaging with the department early, by organising a pre-referral meeting, may help you minimise duplication, delays and costs

- use the [Protected Matters Search Tool](#) can also help you determine whether your project and proposed site will need to undergo an environmental assessment under the EPBC Act
- complete the referral of proposed action form (onlineservices.environment.gov.au/) to refer your project or activity for assessment under the EPBC Act.

While every project that we are asked to assess under the EPBC Act is different, we use a set of common processes and are committed to delivering consistent, fair and transparent processes.

More information is available at environment.gov.au/epbc.





April
2020

Environment assessments

How state, territory and Australian governments work together



Australia's national environmental law is called the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The EPBC Act makes sure that 'nationally significant' animals, plants, habitats and places are identified, and any potential negative impacts on them are carefully considered before changes in land use or new developments are approved.

The Department of Agriculture, Water and the Environment is responsible for managing the environmental assessment and approval process under the EPBC Act. Many proposed developments and actions are also subject to state, territory or local government laws.

To help streamline the process we work closely with state and territory governments.

Australian Capital Territory

You will need to submit referrals concurrently to the Department of Agriculture, Water and the Environment and the ACT Environment, Planning and Sustainable Development Directorate. If the project needs to be assessed under both ACT and Australian Government law the two agencies will seek to undertake the assessments under a single process.

Once the assessment has been completed, decisions under both ACT and Australian Government laws will be made whether to approve the project.

- The Department of Agriculture, Water and the Environment is responsible for the EPBC Act, which relates to matters of national significance. For information on the EPBC Act, visit environment.gov.au/epbc or call 1800 803 772.

- The ACT Environment, Planning and Sustainable Development Directorate is responsible for the ACT *Planning and Development Act 2007*. For information on the *Planning and Development Act 2007* visit the ACT Environment, Planning and Sustainable Development Directorate website (www.environment.act.gov.au) or submit an enquiry via accesscanberra.act.gov.au/app/forms/epd_feedback.

New South Wales

You will need to submit referrals at the same time to the Department of Agriculture, Water and the Environment and the NSW Department of Planning, Industry and Environment. If the project needs to be assessed under both NSW and Australian Government law the two agencies will seek to undertake the assessments under a single process.

Once the assessment has been completed, decisions under both NSW and Australian Government laws will be made whether to approve the project.

- The Department of Agriculture, Water and the Environment is responsible for the EPBC Act, which relates to matters of national significance. For information on the EPBC Act, visit environment.gov.au/epbc or call 1800 803 772.
- The NSW Department of Planning, Industry and Environment is responsible for the *Environmental Planning and Assessment Act 1979*. For information on the *Environmental Planning and Assessment Act 1979*, visit the NSW Department of Planning, Industry and Environment website (planning.nsw.gov.au), call 1300 305 695 or fill out the enquiry form at planning.nsw.gov.au/contact-us.

Northern Territory

You will need to submit referrals concurrently to the Department of Agriculture, Water and the Environment and the Northern Territory Environment Protection Authority. If the project needs to be assessed under both Northern Territory and Australian Government law the two agencies will seek to undertake the assessments under a single process.

Once the assessment has been completed, decisions under both Northern Territory and Australian Government laws will be made whether to approve the project.

- The Department of Agriculture, Water and the Environment is responsible for the EPBC Act, which relates to matters of national significance. For information on the EPBC Act, visit environment.gov.au/epbc or call 1800 803 772.
- The NT Environment Protection Authority is responsible for assessing the environmental impacts of development proposals under the *Environmental Assessment Act 1982*. For information on the *Environmental Assessment Act 1982* visit the Northern Territory Environment Protection Authority website (ntepa.nt.gov.au/environmental-assessments), call (08) 8924 4218 or email ntepa@nt.gov.au.

Queensland

You will need to submit referrals concurrently to the Department of Agriculture, Water and the Environment and, either the Queensland Department of Environment and Science or the Queensland Department of State Development, Manufacturing, Infrastructure and Planning.

If the project needs to be assessed under both Queensland and Australian Government law the two relevant agencies will seek to undertake the assessments under a single process.

Once the assessment has been completed, decisions under both Queensland and Australian Government laws will be made whether to approve the project.

- The Department of Agriculture, Water and the Environment is responsible for the EPBC Act, which relates to matters of national significance. For information on the EPBC Act, visit environment.gov.au/epbc or call 1800 803 772.
- The Queensland Department of Environment and Science is responsible for the assessment of large resource projects under the *Environmental Protection Act 1994*. For information on the *Environmental Protection Act 1994*, visit the Department of Environment and Science website (qld.gov.au/environment/pollution/management), call 1300 130 372 or email palm@des.qld.gov.au.
- The Queensland Department of State Development, Manufacturing, Infrastructure and Planning is responsible for the assessment of infrastructure projects of economic, social and/or environmental significance to Queensland under the *State Development and Public Works Organisation Act 1971*. For information on the *State Development and Public Works Organisation Act 1971* visit the Department of State Development, Manufacturing, Infrastructure and Planning website (www.statedevelopment.qld.gov.au), call 13 74 68 or email info@dsdmip.qld.gov.au.

