

## **Guidelines for preparing Assessment Documentation relevant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)**

These Guidelines are intended to inform the development of Assessment Documentation for projects assessed under an assessment bilateral agreement. If a separate chapter is not provided in the Assessment Documentation, the Table at [Attachment 1](#) detailing where the information is located must be completed.

### References:

- *Environment Protect and Biodiversity Conservation Act 1999* - section 51-55, section 96A(3)(a)(b), 101A(3)(a)(b), section 136, section 527E;
- Environment Protect and Biodiversity Conservation Regulations 2000 - Division 3.2, 3.02(a)(b)(ii)(iii), Division 5.2, Schedule 4;
- Bilateral Agreements - Item 18.1, Item 18.5, Schedule 1; and
- Policy - *Environment Protect and Biodiversity Conservation Act 1999* Environmental Offsets Policy October 2012

## **1 BACKGROUND AND DESCRIPTION OF THE ACTION**

The Assessment Documentation must provide background to the action and describe in detail all components of the action for example (but not limited to), the construction, operation and (if relevant) decommissioning components of the action. This must include the precise location of all works to be undertaken (including associated offsite works and infrastructure), structures to be built or elements of the action that may have impacts on matters of national environmental significance (MNES).

The description of the action must also include details on how the works are to be undertaken (including stages of development and their timing) and design parameters for those aspects of the structures or elements of the action that may have relevant impacts.

The Assessment Documentation must include how the action relates to any other actions (of which the proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action.

The Assessment Documentation must also provide details on the current status of the action, alternatives to the action, as well as the consequences of not proceeding with the action.

## **2 THE ENVIRONMENT INCLUDING MNES**

The Assessment Documentation must include a description of the environment and management practices of the proposal site and the surrounding areas and other areas that may be affected by the action. Include all relevant MNES protected by controlling provisions of Part 3 of the EPBC Act (see [Attachment 2](#) for MNES specific to the project):

- (a) A description of the World Heritage values of the World Heritage property relevant to the action.
  - a. Including Outstanding Universal Value, relevant plans

- (b) A description of the National Heritage values of the National Heritage Place relevant to the action.
  - a. Including any relevant plans
- (c) A description of the ecological character of the Ramsar Wetland relevant to the action.
  - a. Including any relevant plans
- (d) Listed threatened species and communities (including suitable habitat) that are or are likely to be present in the vicinity of the site, including the following details:
  - i. Details of the scope, timing/effort (survey season/s) and methodology for studies or surveys used to provide information on the listed species/community/habitat at the site (and in areas that may be impacted by the project). Include details of:
    - o best practice survey guidelines are applied; and
    - o how they are consistent with (or a justification for divergence from) published Australian Government guidelines and policy statements.
  - ii. Include any relevant plans/agreements
- (e) Listed migratory species (including suitable habitat) that are or are likely to be present in the vicinity of the site, including the following details:
  - i. Details of the scope, timing/effort (survey season/s) and methodology for studies or surveys used to provide information on the listed species/habitat at the site (and in areas that may be impacted by the project). Include details of:
    - a. best practice survey guidelines are applied;
    - b. how these are consistent with (or a justification for divergence from) published Australian Government guidelines and policy statements.
  - ii. Include any relevant plans/agreements
- (f) A description of the environment relevant to the nuclear action.
- (g) A description of the Great Barrier Reef Marine Park environment relevant to the action.
  - a. Including Outstanding Universal Value
- (h) A description of the water resource environment relevant to the coal seam gas development or large coal mining development.
  - a. Refer to the Independent Expert Scientific Committee's (IESC) Information Guidelines for Proposals Relating to the Development of Coal Seam Gas and Large Coal Mines where there is a Significant Impact on Water Resources, available at <http://www.iesc.environment.gov.au/publications/information-guidelines-independent-expert-scientific-committee-advice-coal-seam-gas>
  - b. Note: Advice will be requested from the IESC in regards to the proposal.

- (i) A description of the environment relevant for part of the Commonwealth Marine (for actions outside the Commonwealth marine area that may impact the environment in the Commonwealth marine area).
  - a. Note: whole of the environment must be considered –refer to the [Significant Impact Guidelines 1.2 – Actions on, or impacting upon, Commonwealth land and Actions by Commonwealth Agencies](#).
- (j) A description of the environment relevant for Commonwealth Land (for actions outside Commonwealth Land that may impact on the environment on Commonwealth Land).
  - a. Note: whole of the environment must be considered –refer to the [Significant Impact Guidelines 1.2 – Actions on, or impacting upon, Commonwealth land and Actions by Commonwealth Agencies](#).

