



**Australian Government**  
**Department of the Environment**

# Environmental Management Plan Guidelines



2014

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Cover image: *Nourlangie Rock and Anbangbang billabong, Kakadu National Park (World Heritage Listed site)* Photo: Allan Fox

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# 1. Introduction

Environmental management plans describe how an action might impact on the natural environment in which it occurs and set out clear commitments from the person taking the action on how those impacts will be avoided, minimised and managed so that they are environmentally acceptable.

This document provides general guidance to stakeholders preparing environmental management plans for environmental impact assessments and approvals under Chapter 4 of Australia's national environment law, the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). A brief description of the EPBC Act and assessment and approval process is at Appendix A.

Environmental management plans are often submitted during the environmental impact assessment process and may be part of the documentation considered by the Minister, or their delegate, when deciding whether to approve a proposed action. If the proposed action is approved, environmental management plans are often referenced in the conditions of approval. In addition, approval conditions sometimes require revised or additional environmental management plans to be approved before the approved action can begin. These guidelines will assist with the preparation of environmental management plans in all of these circumstances.

The Department understands that at times, in addition to meeting obligations under national environment law, an environmental management plan may also be required to satisfy the requirements of other regulatory bodies or regulations and that formats may vary. These guidelines only identify the information needed to prepare an environmental management plan in accordance with the requirements of the EPBC Act.

These guidelines were developed in consultation with a selection of state agencies, industry representatives and environmental consultants. This process highlighted the need for the guidelines to be flexible to account for a diverse range of industries, scales of development and regulatory contexts. General guidance on establishing environmental management systems is also available in *AS/NZS ISO 14001:2004 Environmental Management Systems – Requirements with Guidance for use* (Standards Australia) and is reflected in these guidelines.

## 2. General principles for the preparation of an environmental management plan

### 2.1 Key principles

An environmental management plan should:

- be balanced, objective and concise
- state any limitations that apply, or should apply, to the use of the information in the environmental management plan
- identify any matter in relation to which there is a significant lack of relevant information or a significant degree of uncertainty
- include adaptive management strategies for managing uncertainty
- be written in a way that is easily understood by other parties
- clearly present how conclusions about risks have been reached
- ensure that the person taking the action takes full responsibility for the content and commitments contained in the plan.

### 2.2 Including commitments in management plans

- All commitments must be specific and auditable with measurable outcomes and clear timeframes.
- To ensure readability, write clearly and avoid long sentences with complex clauses.
- Always use the terms 'will' and 'must', rather than 'should' or 'may' when committing to carry out management actions.
- Avoid use of ambiguous terminology such as 'where possible', 'as required', 'to the greatest extent possible'. If it is necessary to include

ambiguous terminology, it should be explained and examples given.

- Clearly explain any technical terms or acronyms used, and/or define them in a glossary.

It is also important that commitments or statements within the management plan are consistent with other relevant management plans or conditions of approval.

### 2.3 Cross-referencing

Where the plan refers to material in other documents, it should include cross-references that are clear, complete and that specify the document version and date. Use tables, diagrams and maps where their inclusion would provide a better understanding and implementation of the management plan. Link all tables, diagrams and maps into the text through cross-referencing.

### 2.4 Timing the submission of an environmental management plan

Under the EPBC Act an approval is required for any proposed action which is likely to have a significant impact on a matter protected under national environment law (see Appendix A). Proposed actions which require an approval are subject to an environmental impact assessment process. It is best to submit environmental management plans early in the assessment process. This enables the plan to be fully considered and, if the action is approved, can result in simpler conditions of approval.

Once a proposed action is approved, conditions may be attached to that approval requiring that an environmental management plan be submitted to the Minister for approval before the action begins. Reviewing and approving the plans takes time and sometimes modifications are required before the Minister or their delegate will approve them. Accordingly, environmental management plans should be submitted for approval at least three months before approval is needed. Alternative timeframes should be discussed with Departmental officers to ensure that expectations are met. This approach will reduce the likelihood that activities are delayed while waiting for the plan to be approved.

