

16 January 2009

Dr Ian Holland
Committee Secretary
Senate Standing Committee on Environment,
Communications and the Art
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Dr Holland

**Inquiry into the operation of the Environment Protection and Biodiversity
Conservation Act 1999**

As requested at the Public Hearing for the above in Canberra on Tuesday, 9 December 2008, the following are the NFF's responses to the questions on notice.

1. How long do the EPBC Act approvals take?

From the Department of Environment, Water, Heritage and the Arts (DEWHA) website, the steps for an EPBC Act approval are:

1. Refer an action
2. Decision on your referral
3. Decision on assessment approach
4. Decision whether to approve
5. Approved action - post approval

NFF understands that there is no legislative timeframes on the steps undertaken by the proponent (i.e. completing referral form and any subsequent requirements such as an EIS). Attached is a copy of the application for a referral, which forms the basis for the Minister's decision, and constitutes a significant workload for a farmer. A perusal of many of the applications shows that about half the farmers completed the box indicating how long the referral form took to complete. For those who did, the average time to complete the referral form (not including collection of other information) was 51 hours. NFF would submit that completion of the form may require the farmer to obtain

assistance, possibly of one or more professionals (drafting, ecologists etc). NFF sought advice from a consultancy firm as to the likely cost of an EIS. Where this is only to satisfy the Federal Government's EPBC requirements, an EIS is likely to cost around \$60,000 (cost includes field visit, employment of ecologist, and report). Where an EIS is required to satisfy both State and Federal Government requirements, the cost could be in the hundreds of thousands of dollars (particularly if state requirements include assessing the impacts of water hydrology, modelling and ecology as well as cultural heritage requirements). One farmer indicated that it took three years to complete the EIS.

Once DEWHA receive the referral, statutory timeframes apply. A decision must be made within 20 business days on whether the action requires approval (with a process for modification or reconsideration) or whether approval is required and the process for assessment. An analysis of farm applications shows the average approval time for a "does not require approval" decision was 34 days.

Where an approval is required, the actual assessment time varies depending on whether a decision is made on the referral information or the need to seek formal EIS/PER studies or public consultation. Attached is the DEWHA flow chart outlining this process. Under the statutory timeframes, the most straightforward process will take a further 50 days. Referrals that are more complex or require approval can take months and years. Actual decision timeframes (excluding those still underway) is 112 days. The average time (i.e. to 16 January 2009) for all proposals submitted but the decision process is not yet complete (five projects dating from 2000) is 1679 days. This reduces to 902 days (or two and half years) if inactive proposals¹ are excluded. A spreadsheet of applications is attached for your information. The highlighted fields are those applications that the process is incomplete.

NFF understands that the above process is similar for any EPBC Act referral and approvals process, i.e. it is not industry specific. Some industries, however, may take a considerable time for assessment, for example, a mining application is inevitably more complex and may take considerably more time than perhaps an application from a farmer.

2. How does the above impact on farmers, given the cyclical nature of farming, and the effects on expansion?

If a farmer wishes to seek an approval under the EPBC Act, they would need to consider the statutory timeframes as well as the time required to prepare and lodge the referral. Where it is likely that an approval is not required, the farmer could estimate a timeframe of up to two months (including preparation).

¹ Inactive proposals are proposals that do not appear to have any further documentation lodged on the website by DEWHA or the farmer and could be classified as lapsed. Three projects appear to fit this description.

For applications that are likely to require approval, significantly more time is required – upwards of three years. Should an EIS be required, then the process is significantly increased (one farmer estimating this took three years on top of the approval process).

Given the nature of farming, and delays that could be incurred due to preparation of the referral, a farmer would need to consider a referral up to several years ahead of implementing the management action (e.g. vegetation clearing or infrastructure development). Applications to the Department to cover a change of farming practice (increased stocking rates or cropping areas) has not yet been tested under the Act

Importantly, the resources required for a referral and approval may not be good use of resources if the farmer cannot proceed, e.g. due to drought. This will have flow on impacts for the farm business.

The proposed strategic assessment process for EPBC Act approvals may assist in circumventing these time delays and resource costs for the farmer. NFF are in discussions with DEWHA regarding how such an approach may work for agriculture, and developing appropriate case studies as test cases.

3. What are the views of NFF on offsets, particularly given that these appear to be the standard rather than the last resort (i.e. previously voluntary and now compulsory)?

Many state governments already use offsets to manage the direct impacts of farm related actions. A good example is when vegetation clearing is approved the farmer is required to plant vegetation areas to rectify any damage. Such offsets are not pro-rata, but can be significantly more the area subjected to the approval. In Victoria, for example, a farmer was required to plant 65 times the number of trees cut down for fence posts. In NSW, offsets are generally five times the area cleared.

In one EPBC Act approval (application number 2005/2152), the proponent noted that 1.94 ha (30% of area) would not be cleared and that the vegetation was not remnant and was of no concern. DEWHA deemed that, despite being in a built up area, it may affect the Southern Cassowary and sought that the non-cleared area is protected as a vegetation corridor via a conservation covenant effectively sub-dividing a small area of 11.432 ha into five lots or paddocks.

NFF submits that in cases such as these the active management of vegetation (e.g. for weeds, pests and to promote revegetation) under an Environmental Stewardship program may serve to deliver better outcomes than the compulsory covenants proposed by DEWHA. Such views were supported in a report released by ACF in late 2008 on the stewardship program².

² 2008 ACF, Delivering on the Promise of Stewardship: Issues in realising the full potential of Environmental Stewardship Payments for landholders and the land, prepared by CSIRO.

In another case (application number 2002/766), the proponent sought to clear approximately 92 Buloke trees over 64 hectares. A revised approval in 2007 required:

- Planting 300 Buloke trees on a minimum of 1.5 hectares (over three times the number of trees cleared, but an area lower than the requirements of some state based approvals) to protect the red-tailed black cockatoo;
- Trees lost to drought must be replaced;
- Natural regeneration of the re-vegetation area must be promoted;
- Management of pest and weeds;
- Permanent exclusion of livestock;
- No irrigation within 10 metres of the revegetation area; and
- An annual report on the number and health of the Buloke trees must be submitted to the Department until December 2009.

In such situations the NFF suggests that active management of the re-vegetation area is desirable, however, livestock grazing at selected times may be appropriate to assist with weed control and potentially species diversity. There are numerous examples of these actions being allowed in other cases of this nature. NFF also suggests that the requirement for an annual report may be an excessive requirement. Perhaps an annual field visit by Department personal to assess firsthand the health of the revegetation area may be a better option and engender benefits for both the farm enterprise and the Department.