### 3 IMPACTS

- (a) The Assessment Documentation must include a description of all of the relevant impacts of the action on MNES (identified in Section 2). Impacts during the construction, operational and (if relevant) the decommissioning phases of the project must be addressed, and the following information provided:
  - i. a description of the relevant impacts of the action;
  - ii. a detailed analysis of the nature and extent of the likely direct, indirect and consequential impacts relevant to MNES, including likely short-term and long-term impacts – refer to the [Significant Impact Guidelines 1.1 - Matters of National Environmental Significance](#) for guidance on the various types of impact that need to be considered;
  - iii. a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
  - iv. any technical data and other information used or needed to make a detailed assessment of the relevant impacts;
  - v. an explanation of how Indigenous stakeholders' views of the action's impacts to biodiversity and cultural heritage have been sought and considered in the assessment. Including where relevant, how guidelines published by the Commonwealth in relation to consulting with Indigenous peoples for proposed actions that are under assessment have been considered and applied; and
  - vi. where the proposal is a coal seam gas development or large coal mining development and likely to significantly impact on a water resource – refer to the IESC's Information Guidelines for Proposals Relating to the Development of Coal Seam Gas and Large Coal Mines where there is a Significant Impact on Water Resources, available at <http://www.iesc.environment.gov.au/publications/information-guidelines-independent-expert-scientific-committee-advice-coal-seam-gas>

- (b) The Assessment Documentation should identify and address cumulative impacts, where potential project impacts are in addition to existing impacts of other activities (including known potential future expansions or developments by the proponent and other proponents in the region and vicinity).
- (c) The Assessment Documentation should also provide a detailed assessment of any likely impact that this proposed action may facilitate on the relevant MNES at the local, regional, state and national scale.

#### **4 AVOIDANCE AND MITIGATION MEASURES / ALTERNATIVES**

##### Avoidance and Mitigation Measures

The Assessment Documentation must provide information on all proposed avoidance and mitigation measures to manage the relevant impacts of the action on MNES.

The Assessment Documentation also must take into account relevant agreements and plans that cover impacts on MNES including but not limited to:

- any recovery plan, conservation advice for the species or community;
- any threat abatement plan for a process that threatens the species;
- any wildlife conservation plan for the species;
- any management plan for a Ramsar wetland;
- any management plan for a World Heritage property and National Heritage place;
- any Marine Bioregional Plans;
- any Strategic Assessment;
- Outstanding Universal Value; and
- the IESC Information Guidelines for Proposals Relating to the Development of Coal Seam Gas and Large Coal Mines where there is a Significant Impact on Water Resources available at <http://www.iesc.environment.gov.au/publications/information-guidelines-independent-expert-scientific-committee-advice-coal-seam-gas>.

The Assessment Documentation must include, and substantiate, specific and detailed descriptions of the proposed avoidance and mitigation measures, based on best available practices and must include the following elements:

- (a) A consolidated list of avoidance and mitigation measures proposed to be undertaken to prevent or minimise for the relevant impacts of the action on MNES, including:
  - i. a description of proposed avoidance and mitigation measures to deal with relevant impacts of the action, including mitigation measures proposed to be taken by State/Territory governments, local governments or the proponent;

- ii. assessment of the expected or predicted effectiveness of the mitigation measures, including the scale and intensity of impacts of the proposed action and the on-ground benefits to be gained through each of these measures;
  - iii. a description of the outcomes that the avoidance and mitigation measures will achieve;
  - iv. any statutory or policy basis for the mitigation measures; and
  - v. the cost of the mitigation measures.
- (b) A detailed outline of a plan for the continuing management, mitigation and monitoring of relevant MNES impacts of the action, including a description of the outcomes that will be achieved and any provisions for independent environmental auditing.

Where appropriate, each project phase (construction, operation, decommission) must be addressed separately. It must state the environmental outcomes, performance criteria, monitoring, reporting, corrective action, contingencies, responsibility and timing for each environmental issue.

- (c) the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.