## 2.5 Cost recovery under the EPBC Act

Cost recovery for environmental impact assessments and some strategic assessments under the EPBC Act commenced on 1 October 2014. Cost recovery is the charging of a fee to cover the cost of specific services provided by the Australian Government for work that benefits particular groups or individuals. The introduction of cost recovery for environmental

assessments under the EPBC Act means that each person proposing to take an action that will have or is likely to have a significant impact on a matter of national environmental significance will pay for the services required to assess their application. Fees for assessment activities apply to any action referred under Part 7 of the EPBC Act on or after 14 May 2014, where the actual assessment work is undertaken on or after 1 October 2014. If an action is referred on or after 1 October 2014, then cost recovery will apply to both the referral and any assessment activities undertaken. Cost recovery may also apply where a person wishes to undertake a strategic assessment under Part 10 of the EPBC Act from 1 October 2014.

Cost recovery also applies to a limited number of post approval activities for proposed actions referred on or after 14 May 2014. These activities involve assessment rather than compliance and include the assessment of management action plans such as environmental management plans; and contingencies such as the person proposing to take an action requesting a variation to conditions of approval.

Further information about cost recovery under the EPBC Act is available on the Department's website at <http://www.environment.gov.au/epbc/cost-recovery>

*Aerial view of Fitzroy Bluff in the Kimberley region* Photo: Nick Rains



# 3. Content of the Environmental Management Plan

## 3.1 Cover page and declaration of accuracy

Cover page detailing:

- EPBC number
- project name
- proponent /approval holder and ACN or ABN
- the proposed/approved action
- location of the action
- date of preparation of the environmental management plan
- person accepting responsibility for the environmental management plan – signed declaration (see below).

A person must not knowingly provide information to the Department that is false or misleading. The extract below from the EPBC Act on false and misleading information should be considered in the context of the Act as whole, including any related sections and any relevant definitions. You should seek your own legal advice regarding interpretation of the section.

### 491 Providing false or misleading information to authorised officer etc.

(1) A person is guilty of an offence if the person:

(a) provides information or a document to another person (the recipient); and

(b) knows the recipient is:

(i) an authorised officer; or

(ii) the Minister; or

(iii) an employee or officer in the Department; or

(iv) a commissioner;

performing a duty or carrying out a function under this Act or the regulations; and

(c) knows the information or document is false or misleading in a material particular.

(2) The offence is punishable on conviction by imprisonment for a term not more than 1 year, a fine not more than 60 penalty units, or both.

Note: Subsection 4B(3) of the *Crimes Act 1914* lets a court fine a body corporate up to 5 times the maximum amount the court could fine a person under this subsection

If the proposed action has already been approved and the approval conditions require an environmental management plan to be submitted for approval, the declaration below should be attached to the plan and signed by the approval holder. If the approval holder has sub-contracted the project (or part thereof), or sub-contracted the preparation of the environmental management plan, the responsibility for accuracy still lies with the approval holder:

### Declaration of accuracy

In making this declaration, I am aware that section 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) makes it an offence in certain circumstances to knowingly provide false or misleading information or documents to specified persons who are known to be performing a duty or carrying out a function under the EPBC Act or the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth). The offence is punishable on conviction by imprisonment or a fine, or both. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed

---

Full name (please print)

---

Organisation (please print)

---

Date    /    /   

## 3.2 Document version control

The document version control should be a simple system that ensures that details of all key changes to the document over time are properly recorded. Identified changes should include details of timings, persons responsible and reasons for changes.

## 3.3 Table of contents

Table of contents page detailing:

- all section headings and page numbers
- all figures, tables, plans and maps (should be numbered)
- all appendices (with meaningful titles, including for sub-appendices if any). If the appendices contain a collation of data, include summary of the contents.

## 3.4 Executive summary or introduction

The executive summary should note the key elements of the project, the purpose of the document, the main potential impacts and the primary strategies planned to address these impacts.

