



# **Matters of national environmental significance**

EIS information guideline



**Queensland**  
Government

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## Introduction

This guideline advises proponents about the information and assessment requirements in relation to [matters of national environmental significance](#) (MNES) when preparing an environmental impact statement (EIS).

MNES are regulated under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) rather than under state legislation. An EIS only needs to address MNES if the project is a [controlled action](#) under the EPBC Act, and the Commonwealth environment department has accredited the state's EIS process for the assessment of MNES.

Most importantly, the reader must be able to find all the information, assessment and mitigation measures related to MNES in a single separate chapter without having to cross-reference to other parts of the EIS.

## What are matters of national environmental significance?

The EPBC Act specifies the following nine MNES:

- World Heritage properties
- National Heritage places
- wetlands of international importance (often called 'Ramsar wetlands' after the international treaty under which such wetlands are listed)
- listed threatened species and ecological communities
- listed migratory species protected under international agreements
- 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.

## What is a controlled action?

A controlled action is a project that is likely to have a significant impact on one or more of the nine MNES. Controlled actions must be approved by the Australian Government before they can be undertaken. The Australian Government's website [What is protected under the EPBC Act](#) provides detailed information about MNES and approvals for controlled actions. The Australian Government also provides [Significant impact guidelines](#) (SEWPaC 2013) to help proponents decide whether their project would have a significant impact on MNES.

Before starting the EIS process, proponents should refer their project to the Australian Government for a decision about whether or not it is a controlled action. If the project is a controlled action, the Australian Government's decision notice will state the *controlling provisions*.

## What are the controlling provisions?

The controlling provisions are those MNES that the project may impact. The EIS must address potential impacts on the controlling provisions, but does not need to address other MNES that would not be impacted.

## What must the EIS address?

The state's EIS may only assess MNES if the Australian Government's decision on assessment approach for the controlled action states that the [bilateral agreement](#) applies. The bilateral agreement is a legal arrangement between the Australian and Queensland governments that allows the state's EIS to assess impacts on MNES.

When the bilateral agreement applies, additional provisions in state legislation also apply to the EIS. In particular, Chapter 2 and Schedule 1 of the Environmental Protection Regulation 2019 (EP Regulation) apply. Chapter 2, r. 6, of the EP Reg prescribes matters that the proponent must include in their draft terms of reference. Schedule 1 of the EP Regulation specifies a detailed list of the matters that the EIS must address. Schedule 1 of the EP Reg mirrors Schedule 4 of the Commonwealth's Environment Protection and Biodiversity Conservation Regulations 2000. All the information about those matters must be provided in a separate chapter of the EIS.

## Why must MNES have a separate chapter in the EIS?

The Australian Government's approval of a project is separate from the approval(s) provided by the state. Having a separate chapter in the EIS helps the Australian Government check the assessment of impacts on MNES and

facilitates their approval process. Furthermore, a separate chapter within an EIS reduces duplication and effort for the proponent compared to producing a fully separate EIS for each government, while ensuring that, overall, the project's impacts are assessed holistically in a single EIS.

## Who may undertake surveys and prepare the EIS?

Although MNES are regulated under Commonwealth legislation, when the EIS process is conducted under the state's EP Act, a suitably qualified person must undertake the flora surveys (protected plants)—see ss. 564–566 of the EP Act, r. 253 of the Nature Conservation (Wildlife Management) Regulation 2006, and the Flora Survey Guidelines–Protected Plants (EHP 2016).

Other MNES surveys and assessments must be undertaken by people with sufficient expertise in the relevant matters that relate to MNES. For example, a suitably qualified and experienced heritage specialist must undertake any surveys of heritage places, and assess impacts on them. Also, suitably qualified and experienced hydrologists, chemists and biologists must describe and assess impacts on water resources.

Provide details about each MNES specialist and their contribution to the EIS. For ecology, provide a list of all the ecologists who undertook field studies and/or co-wrote the MNES section of the EIS. Include details of each ecologist's contribution and the issues they worked on.

## Where can I get additional advice about assessing MNES?

The Australian Government publishes a range of [guidelines, policies, and fact sheets](#) that help proponents assess the potential impacts of their project on MNES.

This guideline does not repeat the content of those documents, so proponents must access them and understand their requirements before starting to prepare the EIS.

The following sections of this guideline supplement the Australian Government's documents, and outline the requirements for the MNES chapter of the EIS, particularly as specified in state legislation.

## Project description

Describe the project as required by EP Regulation, Schedule 1, Item 1 and the first three dot points of Item 2.

## MNES covered by the controlling provisions

List the controlling provisions stated on the Australian Government's controlled action decision notice. In line with the following advice, describe in detail the environment and environmental values that are covered by each of the controlling provisions and which are relevant to the project site and its surrounds. Illustrate all descriptions with maps, diagrams, photographs, and/or satellite images/aerial photographs.

## World Heritage properties

Describe any World Heritage property that the project might impact. A declared World Heritage property is an area that has been included in the World Heritage List or declared by the Commonwealth Minister to be a World Heritage property. The Australian Government publishes a full list of [Australia's World Heritage properties](#).