What these examples highlight is that offsets are now commonplace for farmers in Australia. It is not the offsets that are the concern for the NFF but the inconsistency by which they are implemented. NFF stresses that each application should be assessed on its merits but individual farmers should have some faith that there is an equal and consistent approach to how their application is assessed. In other words, the requirements placed on landholders should not depend on which individual assesses their application.

4. Regarding offsets, how should these operate?

Offsets (including the number of plants and area) should be regarded on a case-by-case basis and as stated above, there needs to be some consistency as to how these cases are considered and processed. The clearing of small areas or numbers of trees may be more appropriately treated by requiring the farmer to contribute to a local revegetation effort, i.e. not necessarily on the land being assessed (e.g. travelling stock route, national park etc).

In other situations, the requirements for off sets should also consider the total farm. For example, the requirement for offset by the revegetation of an already highly biodiverse property may not provide any further outcomes. This type of approach could recognise and reward to those who already manage for biodiversity outcomes by not imposing large offsets and strict conditions. Currently few (if any) systems and approvals

processes provide recognition and benefit to those doing a good job at balancing and/or integrating biodiversity outcomes within agricultural production systems.

On the other hand, where properties are largely cleared, it may be appropriate to require the enhancement of the vegetation to encourage biodiversity of plant and animal species (both protected and unprotected).

NFF suggests that the farmer should nominate an appropriate remedy and that the Department negotiate with the farmer on a reasonable and appropriate agreed outcome.

5. Please provide case studies of red tape

The 11 case studies submitted by NFF to the 2004 Productivity Commission Inquiry into the Impacts of Native Vegetation and Biodiversity regulations are attached.

Should you require further clarification, please contact Deborah Kerr, NRM Manager

Yours sincerely

DEBORAH KERR
Manager – Natural Resource Management

Encl. EPBC Act Referral Form
EPBC Act Referral flow chart
Agricultural EPBC Act applications
Productivity Commission 2004 Inquiry into Impacts of Biodiversity Regulation,
Case studies submitted by NFF



Referral of proposed action

What is a referral?

The *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) provides for the protection of the environment, especially matters of national environmental significance (NES). Under the EPBC Act, a person must not take an action that has, will have, or is likely to have a significant impact on any of the matters of NES without approval from the Australian Government Environment Minister. To obtain approval from the Environment Minister, a proposed action should be referred. The purpose of a referral is to obtain a decision on whether your proposed action will need formal assessment and approval under the EPBC Act.

Your referral will be the principal basis for the Minister's decision as to whether approval is necessary and, if so, the type of assessment that will be taken. These decisions are made within 20 business days, provided that sufficient information is provided in the referral.

Who can make a referral?

Referrals may be made by a person proposing to take an action, the Commonwealth or a Commonwealth agency, a state or territory government, or agency, provided that the relevant government or agency has administrative responsibilities relating to the action.

When do I need to make a referral?

A referral must be made for actions that are likely to have a significant impact on the following matters protected by Part 3 of the EPBC Act:

- World Heritage properties (sections 12 and 15A)
- National Heritage places (sections 15B and 15C)
- Wetlands of international importance (sections 16 and 17B)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A)
- Protection of the environment from nuclear actions (sections 21 and 22A)
- Marine environment (sections 23 and 24A)
- The environment, if the action involves Commonwealth land (sections 26 and 27A), including:
 - actions that are likely to have a significant impact on the environment of Commonwealth land (even if taken outside Commonwealth land);
 - actions taken on Commonwealth land that may have a significant impact on the environment generally;
- The environment, if the action is taken by the Commonwealth (section 28)
- Commonwealth Heritage places outside the Australian jurisdiction (sections 27B and 27C)

You may still make a referral if you believe your action is not going to have a significant impact, or if you are unsure. This will provide a greater level of certainty that Commonwealth assessment requirements have been met.

To help you decide whether or not your proposed action requires approval (and therefore, if you should make a referral), the following guidance is available from the Department's web site:

- the Policy Statement titled [Significant Impact Guidelines 1.1 – Matters of National Environmental Significance](#). Additional [sectoral guidelines](#) are also available.
- the Policy Statement titled [Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies](#).

- the [interactive map tool](#) (enter a location to obtain a report on what matters of NES may occur in that location).

Can I refer part of a larger action?

In certain circumstances, the Minister may not accept a referral for an action that is a component of a larger action and may request the person proposing to take the action to refer the larger action for consideration under the EPBC Act (Section 74A, EPBC Act). If you wish to make a referral for a staged or component referral, read '[Fact Sheet 6 Staged Developments/Split Referrals](#)' and contact the Referral Business Entry Point (1800 803 772).

Do I need a permit?

Some activities may also require a permit under other sections of the EPBC Act. Information is available on the Department's [web site](#).

What information do I need to provide?

Schedule 2 of the EPBC Regulations sets out the information that must be included in a referral. Completing all parts of this form will ensure that you submit the required information and will also assist the Department to process your referral efficiently.

You can complete your referral by entering your information into this Word file.

Instructions

Instructions are provided in green text throughout the form.

Attachments/supporting information

The referral form should contain sufficient information to provide an adequate basis for a decision on the likely impacts of the proposed action. You should also provide supporting documentation, such as environmental reports or surveys, as attachments.

Coloured maps, figures or photographs to help explain the project and its location should also be submitted with your referral. Aerial photographs, in particular, can provide a useful perspective and context. Figures should be good quality as they may be scanned and viewed electronically as black and white documents. Maps should be of a scale that clearly shows the location of the proposed action and any environmental aspects of interest.

Please ensure any attachments are below two megabytes (2mb) as they will be published on the Department's website for public comment (Note: the Minister may decide not to publish information that is commercial-in-confidence). To minimise file size, enclose maps and figures as separate files if necessary. If unsure, contact the Referral Business Entry Point for advice. Attachments larger than two megabytes (2mb) may delay processing of your referral.

How do I submit a referral?

Referrals may be submitted by mail, fax or email.

Mail to:

Referral Business Entry Point
Environment Assessment Branch
Department of the Environment, Water, Heritage and the Arts
GPO Box 787
CANBERRA ACT 2601

- If submitting via mail, electronic copies of documentation (on CD/DVD or by email) are appreciated.

Fax to: 02 6274 1789

- Faxed documents must be of sufficiently clear quality to be scanned into electronic format.
- Address the fax to the mailing address, and clearly mark it as a 'Referral under the EPBC Act'.
- Follow up with a mailed hardcopy including copies of any attachments or supporting reports.

Email to: epbc.referrals@environment.gov.au

- Clearly mark the email as a 'Referral under the EPBC Act'.
- Attach the referral as a Microsoft Word file and, if possible, a PDF file.
- Follow up with a mailed hardcopy including copies of any attachments or supporting reports.

What happens next?

Following receipt of a valid referral (containing all required information) you will be advised of the next steps in the process, and the referral and attachments will be published on the Department's web site for public comment (**Note: the Minister may decide not to publish information that is commercial-in-confidence**).

The Department will write to you at the end of 20 business days to advise you of the outcome of your referral and whether or not formal assessment and approval under the EPBC Act is required. There are a number of possible decisions regarding your referral, including:

The proposed action is NOT LIKELY to have a significant impact and does NOT NEED approval

No further consideration is required under the environmental assessment provisions of the EPBC Act and the action can proceed (subject to any state or local government requirements).

The proposed action is NOT LIKELY to have a significant impact IF undertaken in a particular manner

The particular manner in which you must carry out the action will be identified as part of the final decision. You must report your compliance with the particular manner to the Department.

The proposed action is LIKELY to have a significant impact and does NEED approval

If the action has, will have or is likely to have a significant impact it is called a *controlled action* and the particular matters upon which the action may have a significant impact (such as World Heritage or threatened species) are known as the *controlling provisions*.

The proposed action is subject to a public assessment process before it can be considered for approval. The assessment approach will usually be decided at the same time as the controlled action decision. (Further information about the levels of assessment and basis for deciding the approach are available on the Department's web site.)

Compliance audits

The Department may audit your project at any time to ensure that it was completed in accordance with the information provided in the referral or the particular manner specified in the decision. If the project changes, such that the likelihood of significant impacts could vary, you should write to the Department to advise of the changes.

For more information

- call the Department of the Environment, Water, Heritage and the Arts Community Information Unit on 1800 803 772 or
- visit the web site www.environment.gov.au/epbc

All the information you need to make a referral, including documents referenced in this form, can be accessed from the above web site.

Referral of proposed action

Project title:

1 Summary of proposed action

NOTE: You must also attach a map/plan(s) showing the location and approximate boundaries of the area in which the project is to occur. Maps in A4 size are preferred. You must also attach a map(s)/plan(s) showing the location and boundaries of the project area in respect to any features identified in 3.1 & 3.2, as well as the extent of any freehold, leasehold or other tenure identified in 3.3(j).

1.1 **Short description**
Use 2 or 3 sentences to uniquely identify the proposed action and its location.

1.2 **Latitude and longitude**
Latitude and longitude details are used to accurately map the boundary of the proposed action. If these coordinates are inaccurate or insufficient it may delay the processing of your referral.

	Latitude			Longitude		
location point	degrees	minutes	seconds	degrees	minutes	seconds

The [Interactive Mapping Tool](#) may provide assistance in determining the coordinates for your project area.

If area less than 5 hectares, provide the location as a single pair of latitude and longitude references. If area greater than 5 hectares, provide bounding location points.

If the proposed action is linear (eg. a road or pipeline), provide coordinates for each turning point.

Do not use AMG coordinates.

1.3 **Locality**
Provide a brief physical description of the project location (eg. proximity to major towns, or for off-shore projects, shortest distance to mainland).

1.4 **Size of the development footprint or work area (hectares)**

1.5 **Street address of the site**

1.6 **Lot description**
Describe the lot numbers and title description, if known.

1.7 **Local Government Area and Council contact (if known)**
If the project is subject to local government planning approval, provide the name of the relevant council contact officer.

1.8	Timeframe Specify the timeframe in which the action will be taken including the estimated start date of construction/operation.	
1.9	Alternatives Does the proposed action include alternative timeframes, locations or activities?	No
		Yes, you must also complete section 2.2
1.10	State assessment Is the action subject to a state or territory environmental impact assessment?	No
		Yes, you must also complete Section 2.4
1.11	Component of larger action Is the proposed action a component of a larger action?	No
		Yes, you must also complete Section 2.6
1.12	Related actions/proposals Is the proposed action related to other actions or proposals in the region (if known)?	No
		Yes, provide details:
1.13	Australian Government funding Has the person proposing to take the action received any Australian Government grant funding to undertake this project?	No
		Yes, provide details:

2 Detailed description of proposed action

NOTE: It is important that the description is complete and includes all components and activities associated with the action. If certain related components are not intended to be included within the scope of the referral, this should be clearly explained in section 2.6.

2.1 Description of proposed action

This should be a detailed description outlining all activities and aspects of the proposed action and should reference figures and/or attachments, as appropriate.

2.2 Alternative locations, time frames or activities that form part of the referred action

If you have identified that the proposed action includes alternative timeframes, locations or activities (in section 1.9) you must complete this section. Describe any alternatives related to the physical location of the action, timeframes within which the action is to be taken and alternative methods or activities for undertaking the action. Please note, if the action that you propose to take is determined to be a controlled action, any alternative locations, timeframes or activities that are identified here may be subject to environmental assessment and a decision on whether to approve the alternative.

2.3 Context, planning framework and state/local government requirements

Explain the context in which the action is proposed, including any relevant planning framework at the state and/or local government level (eg. within scope of a management plan, planning initiative or policy framework). Describe any Commonwealth or state legislation or policies under which approvals are required or will be considered against.

2.4 Environmental impact assessments under Commonwealth, state or territory legislation

If you have identified that the proposed action will be or has been subject to a state or territory environmental impact statement (in section 1.10) you must complete this section. Describe any environmental assessment of the relevant impacts of the project that has been, is being, or will be carried out under state or territory legislation. Specify the type and nature of the assessment, the relevant legislation and the current status of any assessments or approvals. Where possible, provide contact details for the state/territory assessment contact officer. Describe or summarise any public consultation undertaken, or to be undertaken, during the assessment. Attach copies of relevant assessment documentation and outcomes of public consultations (if available).

2.5 Consultation with Indigenous stakeholders

Where Indigenous stakeholders are likely to be affected by your proposed action, your referral should describe any consultations undertaken with Indigenous stakeholders. Identify the relevant stakeholders and the status of consultations at the time of the referral.

2.6 A staged development or component of a larger project

If you have identified that the proposed action is a component of a larger action (in section 1.11) you must complete this section. Provide information about the larger action and details of any interdependency between the stages/components and the larger action. You may also provide justification as to why you believe it is reasonable for the referred action to be considered separately from the larger proposal (eg. the referred action is 'stand-alone' and viable in its own right, there are separate responsibilities for component actions or approvals have been split in a similar way at the state or local government levels).

3 Description of environment & likely impacts

3.1 Matters of national environmental significance

Describe the affected area and the likely impacts of the proposal, emphasising the relevant matters protected by the EPBC Act. Refer to relevant maps as appropriate. The [interactive map tool](#) can help determine whether matters of national environmental significance or other matters protected by the EPBC Act are likely to occur in your area of interest.

Your assessment of impacts should refer to the following resources (available from the Department's web site):

- specific values of individual [World Heritage properties and National Heritage places](#) and the ecological character of [Ramsar wetlands](#);
- profiles of relevant species/communities (where available), that will assist in the identification of significance;
- [Significant Impact Guidelines 1.1 – Matters of National Environmental Significance](#); and
- associated sectoral and species policy statements available on the web site, as relevant.

Note that even if your action will not be taken in a World Heritage area, Ramsar wetland, Commonwealth marine area, or on Commonwealth land, it could still impact upon these areas (for example, through downstream impacts). Consideration of likely impacts should include both direct and indirect impacts.

3.1 (a) World Heritage Properties

Description

Nature and extent of likely impact

Address any impacts on the World Heritage values of any World Heritage property

3.1 (b) National Heritage Places

Description

Nature and extent of likely impact

Address any impacts on the National Heritage values of any National Heritage place

3.1 (c) Wetlands of International Importance (declared Ramsar wetlands)

Description

Nature and extent of likely impact

Address any impacts on the ecological character of any Ramsar wetlands

3.1 (d) Listed threatened species and ecological communities

Description

Nature and extent of likely impact

Address any impacts on the members of any listed threatened species or any threatened ecological community, or their habitat

3.1 (e) Listed migratory species

Description

Nature and extent of likely impact

Address any impacts on the members of any listed migratory species, or their habitat

3.1 (f) Commonwealth marine area

Description

Nature and extent of likely impact

Address any impacts on any part of the Commonwealth marine area

3.1 (g) Commonwealth land

Description

If the action will affect Commonwealth land also describe the more general environment. The Policy Statement titled [Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies](#) provides further details on the type of information needed. If applicable, identify any potential impacts from actions taken outside the Australian jurisdiction on the environment in a Commonwealth Heritage Place overseas.

Nature and extent of likely impact

Address any impacts on any Commonwealth land

3.2 Nuclear actions, actions taken by the Commonwealth (or Commonwealth agency), actions taken in a Commonwealth marine area, or actions taken on Commonwealth land

You must describe the nature and extent of likely impacts (both direct & indirect) on the whole environment if your project:

- is a nuclear action;
- will be taken by the Commonwealth or a Commonwealth agency;
- will be taken in a Commonwealth marine area; or
- will be taken on Commonwealth land.

Your assessment of impacts should refer to the [Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies](#) and specifically address impacts on:

- ecosystems and their constituent parts, including people and communities;
- natural and physical resources;
- the qualities and characteristics of locations, places and areas;
- the heritage values of places; and
- the social, economic and cultural aspects of the above things.

3.2 (a)	Is the proposed action a nuclear action?		No
			Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment

3.2 (b)	Is the proposed action to be taken by the Commonwealth or a Commonwealth agency?		No
			Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment

3.2 (c)	Is the proposed action to be taken in a Commonwealth marine area?	<input type="checkbox"/>	No
		<input type="checkbox"/>	Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(f))

3.2 (d)	Is the proposed action to be taken on Commonwealth land?	<input type="checkbox"/>	No
		<input type="checkbox"/>	Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(g))

3.3 Other important features of the environment

Provide a description of the following features of the project area and the affected area.

3.3 (a) Soil and vegetation characteristics

3.3 (b) Water flows, including rivers, creeks and impoundments

3.3 (c) Outstanding natural features, including caves

3.3 (d) Gradient

3.3 (e) Buildings or other infrastructure

3.3 (f) Marine areas

3.3 (g) Kinds of fauna & flora

3.3 (h) Current state of the environment in the area

Include information about the extent of erosion, whether the area is infested with weeds or feral animals and whether the area is covered by native vegetation or crops.

3.3 (i) Other important or unique values of the environment

Describe any other key features of the environment affected by, or in proximity to the proposed action (for example, any national parks, conservation reserves, wetlands of national significance etc).

3.3 (j) Tenure of the action area (eg freehold, leasehold)

3.3 (k) Existing land/marine uses of area

3.3 (l) Any proposed land/marine uses of area

4 Measures to avoid or reduce impacts

The Minister for the Environment, Heritage and the Arts may decide that a proposed action is not a controlled action if the action will be undertaken in a particular manner that will ensure that any potential significant impacts are avoided or reduced by mitigation measures to the extent that they will not be significant (Subsection 77A(1) of the EPBC Act).

To be considered, any such measures must:

- clearly form part of the referral (eg be identified in the referral form and fall within the responsibility of the person proposing to take the action),
- be concrete and prescriptive, and
- be clearly effective in avoiding or mitigating significant impacts.

Examples of relevant measures to avoid or reduce impacts may include the timing of works to avoid critical periods for listed species, avoidance of habitat important for listed species from direct and indirect impacts, application of specific design measures to avoid or reduce impacts, or adoption of specific work practices to reduce or avoid impacts.

More general commitments (eg preparation of management plans or monitoring) and measures aimed at providing environmental offsets, compensation or off-site benefits CANNOT be taken into account in making a decision on significance (but are relevant at the assessment and approval stages if your project proceeds to these stages).

Refer to the [Guideline on Particular Manner Decisions](#) under the EPBC Act available at the Department’s web site.

For any measures intended to avoid or mitigate significant impacts on matters protected under the EPBC Act, specify:

- what the measure is
- how the measure is expected to be effective
- the timeframe or workplan for the measure.

5 Conclusion on the likelihood of significant impacts

Identify whether or not you believe the action is a controlled action (ie. significant impacts on the matters protected under the Act are likely) and the reasons why. If you think that the action is a controlled action, you must also identify the relevant protected matters in section 5.3. (An action is a controlled action if it has, will have, or is likely to have a significant impact on a matter protected by a provision of Part 3 of the EPBC Act).

5.1 Do you THINK your proposed action is a controlled action?

- No, complete section 5.2
- Yes, complete section 5.3

5.2 Proposed action IS NOT a controlled action.

Specify the key reasons why you think the proposed action is not a controlled action (ie. NOT LIKELY to have significant impacts).

5.3 Proposed action IS a controlled action

Type 'x' in the box for the matter(s) of the EPBC Act that you think are likely to be impacted (controlling provisions).

Matters likely to be impacted

<input type="checkbox"/>	sections 12 and 15A (World Heritage)
<input type="checkbox"/>	sections 15B and 15C (National Heritage places)
<input type="checkbox"/>	sections 16 and 17B (Wetlands of international importance)
<input type="checkbox"/>	sections 18 and 18A (Listed threatened species and communities)
<input type="checkbox"/>	sections 20 and 20A (Listed migratory species)
<input type="checkbox"/>	sections 21 and 22A (Protection of the environment from nuclear actions)
<input type="checkbox"/>	sections 23 and 24A (Marine environment)
<input type="checkbox"/>	sections 26 and 27A (Protection of the environment from actions involving Commonwealth land)
<input type="checkbox"/>	section 28 (Protection of the environment from Commonwealth actions)
<input type="checkbox"/>	Sections 27B and 27C (Commonwealth Heritage places outside the Australian Jurisdiction)

Specify the key reasons why you think the proposed action is a controlled action (ie. LIKELY to have significant impacts).

6 Environmental history of the responsible party

NOTE: If a decision is made that a proposal needs approval under the Act, the Minister will also decide the assessment approach. The EPBC Regulations provide for the environmental history of the party proposing to take the action to be taken into account when deciding the assessment approach for actions that need approval under the Act.

		Yes	No
6.1	Does the party taking the action have a satisfactory record of responsible environmental management?		
	Provide details		
6.2	Has the party taking the action ever been subject to any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources?		

<p>If yes, provide details</p>		
<p>6.3 If the party taking the action is a corporation, will the action be taken in accordance with the corporation's environmental policy and planning framework?</p> <p>If yes, provide details of environmental policy and planning framework</p>		
<p>6.4 Has the person proposing to take the action previously referred an action under the EPBC Act?</p> <p>Provide name of proposal and EPBC reference number (if known)</p>		

7 Information sources and attachments

(For the information provided above)

7.1 References

- List the references used in preparing the referral.
- Highlight documents that are available to the public, including web references if relevant.

7.2 Reliability and date of information

For information in section 3 specify:

- source of the information;
- how recent the information is;
- how the reliability of the information was tested; and
- any uncertainties in the information.

7.3 Attachments

Indicate the documents you have attached. All attachments must be less than two megabytes so they can be published on the Department's website. Attachments larger than two megabytes (2mb) may delay the processing of your referral.

		<input checked="" type="checkbox"/> attached	Title of attachment(s)
You must attach	figures, maps or aerial photographs showing the project locality (section 1)		
	figures, maps or aerial photographs showing the location of the project in respect to any matters of national environmental significance or important		

	features of the environments (section 3)		
If relevant, attach	copies of any state or local government approvals and consent conditions (section 2.3)		
	copies of any completed assessments to meet state or local government approvals and outcomes of public consultations, if available (section 2.4)		
	copies of any flora and fauna investigations and surveys (section 3)		
	technical reports relevant to the assessment of impacts on protected matters and that support the arguments and conclusions in the referral (section 3 and 4)		
	report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)		

8 Contacts, signatures and declarations

NOTE: Providing false or misleading information is an offence punishable on conviction by imprisonment and fine (s 489, EPBC Act).

Under the EPBC Act a referral can only be made by:

- the person proposing to take the action; or
- a Commonwealth, state or territory government, or agency that is aware of a proposal by a person to take an action, and that has administrative responsibilities relating to the action*¹.

Project title:

8.1 Person proposing to take action

This is the individual, body politic or body corporate that will be principally responsible for, or who will carry out, the proposed action. The Minister may also request additional information from this person, for the purposes of deciding whether the action is a controlled action, the controlling provisions that apply, and for the making of an approval decision (if applicable).

If approval for the action is required and is granted, it will be issued to the person proposing to take the action. This person will be responsible for complying with any conditions of approval.

If the Minister decides that the action is a controlled action, the Minister must also designate a person as a proponent of the action. The proponent is responsible for meeting the requirements of the EPBC Act during the assessment process. The proponent will generally be the person proposing to take the action*².

Name

Title

Organisation

ACN / ABN (if applicable)

Postal address

Telephone

Email

Declaration I declare that the information contained in this form is, to my knowledge, true and not misleading. I agree to be nominated as the proponent for this action.

Signature

Date

8.2 Person preparing the referral information (if different from 8.1)

Individual or organisation who has prepared the information contained in this referral form.

Name
Title
Organisation
Postal address
Telephone
Email
Declaration I declare that the information contained in this form is, to my knowledge, true and not misleading.
Signature Date

**1 If the proposed action is to be taken by a Commonwealth, state or territory government or agency, section 8.1 of this form should be completed.*

However, if the government or agency is aware of, and has administrative responsibilities relating to, a proposed action that is to be taken by another person which has not otherwise been referred, please contact the Referrals Business Entry Point (1800 803 772) to obtain an alternative contacts, signatures and declarations page.

**2 If a person other than the person proposing to take action is to be nominated as the proponent, please contact the Referrals Business Entry Point (1800 803 772) to obtain an alternative contacts, signatures and declarations page.*

If the referring party is a small business (fewer than 20 employees), estimate the time, in hours and minutes, to complete this form (include your time reading the instructions, working on the questions and obtaining the information and time spent by all employees in collecting and providing this information).

Hours	Minutes

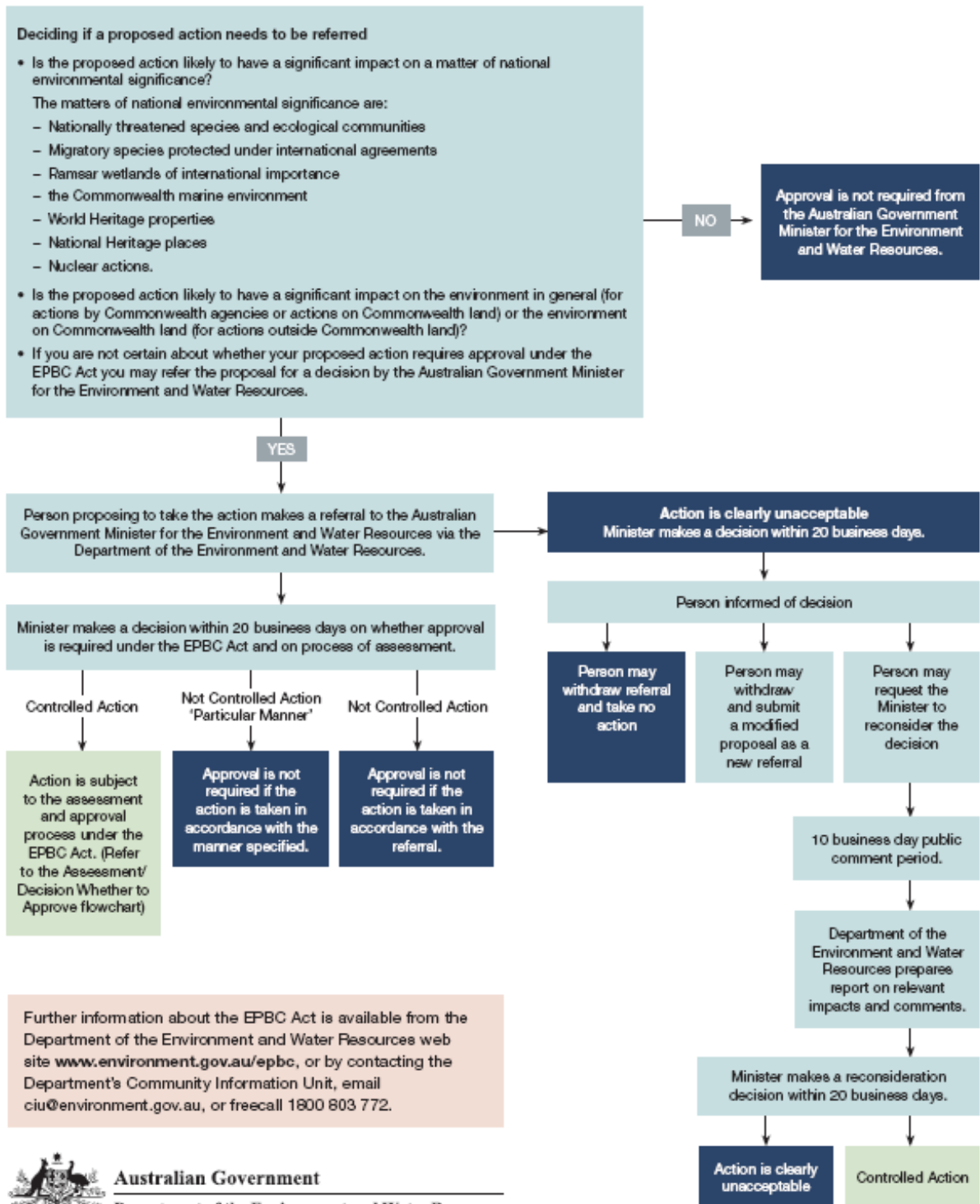
REFERRAL CHECKLIST

NOTE: This checklist is to help ensure that all the relevant referral information has been provided. It is not a part of the referral form and does not need to be sent to the Department.

HAVE YOU:

- Completed all required sections of the referral form?
- Included accurate coordinates (to allow the location of the proposed action to be mapped)?
- Provided a map showing the location and approximate boundaries of the project area?
- Provided a map/plan showing the location of the action in relation to any matters of NES?
- Provided complete contact details and signed the form?
- Provided copies of any documents referenced in the referral form?
- Ensured that all attachments are less than two megabytes (2mb)?
- Sent the referral to the Department (electronic and hard copy preferred)?

EPBC ACT ENVIRONMENT ASSESSMENT PROCESS – REFERRAL

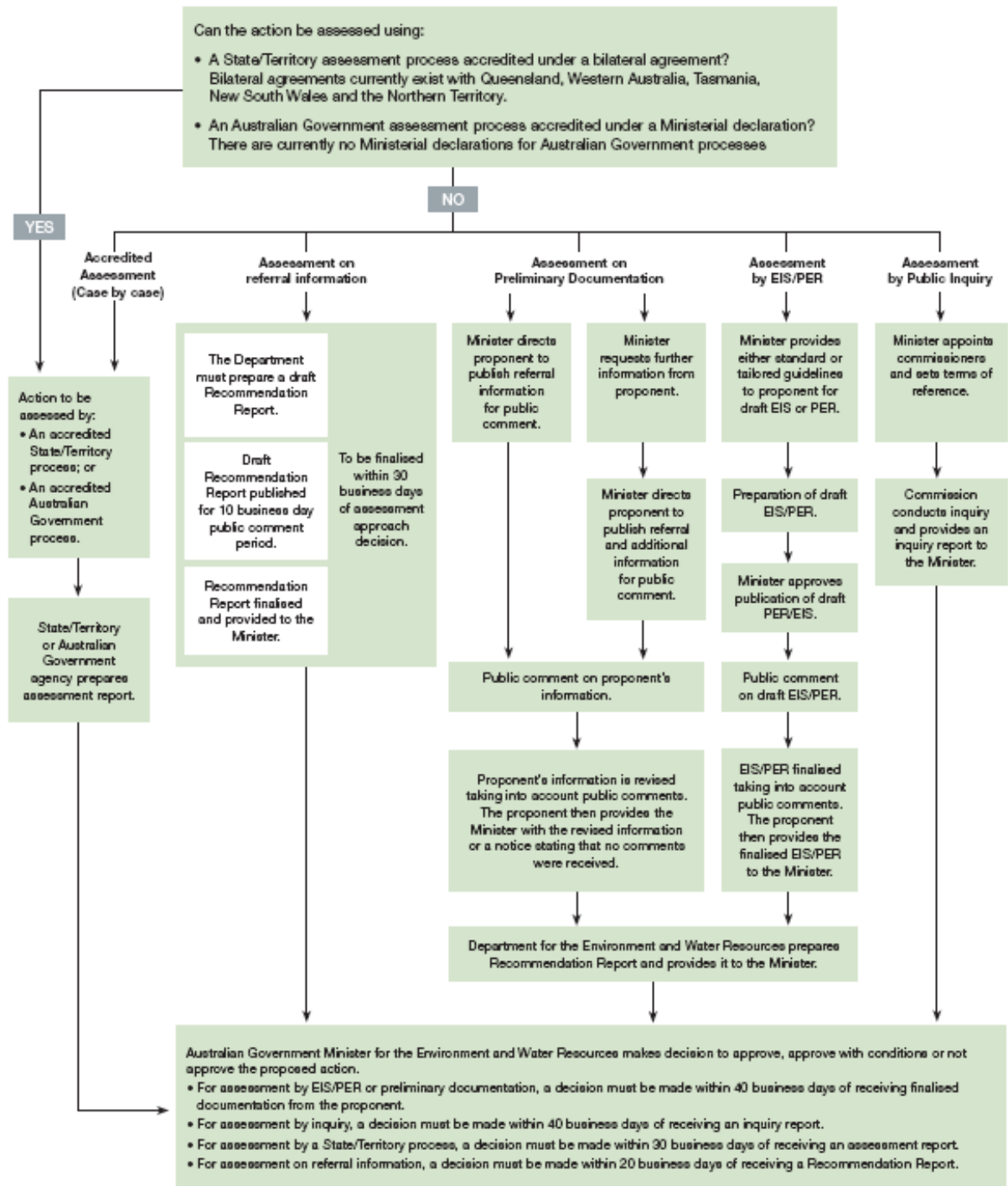


Further information about the EPBC Act is available from the Department of the Environment and Water Resources web site www.environment.gov.au/epbc, or by contacting the Department's Community Information Unit, email ciu@environment.gov.au, or freecall 1800 803 772.



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EPBC ACT ENVIRONMENT ASSESSMENT PROCESS – ASSESSMENT / DECISION WHETHER TO APPROVE



Reference Number	Title of referral	Date received	Date approved	No of days for decision	Reason	Time to complete referral form
2008/4536	J. G and S Weckert Pty Ltd/Water management and use/Western edge of Clare Valley/SA/Construction of Four Dams for Use by Livestock and Household	21-Oct-08	22-Dec-08	62	Approval not required	7
2008/4474	Clover Cattle Co Pty Ltd & Liveringa Pastoral Co/Agriculture and forestry/Liveringa Station, 2.5 km east of Camballin, West Kimberly/WA/Clearing of approximately 2400 ha of Camballin Floodplain	25-Sep-08	24-Oct-08	29	Approval not required	NC
2008/4434	Rivington Dairy Partners/Water management and use/Back Valley, 12km west of Victor Harbor/SA/Enlargement of dam on dairy farm, below a Fleurieu Swamp	2-Sep-08	24-Sep-08	22	Approval not required	1.5
2008/3974	Mr Paul Oates/Agriculture and forestry/'Borilla Creek' Glendon Road Lochington/QLD/Establishment of Leucaena within Bluegrass area	21-Jan-08	21-Mar-08	60	Approval not required	16
2007/3927	Clovally Tasmania Pty Ltd/Water management and use/Boobyalla Park property, Waterhouse Rd, Gladstone TAS/TAS/Construct 500MI in-stream dam, Boobyalla Park	18-Dec-07	22-Feb-08	66	Approval not required	7
2007/3873 #	The Tiers Pty Ltd/Water management and use/Maylands Farm, Bollaparudda Road, HD Waitpinga/SA/Dam, weir and pipeline construction	28-Nov-07	16-Jan-09	415	Approval required. Process still underway	12
2007/3439	Bayeux Investments Pty Ltd/Water management and use/Adjacent to mount Cone/SA/Construction of a dam	7-May-07	13-Nov-07	190	Proposal withdrawn	5
2007/3234	Mort & Co Ltd/Water management and use/Delungra/NSW/Gunnee Station Feedlot Water Storage Dam	15-Jan-07	13-Feb-07	29	Approval not required	NC
2006/3199	Markana Grazing Company Pty Ltd/Agriculture and forestry/Flinders Island/TAS/The 3000 Acres clearing of native vegetation	19-Dec-06	19-Jan-07	31	Approval not required	NC
2006/3172	Mr Adam G Greenhill/Water management and use/Swansea/TAS/Construction of Dam, Bluemans Creek, Lake Leake Road	30-Nov-06	21-Dec-06	21	Approval not required	1000
2005/2338	Kentish and Sons/Agriculture and forestry/Hundred of Mingbool/SA/removal of red gum trees for pivot irrigation	6-Oct-05	31-Oct-05	25	Approval not required	5
2005/2263	Great Southern Vineyard Holdings Pty Ltd/Agriculture and forestry/Margaret River/WA/Project 2 Witchcliffe - proposed vineyard & dam	15-Aug-05	19-Sep-05	35	Approval not required	NC
2005/2261	Banrock Wine & Wetland Centre/Water management and use/Banrock Station/SA/Banrock Station pump relocation	12-Aug-05	8-Sep-05	27	Approval not required	24
2005/2176	Mr and Mrs Innes-Smith/Agriculture and forestry/Smithton/TAS/Land clearing for stock grazing	20-Jun-05	16-Feb-06	241	Approval required. Proposal withdrawn	NC
2005/2169	Mr Sam Lawrence/Water management and use/Dairy Creek/TAS/Construction of 657 megalitre dam for irrigation purposes at Dairy Creek	17-Jun-05	18-Jul-05	31	Approval not required	4

Reference Number	Title of referral	Date received	Date approved	No of days for decision	Reason	Time to complete referral form
2005/2152	Mr Louis Campagnolo/Agriculture and forestry/Kurrimine Beach/QLD/Vegetation clearing	31-May-05	23-Nov-06	541	Approval with conditions incl. reveg corridor with conservation covenant	30
2005/2134	Chaltom Nominees Pty ltd/Water management and use/Currency Creek/SA/Tookayerta Creek and Black Swamp groundwater extraction	19-May-05	16-Mar-06	301	Approval required. Decision changed from controlled action to not a controlled action.	NC
2005/2060 #	Bayeux Investments Pty Ltd/Water management and use/Mount Compass/SA/Burnfoot Farm dam construction	30-Mar-05	16-Jan-09	1388	Approval required. Several reconsiderations. DEWHA propose an offset arrangement to protect vegetation. S78 reconsideration and public comment requested.	100
2005/1982	D. C. & C Messer/Agriculture and forestry/Langton Downs, near Clermont/QLD/weed clearance & agricultural cultivation	2-Feb-05	28-Feb-05	26	Approval not required	NC
2004/1904	Michael Crabtree/Agriculture and forestry/Gymbowen/VIC/Vegetation Clearance for Centre Pivot Irrigation Systems	7-Dec-04	7-Jan-05	31	Approval not required	NC
2004/1895 #	John Clunies-Ross/Agriculture and forestry/Cocos (Keeling) Islands/Cocos Keeling Island/Breeding, husbandry, slaughter and sale of goats	1-Dec-04	16-Jan-09	1507	Approval required 27 Jan 05. No further process completed.	10
2004/1882	Tamar Ridge Wines/Agriculture and forestry/Swansea/TAS/Development of 400ha of vineyard including the enlargement of a dam	24-Nov-04	22-Dec-04	28	Approval not required	NC
2004/1853	Tamar Ridge Wines/Agriculture and forestry/Swansea/TAS/Enlargement of existing farm dam to irrigate a vineyard	5-Nov-04	24-Nov-04	19	Approval not required	NC
2004/1744	Kangara Foods Pty Ltd/Agriculture and forestry/Murtho/SA/Permanent plantings of citrus and/or wine grapes on allotment 102, Murtho Rd	26-Aug-04	25-Feb-05	183	Approval required. Public notification to lapse	NC
2004/1609	FC & RF Lang Pty Ltd/Agriculture and forestry/Renmark Paringa/SA/Construct a steel frame shed to house and operate new automation and fertigation equipment.	23-Jun-04	21-Jul-04	28	Approval not required	20
2004/1512	Kangara Foods Pty Ltd/Agriculture and forestry/Murtho/SA/Permanent plantings of citrus and wine grapes on allotment 9, Murtho Rd	13-May-04	9-Jun-04	27	Approval not required	NC
2004/1473	Mt Milson Grazing Company/Agriculture and forestry/Clermont/QLD/Contouring and cultivating 800 ha at Kurrajong, Mt Milson	21-Apr-04	20-May-04	29	Approval not required	72
2004/1442	Webster Walnuts Pty Ltd/Water management and use/Swansea/TAS/Wet Marsh Dam - increase of storage capacity	29-Mar-04	28-Apr-04	30	Approval not required	2.5
2004/1428	Clovelly Tasmania Pty Ltd/Water management and use/Gladstone/TAS/Construction of 165 Megalitre Dam at "Boobyalla Park"	19-Mar-04	5-Jul-04	108	Approval not required	NC

Reference Number	Title of referral	Date received	Date approved	No of days for decision	Reason	Time to complete referral form
2004/1365	Mr Peter Campbell/Water management and use/Legune Station/NT/Construction of dam wall	11-Feb-04	10-May-05	454	Approval required. Approved with construction conditions. Variation approved 1 Feb 07	NC
2004/1335	M M Olive/Agriculture and forestry/Marlborough/QLD/Clearing of Regrowth Vegetation - 'Apis Creek'	13-Jan-04	17-Feb-04	35	Approval not required	NC
2003/1172	Brian and Helen Walker/Agriculture and forestry/Murtho/SA/Section 18 DP55550 Permanent Citrus Planting	8-Sep-03	30-Sep-03	22	Approval not required	4.5
2003/1090	Mr R Lindley/Agriculture and forestry/Cracow/QLD/Clearing of Regrowth Brigalow	5-Jun-03	1-Jul-03	26	Approval not required	NC
2003/1081	JS and RJ Warner/Agriculture and forestry/Powers Creek via Edenhope/VIC/Harvesting of timber and replanting Red/Blue Gum plantation	30-May-03	7-Nov-03	161	Approval required. Proposal withdrawn 7 Nov 03	NC
2003/1069	Llanthro Pastoral Co Pty Ltd/Water management and use/Apsley/VIC/Installation of Pivot Irrigation systems	16-May-03	13-Jun-03	28	Approval not required	15
2003/1014 #	RMI Pty Ltd/Agriculture and forestry/Macintyre River valley/NSW/Irrigated intensive crop production	10-Apr-03	16-Jan-09	2108	Approval required. EIS required but not yet submitted.	6
2003/988	Mr K Brown/Agriculture and forestry/Argoon/QLD/Clearing of regrowth Brigalow	21-Mar-03	15-Apr-03	25	Approval not required	NC
2003/975	MM Hawkins/Agriculture and forestry/Brippick Minimay/VIC/Vegetation Clearance for Centre Pivot Irrigation Systems	6-Mar-03	2-Apr-03	27	Approval not required	2
2003/962	Mr G Core/Agriculture and forestry/Rolleston/QLD/Clearing of regrowth Brigalow	17-Feb-03	26-Mar-03	37	Approval not required	12
2003/924	Alistair Hughes/Agriculture and forestry/Springsure/QLD/Changes to practices in Bluegrass community	14-Jan-03	7-Feb-03	24	Approval not required	13
2002/849	Bailleul Park Pastoral Company/Agriculture and forestry/Minimay/VIC/Vegetation Clearance for Centre Pivot Irrigation System	25-Oct-02	22-Nov-02	28	Approval not required	1
2002/766	JC, SL, TJ and SN Adams/Agriculture and forestry/Bringalbert/VIC/Clearing of Native Vegetation for Centre-Pivot Irrigation System	12-Aug-02	12-Jan-04	518	Approval required. Approved with revegetation offset conditions. Variation approved 21 Sep 07	NC
2002/743	Stuart Co Pty Ltd/Agriculture and forestry/Cornella/VIC/Proposed Viticulture Development	1-Aug-02	10-Sep-02	40	Approval not required	50
2002/725	Peter Maywald/Agriculture and forestry/Sims Rd Childers/QLD/Land Clearing & Pineapple Plantation	19-Jul-02	16-Aug-02	28	Approval not required	16
2002/655	Rockdale Beef Pty Ltd/Agriculture and forestry/near Condobolin/NSW/Beef Cattle Feedlot	10-May-02	28-Jun-02	49	Approval not required	6.66

Reference Number	Title of referral	Date received	Date approved	No of days for decision	Reason	Time to complete referral form
2002/571	Rohan Bosworth/Agriculture and forestry/Kennedy, Far North Queensland/QLD/Electrocution of Spectacled flying-foxes to protect a lychee orchard	14-Feb-02	21-Mar-03	400	Approval required. Refused	No referral on website
2001/480	Mr Rohan Bosworth/Agriculture/Kennedy/QLD/Electrocution of Spectacled flying-foxes to protect a lychee orchard at Kennedy, QLD	23-Oct-01	13-Feb-02	113	Approval required. Proposal withdrawn. See Application 2002/571	
2001/452	Rangers Valley Cattle Station Pty Ltd/Agriculture/Rangers Valley/NSW/Expansion of Rangers Valley beef cattle feedlot	28-Sep-01	24-Oct-01	26	Approval not required	6.5
2001/381	Riverside Holdings Pty Ltd/Agriculture/Milang/SA/Establishment of Cattle Feedlot	13-Aug-01	9-Aug-03	726	Approval required. Proposal withdrawn	NC
2001/200	Mr Gavin Dehne/Agriculture/Gannawarra/VIC/40 Unit Dairy Facility, Hird Swamp	6-Mar-01	31-Aug-01	178	Approval required. Approved with conditions re effluent ponds	10
2000/91 #	Waterman Agriculture Pty Ltd/Agriculture/Macquarie Marshes/NSW/Irrigated cotton development expansion, Pillicawarrina	21-Nov-00	16-Jan-09	2978	Approval required. Public environmental report to be undertaken. DEWHA issued guidelines. No further documentation lodged	10.5
Average decision time on approval excluding those still under process:				112	days	51
Average decision time for those where approval is not required:				34	Days	
Average time for those still unapproved:				1679	days	
Average time for those still unapproved and being progressed:				902	days	
Total number applications:				51		
Approval not required				67%		
#	application process incomplete					
NC	Means item was not completed on referral form					