## 3.5 Conditions of approval reference table

When an environmental management plan is prepared after the project has been approved under the EPBC Act, the management plan should include a table detailing the information noted below:

- The EPBC Act approval condition requirements the plan is intended to address. These are best presented broken down into each of the individual actions that the conditions require.
- The section and page numbers which address the approval conditions.
- A summary of the key commitments relating to each of the approval conditions.

An example of what this table could look like is at Appendix B.

### 3.6 Project description

The environmental management plan should provide a description of the project as this provides context for the plan. The location of all project actions should be described and a map showing their location provided. Basic information on the environment at these locations should also be included as this helps provide the environmental context to which the environmental management plan applies.

The plan should include a description of the activities that will be undertaken as part of the project including project details relevant to any approval conditions and with potential impacts on matters protected under the EPBC Act. The plan should distinguish between construction and operational activities, if relevant. A schedule of intended commencement and completion dates should be provided. Projects undertaken in stages should identify each stage in the schedule. Contingency schedules can also be included along with examples of events that could result in the use of the contingency schedules.

### 3.7 Objectives

The environmental outcomes of the plan should be defined. These should be tailored to the environmental issues outlined in the plan.

### 3.8 Environmental management roles and responsibilities

Once an action is approved, the approval holder is responsible for complying with the conditions of approval, including the commitments made in environmental management plans. The plan should define the roles and responsibilities of personnel in charge of the environmental management of the project. The roles and responsibilities of each relevant position should be documented, including the responsibilities of subcontractors. The names of the responsible personnel do not need to be included. Identification of the position titles, roles and responsibilities is sufficient. If the roles and responsibilities are expected to change over time the long term variations should also be documented.

### 3.9 Reporting

An environmental management plan will usually require reporting arrangements for two purposes. Reporting arrangements assist with effective implementation and with external reporting. External reports may include reports on environmental incidences to the regulator, reports to stakeholders, reports to inform reviews of the plan and reports to meet the reporting requirements of the conditions of approval.

The description of reporting requirements should include:

- a list of required reports including where appropriate monitoring, environmental incidents, non-compliance, corrective action and auditing
- a description of the standard report content
- the schedule or triggers for preparing a report
- who the report is provided to
- document control procedures
- Reporting commitments should also be consistent with any reporting to the Department required by the conditions of approval.

### 3.10 Environmental training

All people involved with the project should receive relevant environmental training to ensure they understand their responsibilities when implementing the environmental management plan. People to be trained include those at the site/s of all project activities and operations, including contractors, subcontractors and visitors. The training should be tailored to the role of the individual in the project.

The environmental management plan should describe the training to be implemented and could include:

- site inductions
- identification of key points of environmental value and any relevant matters of national environmental significance
- understanding the requirements of the environmental management plan and the individual's role

- environmental incident emergency response procedures
- site environmental controls
- an outline of the potential consequences of not meeting their environmental responsibilities.

Records of all training conducted should be maintained and include:

- the person receiving the training
- the date the training was received
- the name of the person conducting the training
- a summary of the training.

## 3.11 Emergency contacts and procedures

The environmental management plan should identify the key emergency contacts responsible for managing environmental emergencies associated with the project and their contact details. These personnel should have the power to stop and direct works so that they can manage emergencies effectively. In addition, the plan should establish procedures for managing environmental emergencies and ensure that those procedures are implemented and maintained.

## 3.12 Potential environmental impacts and risks

### 3.12.1 Threats to matters protected under the EPBC Act

The environmental management plan should summarise all the identified threats to matters protected under Part 3 of the EPBC Act in the management plan. The matters protected by the EPBC Act include:

- the nine matters of national environmental significance (listed in Appendix A)
- the environment in general (for actions by Commonwealth agencies or actions on Commonwealth land) or the environment

on Commonwealth land (for actions outside Commonwealth land).

The plan should refer to relevant information provided in the EPBC Act assessment documentation, such as an environmental impact statement or preliminary documentation. If the project has already been approved, the plan should detail all new information relevant to the conditions placed on the approval. The key sensitivities of the environmental values potentially impacted by the action should be identified.

### 3.12.2 Potential impacts

The potential impacts section of the plan should focus on identifying, locating and quantifying the potential impacts (direct and indirect) of the project on the matters protected by the EPBC Act. It should discuss:

- the relevant impacts of the project
- the nature and extent of the potential short-term and long-term effects
- any uncertainties regarding the predicted impacts.

This may include a summary of any relevant information previously provided in assessment documentation, such as an environmental impact statement or preliminary documentation.

Impacts from relevant stages of the action (for example, pre-construction, construction and operation) should be delineated in this section and should reflect the relevant conditions of approval. It may be necessary to divide the potential impacts into subsections reflecting the stages of the project.

For example, a 40 kilometre gas pipeline project traverses the habitat of a population of a hypothetical bird species which is listed as threatened under the EPBC Act. Impacts to this population because of changes to its nesting habitat are unavoidable. Potential impacts from the pre-construction and construction phases of the pipeline project that need to be considered include:

- direct impacts on the species through habitat disturbance (including vegetation clearing, noise, traffic, waste disposal, light if working at night, etc) within the construction footprint

- indirect impacts on the species such as displacement into adjacent areas which are less suitable and already occupied by other animals of the same or other species, weed infestation, erosion, altered vegetation age and fire regime
- short-term impacts on food supply and nesting habitat during pre-construction clearing and for six months following clearing and construction
- long-term impacts due to loss of nesting sites which will impact on population dynamics over multiple generations
- uncertainty as to where individuals of this species have not been recorded but where high value habitat for this species is known to occur.

### 3.12.3 Risk assessment

Once the potential impacts of the proposal are clearly identified a risk assessment should be undertaken for each potential impact. This means that the likelihood and consequences of each potential impact need to be estimated. An example of a methodology for risk assessment is in Section 4: Evaluating risk.

The function of the risk assessment is not to repeat or supersede the original assessment of a project or its conditions of approval. Rather it is to ensure that these risks are effectively translated into actual mitigation and management actions. Impacts with higher risk ratings usually require more management actions and controls. This minimises the likelihood of the risk occurring and reduces the consequences to acceptable levels.

## 3.13 Environmental management measures

The environmental management plan should clearly state how the potential impacts of the proposal will be managed and this information usually forms the bulk of the content of the plan. For each potential impact the plan should address:

- environmental management activities, controls and performance targets
- environmental management maps and diagrams

- monitoring programs with trigger values for corrective actions
- corrective actions and non-compliance reporting
- environmental schedules.

These topics are described in more detail below. It is helpful if management plans present the information on these topics for one potential impact at a time. This ensures that all the management measures for each potential impact are in the same section of the document and easy to locate.

### 3.13.1 Environmental management activities, controls and performance targets

The environmental management plan should describe all the environmental management activities and control measures that will be implemented to avoid or minimise environmental impacts. The description of each measure should also specify the timeframes for implementation and the performance targets or outcomes to be achieved. The timing of measures is often best presented in a timetable. Performance targets and outcomes should be quantitative and auditable.

### 3.13.2 Environmental management maps and diagrams

Environmental management maps and diagrams are useful visual tools that aid in environmental management activities. Maps can provide useful spatial information about areas that require environmental management. Diagrams can illustrate the design of environmental control measures and the flow of environmental management procedures. For example, a map could be used to show:

- environmentally sensitive areas on or near a project site
- vegetation that requires protection
- buffer zones or 'no-go zones'
- monitoring locations.

### 3.13.3 Environmental monitoring

The environmental management plan should specify how the effectiveness of environmental management measures will be monitored. It should include the methodology, frequency and duration of monitoring activities. It should also include trigger values or conditions under which corrective actions are taken. The plan should also specify if, and when, follow up action is required and how monitoring records will be maintained.

### 3.13.4 Corrective actions

The environmental management plan should include procedures for addressing:

- monitoring results which exceed the trigger values for corrective action
- potential corrective actions
- reporting non-compliance with approval conditions to the relevant authority
- environmental incidents and emergencies.

The plan should also identify who is responsible for implementing the above procedures. Auditable systems should be developed for recording the implementation of these procedures and their outcomes.

## 3.14 Audit and review

### 3.14.1 Environmental auditing

The environmental management plan should include the schedule or triggers for auditing the implementation and effectiveness of the plan. It should address both internal and external audit requirements including who is responsible for undertaking the audits and reporting the results.

### 3.14.2 Environmental management plan review

The environmental management plan should specify the schedule or triggers for reviews of the plan. A review should assess whether the plan is achieving its objectives and the requirements of any relevant approval conditions. A review should take into account environmental monitoring records, corrective actions and the results of any audits. The plan should also identify who will be responsible for undertaking the review. During the review process, any reasons for varying the environmental management plan should be documented.

Review of an environmental management plan would typically be undertaken:

- following significant environmental incidents
- when there is a need to improve performance in an area of environmental impact
- periodically for actions undertaken over long timeframes such as one, two or five years.

However, if the person taking the action wishes to carry out any activity other than in accordance with the approved management plan specified in the approval conditions, the person taking the action is usually required to submit to the Department for the Minister's written approval a revised management plan. In these cases the varied activity should not commence until the Minister has approved the varied management plan in writing. As a guiding principle, the Minister will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time.

## 3.15 Glossary

This should include any acronyms, all terms which are open to different interpretations or terms which are not in common use. Terms which are defined in the approval conditions should retain the same meaning as that used in the conditions.

## 4. Evaluating risk

The following section sets out a qualitative risk assessment methodology that can be applied to the environmental risks associated with a wide range of projects. It is provided as an example of one approach to risk assessment and the Department does not require that this particular approach be used when preparing an environmental management plan. Further guidance on evaluating and managing risk can be found in *AS/NZS ISO 31000:2009 Risk management – Principles and guidelines* (Standards Australia 2009).

### 4.1 Likelihood and consequence

Each environmental risk should be given a rating in terms of likelihood and consequence using the criteria in the tables below. These ratings are then combined using the table in section 4.2 to generate a risk rating of low, medium, high or severe.

Qualitative measure of likelihood (how likely is it that this event/issue will occur after control strategies have been put in place)	
<b>Highly likely</b>	Is expected to occur in most circumstances
<b>Likely</b>	Will probably occur during the life of the project
<b>Possible</b>	Might occur during the life of the project
<b>Unlikely</b>	Could occur but considered unlikely or doubtful
<b>Rare</b>	May occur in exceptional circumstances

Qualitative measure of consequences (what will be the consequence/result if this issue does occur rating)	
<b>Minor</b>	Minor incident of environmental damage that can be reversed
<b>Moderate</b>	Isolated but substantial instances of environmental damage that could be reversed with intensive efforts
<b>High</b>	Substantial instances of environmental damage that could be reversed with intensive efforts
<b>Major</b>	Major loss of environmental amenity and real danger of continuing
<b>Critical</b>	Severe widespread loss of environmental amenity and irrecoverable environmental damage

## 4.2 Risk rating

You should give each of your risks a likelihood rating and a consequence rating. Using the rating table below you can determine whether your risk is low, medium, high or severe.

The risk rating generated using the table below can be used as a guide to the amount of time and resources that will be required to manage each risk. Risks with 'low' risk ratings will usually require significantly less management than 'medium', 'high' and 'severe' risks.

This is usually reflected in the environmental management plan where issues with higher risk ratings require more detailed information regarding:

- the description of the risk
- the measures and commitments to minimise and manage the risk
- the performance objectives and monitoring programs
- trigger values for additional action, review and reporting.

	Consequence				
	Minor	Moderate	High	Major	Critical
Highly Likely	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	Severe
Unlikely	Low	Low	Medium	High	High
Rare	Low	Low	Low	Medium	High

# 5. Format of submissions

## 5.1 General

Each page of the environmental management plan should include the name of the project, the date of the environmental management plan and sequential page numbering. An environmental management plan can be submitted via standard post or electronically. Submissions should be titled 'Environmental Management Plan' with the project name and EPBC approval number.

## 5.2 Digital requirements

The Department uses an electronic document management system. The complete management plan (text, figures and appendixes) is to be supplied as an Adobe Acrobat PDF file. The PDF document is to be bookmarked for the major components as a minimum (for example contents, main report and appendixes).

However, where this is not possible, the Department will accept individual components in any available format. Where individual digital components are supplied, please provide a file list and the corresponding report reference.

Documents will be accepted via email or on CD, DVD, or USB memory stick.

## 5.3 Revised environmental management plans

When a plan is revised and resubmitted for approval, the plan should be accompanied by documentation clearly identifying where changes have been made. This is required to ensure that the review and approval process is efficient and addresses all the proposed changes.

It can be done in a number of ways and the best approach will depend on the scale and type of changes made. For example the changes could be identified by:

- providing an electronic copy of the document showing tracked changes from the previous plan
- including a tabular summary of the changes that have been made to each section of the plan.

## 5.4 General requirements for maps, plans and sections

All maps and sections should conform to the following standards.

Scale – an appropriate standard metric scale should be chosen to best represent the information required (for example 1:25 000, 1:10 000 and 1:5000).

Datum – plans and cross sections should refer to Australian Height Datum.

Title Block – plans should have a title block in the lower right hand corner of the sheet with the following information:

- EPBC number and project name
- title and number of the plan
- author
- scale
- date
- source and date of data.

Legend – plans should have a clear and comprehensive legend to identify the symbols and colours used.

Maps, plans, figures, images and sections should also:

- use metric measurements throughout
- show a graphic bar scale
- show any local grid lines and standards
- have a north point or orientation of sections
- include a key.

Maps may also be submitted in ESRI Shapefiles containing '.shp', '.shx' and '.dbf' files .

## 5.5 Delivery address

Submissions should be titled 'Environmental Management Plan' with the project name and EPBC number, clearly labelled beneath the title.

If the management plan is part of a current assessment process the delivery address should be discussed with the relevant contact at the Department. Once an action has been approved under the EPBC Act submissions should be forwarded to:

Post Approvals Monitoring  
Compliance and Enforcement Branch  
Environment Assessment and  
Compliance Division  
Department of the Environment  
GPO Box 787, Canberra ACT 2601

Email [post.approvals@environment.gov.au](mailto:post.approvals@environment.gov.au)

*Karijini National Park, Western Australia* Photo: Cathy Zwick



# Appendix A

## Environment Protection and Biodiversity Conservation Act

The EPBC Act is the Australian Government's central piece of environmental legislation which commenced on 16 July 2000. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places — defined in the EPBC Act as matters of national environmental significance.

The nine matters of national environmental significance are:

- world heritage properties
- national heritage places
- wetlands of international importance (often called 'Ramsar' wetlands after the international treaty under which such wetlands are listed)
- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas
- the Great Barrier Reef Marine Park
- nuclear actions (including uranium mining)
- a water resource, in relation to coal seam gas development and large coal mining development.

The EPBC Act enables the Australian Government to join with the states and territories in providing a truly national scheme of environment and heritage protection and biodiversity conservation. The EPBC Act focuses on the protection of matters of national environmental significance, with the states and territories having responsibility for matters of state and local significance.

The Department administers the EPBC Act.

## Environment assessment and approvals process

Under the EPBC Act an approval is required from the Minister for any proposed action likely to have a significant impact on a matter protected by the EPBC Act.

An action is a project, a development, an undertaking, an activity or a series of activities, or an alteration of any of these things. Matters protected by the EPBC Act include the:

- nine matters of national environmental significance (listed above)
- environment in general (for actions by Commonwealth agencies or actions on Commonwealth land) or the environment on Commonwealth land (for actions outside Commonwealth land).

Approval is sought via referral to the Department. Further information on the assessment and approvals process, including relevant timeframes and the required referral forms, can be found on the Department's website at <http://www.environment.gov.au/epbc/publications/pubs/assessment-process.pdf>

## The approval

The Minister, or his delegate, approves the taking of the action by signing an instrument of decision. This instrument is the approval and will contain the following important information:

- the person (or entity) to whom the approval is granted (and in case of an entity, their ACN or ABN)
- a sentence describing the action for which the approval was granted. This will usually include the location where the action is to occur

- the approval number in the form of the letters EPBC followed by up to eight (8) digits (for example EPBC 2000/1234)
- the controlling provisions (the matters protected by the EPBC Act that relate to the location where the action is to occur)
- the expiry date of the approval (the date that the approval ceases to have effect)
- the name, position and signature of the decision maker
- the date of decision (the date that the approval takes effect).