Summarise the Statement of Outstanding Universal Value for the relevant World Heritage property. Describe in detail those potentially impacted attributes and environmental values that contribute to the property's Outstanding Universal Value.

## National Heritage places

Describe the National Heritage place(s) that the project might impact. The Australian Government publishes a full list of [Australia's National Heritage places](#).

Describe the qualities that contribute to the place's statement of significance and its official values that the project might impact. Also, describe how the National Heritage place's management plan states the heritage values of the site will be protected or conserved.

## Wetlands of International Importance

Identify any wetland listed under the *Convention on Wetlands of International Importance Especially as Waterfowl Habitat* that the project might impact. The convention is commonly called the 'Ramsar Convention', and listed wetlands are known as 'Ramsar wetlands'. The Australian Government publishes a list of [Australia's Ramsar sites](#). Describe the ecological values and character of any such wetland that the project might impact.

## Listed threatened species and ecological communities

Conduct surveys for listed threatened species and ecological communities in accordance with the Australian Government's [survey guidelines](#) and [environmental assessment guidelines](#).

Describe all listed threatened species and ecological communities that the project might impact, whether on the project's site or in the surrounding or downstream area. Access the Species Profile and Threats (SPRAT) database, and summarise the conservation advice, recovery plans or threat abatement plans for the relevant species and ecological communities.

## Migratory species

Conduct surveys for listed [migratory species](#), protected under international agreements, in accordance with the Australian Government's guidelines. Migratory species are those animals that migrate to Australia and its external territories, or pass through or over Australian waters during their annual migrations. Migratory species include birds (e.g. albatrosses and petrels), mammals (e.g. whales) and reptiles (e.g. turtles). Describe the presence and pathways of all migratory species that might be impacted by the project, whether on the project's site or in the surrounding or downstream area.

Listed migratory species are those listed in the:

- Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)
- China-Australia Migratory Bird Agreement (CAMBA)
- Japan-Australia Migratory Bird Agreement (JAMBA)
- Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA)

## Commonwealth marine area

Describe and illustrate the location of the project in relation to the [Commonwealth marine area](#) and its marine bioregions. The Commonwealth marine area is any part of the sea within Australia's exclusive economic zone, and/or over the continental shelf of Australia, that is not State waters. The Commonwealth marine area typically extends from 3 to 200 nautical miles from the coast, and includes the waters, seabed, and airspace.

Summarise those aspects of the [Coral Sea Marine Park Management Plan](#) (Director of National Parks 2018), [North Marine Bioregional Plan](#) and/or [Temperate East Marine Bioregional Plan](#) (Department of Sustainability, Environment, Water, Population and Communities 2012) that are relevant to the location of the proposed project. Describe the goals, objectives, key elements, conservation values, and regional priorities for the Coral Sea Marine Park Management Plan and/or relevant Marine Bioregional Plan area.

Review the *Species group report cards* for each relevant marine region(s), and summarise the vulnerabilities and pressures, and protection measures, that the project might affect.

## Great Barrier Reef Marine Park

Describe and illustrate the location of the project in relation to the Great Barrier Reef Marine Park's [boundaries and zones](#). For each zone that the project might impact, summarise the current rules for the activities that are allowed, the activities that are prohibited, and the activities that require a permit. Compare those rules to the project's proposed activities.

## Nuclear actions (including uranium mining)

If the project would involve a [nuclear action](#), including uranium mining, describe in detail the existing environment and its values that the project might impact.

## Water resources

Describe in detail the hydrology, geology, and water quality of any [water resources](#) that the coal seam gas and/or large coal mining development might significantly impact. Include all water resources downstream of the project site that might be significantly impacted.

## Potential impacts

Describe and assess the potential impacts of the project on all the values covered by the controlling provisions as required by the fourth dot point of item 2, and item 3, of Schedule 1 of the EP Regulation. Assess the impacts in accordance with all relevant assessment and significant impact guidelines published by the Commonwealth environment department.

Assess the significant impacts of all components of the project individually and cumulatively. If the project will be constructed and operated in stages, assess the impacts associated with the components of the project at each stage.

Assess how severe the impacts are likely to be considering their scale, intensity, timing, duration and frequency, and assign a level of severity to the impacts (e.g. severe, moderate, or minor).

## Avoidance and mitigation measures

Assess all feasible ways firstly to avoid, or secondly minimise, significant impacts. Describe the feasible alternatives as required by the seventh dot point of item 2 Schedule 1 of the EP Regulation. Provide sufficient detail to demonstrate that every effort would be made to minimise the impacts of the project, and explain why the preferred alternatives were chosen.

Describe the proposed safeguards and mitigation measures as required by item 4 of Schedule 1 of the EP Regulation. Develop and frame the mitigation measures so that their performance would be both measurable and auditable. Also, ensure that every mitigation measure has a stated measurable outcome and a timeframe in which it would be monitored and completed. