



## Strategic Assessments and the EPBC Act: Policy Settings and Lessons to Date

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## Policy context – about the EPBC Act

- Commenced July 2000
- National environmental law:
  - Regulates impacts on nationally significant issues
  - Regulates wildlife trade
  - Protects heritage and Commonwealth reserves

## Matters of National Environmental Significance

- Listed threatened species and ecological communities
- Nuclear actions (including uranium mines)
- World Heritage properties & National Heritage places
- Wetlands of International Importance (Ramsar)
- Migratory species
- Commonwealth Marine Areas
- **Great Barrier Reef**

## EPBC Act: Issues Faced in the Past

- Difficulty engaging in long-term 'strategic' projects
- Case-by-case assessment of projects
- Inability to deal effectively with cumulative impacts
- EPBC Act considered late in the process
- Local, State and Federal Govt regulation

## Strategic Assessments under S 146 of EPBC Act

- Assess impacts of actions taken under a policy, plan or program on matters of national environmental significance
- Can address Commonwealth and State requirements
- Minister may endorse the policy/plan/program
- Minister may approve actions or class of actions taken in accordance with the plan, policy or program exempting individual actions from needing further approval
- Approval can set conditions, time limits, etc

## Strategic Assessment Process - s146



### Strategic Assessments underway:

- WA: Kimberley LNG hub
- Vic: Melbourne urban growth boundary
- NSW: Sydney growth centres
- ACT: Molonglo and North Weston Structure Plan
- Qld: Mt Peter Master Plan
- SA: Fire management policy/procedures
- Tas: Midlands Irrigation Scheme

### Kimberley Strategic Assessment

- Agreement between WA and Commonwealth signed February 2008
- Strategic assessment of proposed LNG site to service Browse Basin
- Addresses EPBC Act and WA EP Act 1986 requirements



### Kimberley Strategic Assessment

- Site selection process (James Price Pt)
- Detailed studies & social and environmental assessments
- Draft assessment report and decision on approvals
- Ongoing development of LNG precinct plan
- Ongoing stakeholder consultation and input
- National Heritage List assessment



### Melbourne Urban Growth Boundary - outcomes

- Melbourne will grow by 1.8m people, 600,000 dwellings over the next 25 years.
- To reduce regulatory burden, streamline approval processes – a strategic assessment of urban growth boundary extension was undertaken.
- Only Program endorsed to date.
- **More tomorrow!!**

### Strategic Assessments –Advantages

- Collaborative Government approaches
- Proactive vs. reactive
- Incentives to engage early in the planning process
- Provide certainty for proponents
- Greater potential to achieve landscape scale outcomes

### Lessons learnt so far.....

- Front end the work, don't rely on post approval processes
- Consult early and often, agree to broad outcomes
- Ensure effective stakeholder consultation
- Shift focus to landscape-scale planning
- Adaptive mgmt and continuous improvement (uncertainty)
- Needs good data/information and sharing



### Council of Australian Governments (COAG)

- Identified environment assessment & approval regulation as a 'hot spot' for red tape reduction
- Strongly support bilateral agreements and strategic assessments under the EPBC Act
- Commitment to conduct a strategic assessment in each jurisdiction



### EPBC Act Review Terms of Reference

- To examine the operation of the EPBC Act generally
- The extent to which objectives have been achieved
- Appropriateness of current matters of NES
- Effectiveness of the biodiversity and wildlife conservation arrangements



### Recommendations of EPBC Act Review

- The report proposes a paradigm shift:
  - from reactive regulation to proactive management
  - a movement along the continuum from approving toward planning
  - an emphasis on conservation rather than protection
  - a focus on outcomes over process.



### Key relevant recommendations

- the *Australian Environment Act*
- an independent Environment Commission
- effective use and reliance on strategic approaches



### Case for strategic assessment on the SCP.

2001	2	NCA	20
2002	2	NCA - PM	12
2003	0	CA	33
2004	2	Withdrawn	4
2005	5	Pending	18
2006	0	Other	5
2007	8		
2008	29	Total area cleared ~	500ha
2009	33	Total area protected ~	4000ha
2010	11	Total area created ~	390ha
Total	92		