If the proposed action has been given approval, the approval may contain conditions.

The Minister may attach conditions to an approval to protect, repair or mitigate damage to a matter protected by the EPBC Act. Conditions can include bonds or other securities, independent environmental auditing and compliance monitoring obligations. They may also contain a requirement to prepare, submit for approval, and implement one or more management plans.

Failure to comply with a condition of approval constitutes a breach of the EPBC Act.

Approval holders are encouraged to check all details of the approval instrument carefully upon its receipt from the Department. Any errors, omissions, or potential issues in meeting conditional timeframes should be brought to the attention of the Department immediately.

## Post-approval roles and responsibilities

The Department recognises that most members of the regulated community will voluntarily comply with legislation if they are provided with guidance, and assistance is readily available. Approval holders are encouraged to undertake responsible self regulation

and to implement systems and practices to ensure actions are being undertaken in compliance with the EPBC Act.

The Department's approvals monitoring sections deliver an effective compliance monitoring and audit regime for approvals under the EPBC Act. Requests for assistance or clarification from approval holders are encouraged and, in the first instance, should be sent in writing to [post.approvals@environment.gov.au](mailto:post.approvals@environment.gov.au) or:

Approvals Monitoring  
Compliance and Enforcement Branch  
Environment Assessment and  
Compliance Division  
Department of the Environment  
GPO Box 787  
CANBERRA ACT 2601

The Department has an active monitoring program which includes monitoring inspections, desk top document reviews and compliance audits. As part of this program, annual and intermittent desktop document reviews are undertaken to ascertain the compliance against conditions and to determine the status of projects. Approval holders are expected to assist the Department with these reviews. Further information can be found on the Department's website at <http://www.environment.gov.au/topics/about-us/legislation/environment-protection-and-biodiversity-conservation-act-1999/complian-2> .

Approval holders are encouraged to maintain accurate records of all activities associated with or relevant to the conditions of approval, so that they can be made available to the Department on request. Such documents may be subject to audit and used to verify compliance.

## Non-compliance

To ensure the regulated community is aware of possible obligations under the EPBC Act, the Department undertakes a range of proactive compliance activities. When contraventions occur, the EPBC Act provides enforcement options that include a range of criminal and civil penalties, and civil and administrative remedies.

The Department's approach to compliance and enforcement is set out in its Compliance and Enforcement Policy, which is available on its website at: <http://www.environment.gov.au/resource/compliance-and-enforcement-policy-environment-protection-and-biodiversity-conservation-act>.

Approval holders are expected to self-report potential non compliances upon becoming aware of them. Self-reporting enables the Department to address instances of non compliances as early as possible and may help to prevent the issue from escalating or becoming more severe.

## One Stop-Shop for environmental approvals

The Australian Government is developing a One-Stop Shop to streamline assessment and approval processes. State and territory processes that meet EPBC Act standards can be accredited under a bilateral agreement with the Australian Government. Once state processes are accredited, the relevant state or territory will make the approval decision on any future projects that fall under an accredited process, including attaching and monitoring compliance with any conditions of approval. The Commonwealth will retain responsibility for monitoring the compliance of projects already approved under the EPBC Act.

