

4 COMMONWEALTH FRAMEWORK

The following Commonwealth Legislation is relevant to the exercising of Council's land use planning functions.

4.1 Environment Protection and Biodiversity Conservation Act, 1999

The *Environment Protection and Biodiversity Conservation Act, 1999* (EPBC Act) aims to protect the environment, particularly matters of National Environmental Significance (Protected matters). It streamlines the national environmental assessment and approvals process, protects Australian biodiversity and integrates management of important natural and cultural places. The EPBC Act came into force on 16 July 2000.

Approval is required for actions that are likely to have a significant impact on the following (note that an 'action' includes a project, development, undertaking, activity, or series of activities):

- *a matter of national environmental significance*
- *the environment of Commonwealth land (even if taken outside Commonwealth land)*
- *the environment anywhere in the world (if the action is undertaken by the Commonwealth)*

Commonwealth agencies are also required to seek advice on certain actions such as:

- *providing foreign aid*
- *managing aircraft operations in airspace; adopting or implementing a major development plan for an airport*
- *actions authorised under other relevant legislation*

Permits are required under the EPBC Act for:

- *certain activities in Commonwealth reserves*
- *activities that affect listed species or communities in Commonwealth areas; cetaceans in Commonwealth waters and outside Australian waters*
- *the import and export of wildlife*
- *activities involving protected species in the Territories of Christmas Island, Cocos (Keeling) Islands and Coral Sea Islands*

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The EPBC Act contains several compliance and enforcement mechanisms. These include:

- *court injunctions*
- *required environmental audits*
- *strict civil and criminal penalties*
- *remediation of environmental damage*
- *liability of executive officers*
- *publicising contraventions*

The Act promotes the conservation of biodiversity by providing strong protection for threatened species and ecological communities, migratory, marine and other protected species. The Act provides for:

- *identification of key threatening processes*
- *protection of critical habitat*
- *preparation of management plans*
- *issuing of conservation orders and regulation of wildlife import/export*