South Australia

You will need to submit referrals concurrently to the Department of Agriculture, Water and the Environment and either the South Australia Department of Planning, Transport and Infrastructure or the South Australia Department of Premier and Cabinet.

If the project needs to be assessed under both South Australian and Australian Government law the two relevant agencies will seek to undertake the assessments under a single process.

Once the assessment has been completed, decisions under both South Australian and Australian Government laws will be made whether to approve the project.

- The Department of Agriculture, Water and the Environment is responsible for the EPBC Act, which relates to matters of national significance. For information on the EPBC Act, visit environment.gov.au/epbc or call 1800 803 772.
- The South Australia Department of Planning, Transport and Infrastructure is responsible for assessment of proposals to issue a development approval under the *Development Act 1993*. For further information on the *Development Act 1993* including environment impact assessments and major developments visit the South Australia Planning Portal website, call 1800 752 664 or email majordevadmin@sa.gov.au.
- The South Australia Department of Premier and Cabinet is responsible for assessment of mining proposals under the *SA Mining Act 1971*. For information on the *SA Mining Act 1971* visit the South Australia Department of Energy and Mining website (energymining.sa.gov.au).

Tasmania

You will need to submit referrals at the same time to the Department of Agriculture, Water and the Environment and the Tasmanian Department of Primary Industries, Parks, Water and Environment or the Tasmanian Planning Commission. If the project needs to be assessed under both Tasmanian and Australian Government law the two relevant agencies will seek to undertake the assessments under a single process.

Once the assessment has been completed, decisions under both Tasmanian and Australian Government laws will be made whether to approve the project.

- The Department of Agriculture, Water and Environment is responsible for the EPBC Act, which relates to matters of national significance. For information on the EPBC Act, visit environment.gov.au/epbc or call 1800 803 772.
- The Tasmanian Department of Primary Industries, Parks, Water and Environment (Environment Protection Agency) is responsible for primary environment protection and pollution control legislation in Tasmania *Environmental Management and Pollution Control Act 1994*. For information on the *Environmental Management and Pollution Control Act 1994* visit the Environment Protection Agency website or call the Environmental Policy and Support Services Section on (03) 6165 4599 or email enquiries@epa.tas.gov.au.
- The Tasmanian Planning Commission is responsible for assessing major developments that have effects that extend beyond a single council area under the Tasmanian *Land Use Planning and Approvals Act 1993* and assessing major development proposals that have state-wide effects under the Tasmanian *State Policies and Projects Act 1994*.

For information on the *Land Use Planning and Approvals Act 1993* and the *State Policies and Projects Act 1994* visit the Tasmanian Planning Commission website (planning.tas.gov.au), call (03) 6165 6828 or email tpc@planning.tas.gov.au.

Victoria

You will need to submit referrals concurrently to the Department of Agriculture, Water and the Environment and the Victorian Department of Environment, Land, Water and Planning. If the project needs to be assessed under both Victorian and Australian Government law the two agencies will seek to undertake the assessments under a single process.

Once the assessment has been completed, decisions under both Victorian and Australian Government laws will be made whether to approve the project.

- The Department of Agriculture, Water and Environment is responsible for the EPBC Act, which relates to matters of national significance. For information on the EPBC Act, visit environment.gov.au/epbc or call 1800 803 772.
- The Victorian Department of Environment, Land, Water and Planning is responsible for assessment of projects under the *Major Transport Projects Facilitation Act 2009*, the *Environment Effects Act 1978* and in some circumstances, the *Planning and Environment Act 1987*. If assessment under the *Environment Effects Act 1978* is not required, an assessment may be undertaken by another state agency under other relevant legislation, such as the *Water Act 1989*. For information on Victorian environment legislation visit the Department of Environment, Land, Water and Planning website (planning.vic.gov.au), call the Impact Assessment Unit on (03) 8392 5474 or email environment.assessment@delwp.vic.gov.au.



Western Australia

You will need to submit referrals at the same time to the [Department of Agriculture, Water and the Environment](#) and the Western Australia [Department of Water and Environmental Regulation](#). If the project needs to be assessed under both Western Australian and Australian Government law the two relevant agencies will seek to undertake the assessments under a single process.

Once the assessment has been completed, decisions under both Western Australian and Australian Government laws will be made whether to approve the project.

- The Department of Agriculture, Water and the Environment is responsible for the EPBC Act, which relates to matters of national environmental significance. For information on the EPBC Act, visit environment.gov.au/epbc or call 1800 803 772.

- The Western Australia Department of Water and Environment Regulation is responsible for the assessment of projects likely to have a significant environmental effect on the environment under the Western Australia *Environmental Protection Act 1986*. For information on the *Environmental Protection Act 1986* visit the Department of Water and Environmental Regulation website (der.wa.gov.au) or contact the Department of Water and Environment Regulation on 08 6364 7000 or email info@dwer.wa.gov.au.

More information is available at www.environment.gov.au/epbc.