# APPENDIX B

## Conditions of approval reference table - example

Ref	Cond.	Condition Requirement	Plan reference	<u>Demonstration of how the plan addresses condition requirements and commitments made in the plan to address condition requirements</u>
1	12(c)	Prepare and submit a Hypothetical Bird Species Habitat Revegetation Plan (HBSHRP) for the Minister's approval, that describes how approval condition 12 c) will be implemented.	s2, s3, s4, s5, figure 2	<p>The following summarises the condition 12(c) revegetation project as addressed in the HBSHRP:</p> <ul style="list-style-type: none"> <li>Plan outlines <b>ratio of 8:1 for replanting</b> of trees with DBH of &gt;500mm that are removed.</li> <li>Plan has accounted for <b>600 trees (upper limit)</b> to be cleared and <b>4800 trees to be replanted over 19.7ha (at density of 250 stems/ha)</b></li> <li>Selected revegetation <b>sites are all identified as highly degraded.</b></li> <li>Plan confirms <b>revegetation will be within Hypothetical Regional Park.</b> The final amount and area of replanting required will be determined by the clearing undertaken.</li> <li>Revegetation success/survivorship will consist of annual monitoring (spring) to ascertain whether 80% survival for seedling survival, and weed control to 20% coverage or less. <b>Plan includes commitment to meet success criteria</b> should the survivorship not be met after two years.</li> <li>Revegetation will be <b>undertaken in consultation with Hypothetical State Agency.</b></li> <li><b>Hypothetical Company X will be responsible for implementation and funding</b> the revegetation project.</li> </ul> <p>Conditions 12(c)i-iv are addressed in the HBSHRP as highlighted above.</p>
2	12(c)	The plan must be prepared in consultation with the Hypothetical State Agency	Cover letter and Attachment B to cover letter.	Hypothetical Company X has confirmed Hypothetical State Agency consultation and provided evidence of addressing the state agency advice.
3	12(c)	The person taking the action must not commence construction unless the Minister has approved the HBSHRP	n/a	Construction is yet to commence

Ref	Cond.	Condition Requirement	Plan reference	<u>Demonstration</u> of how the plan addresses condition requirements and <u>commitments made in the plan to address condition requirements</u>
4	12(c)i	The HBSHRP must address the location of revegetation areas	S2.2, Figures 1, 2, 3	<p>Hypothetical Company X has liaised with Hypothetical State Agency to identify <b>four locations in the Hypothetical Regional Park</b> that would benefit from the proposed revegetation. All sites are located within 10km of the Imaginary City Industry Zone (Figure 1).</p> <ul style="list-style-type: none"> <li>• Site 1 is located to the east of Burkes Road just to the south of Thirty Road and is 2.5ha in size.</li> <li>• Site 2 is 3.9ha and located to the east of Mossman Road, north of Gelding Road.</li> <li>• Site 3 is 1.3ha and is immediately to the west of Site 2 on the other side of Mossman Road (Figure 2).</li> <li>• Site 4 is to the west of Mossman Road and South of Gelding Road adjacent to Lake Blue (Figure 2). 21ha has been determined suitable at this site for tuarts.</li> </ul> <p><b>A total of 21 ha for revegetation</b> have been determined by soil mapping as being suitable for Woodlands (Figure 3).</p>
5	12(c)ii	The HBSHRP must address planting methodology, including soil preparation	s3.3 (soil prep), table 2 (species list), s3.7 (reveg)	<i>Adequately addressed in the plan according to adjacent references. Plan confirms planting of trees (Hypothetical tree species scientific name) will occur at a ratio of 9:1 for trees cleared.</i>
6	12(c)iii	The HBSHRP must address what flora species that will be planted	s3.7, table 2.	<p><i>In addition to tree replanting, species will also be selected from the plan's species list to support establishment of Hypothetical Bird Species habitat.</i></p> <p><i>Species list has received advice from and been reviewed by Hypothetical State Agency.</i></p>
7	12(c)iv	The HBSHRP must address a monitoring program (including how survival rates and success criteria will be determined)	s4, table 3	<p>Revegetation success/survivorship will consist of annual monitoring (spring) to ascertain whether 80% survival for seedling survival, and weed control to 20% coverage or less. <b>Plan includes commitment to meet success criteria</b> should the survivorship not be met after two years.</p> <p>HBSHRP confirms that all planted trees that have not survived must be replaced within 12 months and be maintained with a survival rate of at least 80% for a minimum of three years.</p>
12	12(c)	If the Minister approves the HBSHRP then the approved HBSHRP must be implemented	n/a	To be determined.