### Alternatives

The Assessment Documentation must include any feasible alternatives to the action to the extent reasonably practicable, including:

- (a) if relevant, the alternative of taking no action;
- (b) a comparative description of the impacts of each alternative on the triggered MNES protected by controlling provisions of Part 3 of the EPBC Act for the action; and
- (c) sufficient detail to make clear why any alternative is preferred to another.

Short, medium and long-term advantages and disadvantages of the options must be discussed.

## **5 RESIDUAL IMPACTS / OFFSETS**

The Assessment Documentation must provide details of:

- (a) the likely residual impacts on MNES that are likely to occur after the proposed activities to avoid and mitigate all impacts are taken into account.
  - i. Include the reasons why avoidance or mitigation of impacts is not reasonably achieved; and
  - ii. Identify the significant residual impacts on MNES.

#### Offset Package (if relevant)

The Assessment Documentation must include details of an offset package proposed to be implemented to compensate for the residual significant impact of the project, as well as an analysis about how the offset meets the requirements in the Department's *Environment Protect and Biodiversity Conservation Act 1999* Environmental Offsets Policy October 2012 (EPBC Act Offset Policy), or an endorsed state offsets policy (see [www.environment.gov.au/protection/environment-assessments/bilateral-agreements/condition-setting-assessment](http://www.environment.gov.au/protection/environment-assessments/bilateral-agreements/condition-setting-assessment)). .

The offset package can comprise a combination of direct offsets and other compensatory measures, so long as it meets the requirements of the EPBC Act Offset Policy, or an endorsed offsets policy. Offsets should align with conservation priorities for the impacted protected matter and be tailored specifically to the attribute of the protected matter that is impacted in order to deliver a conservation gain.

Offsets should compensate for an impact for the full duration of the impact.

Offsets must directly contribute to the ongoing viability of the MNES impacted by the project and deliver an overall conservation outcome that improves or maintains the viability of the MNES as compared to what is likely to have occurred under the status quo, that is if neither the action nor the offset had taken place.

Note offsets do not make an unacceptable impact acceptable and do not reduce the likely impacts of a proposed action. Instead, offsets compensate for any residual significant impact.

The Assessment Documentation must provide:

- (a) Details of the offset package to compensate for significant residual impacts on MNES; and
- (b) An analysis of how the offset package meets the requirements of the EPBC Act Offsets Policy, a discussion on the feasibility and the workings outlined in Attachment 3; or
- (c) Details of how the offset meets an endorsed state offsets policy.

## **6 ENVIRONMENTAL RECORD OF PERSON(S) PROPOSING TO TAKE THE ACTION**

The information provided must include details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

- (a) the person proposing to take the action; and
- (b) for an action for which a person has applied for a permit, the person making the application.

If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework must also be included.

## **7 ECONOMIC AND SOCIAL MATTERS**

The economic and social impacts of the action, both positive and negative, must be analysed. Matters of interest include:

- (a) details of any public consultation activities undertaken, and their outcomes;
- (b) details of any consultation with Indigenous stakeholders.
- (c) projected economic costs and benefits of the project, including the basis for their estimation through cost/benefit analysis or similar studies;
- (d) employment opportunities expected to be generated by the project (including construction and operational phases).

Economic and social impacts should be considered at the local, regional and national levels. Details of the relevant cost and benefits of alternative options to the proposed action, as identified in Section 4 above, should also be included.

Identification of affected parties is required, including a statement mentioning any communities that may be affected and describing their views.

## **8 INFORMATION SOURCES PROVIDED IN THE ASSESSMENT DOCUMENTATION**

For information given in the Assessment Documentation, state:

- (a) the source of the information;
- (b) how recent the information is;
- (c) how the reliability of the information was tested;
- (d) what uncertainties (if any) are in the information; and
- (e) what guidelines, plans and/or policies did you consider.

## **9 CONCLUSION**

An overall conclusion as to the environmental acceptability of the proposal on each MNES, including:

- (a) a discussion on the consideration with the requirements of the EPBC Act, including the objects of the EPBC Act, the principles of ecologically sustainable development and the precautionary principle;
- (b) reasons justifying undertaking the proposal in the manner proposed, including the acceptability of the avoidance and mitigation measures; and
- (c) if relevant, a discussion of residual impacts and any offsets and compensatory measures proposed or required for significant residual impacts on MNES, and the relative degree of compensation and acceptability.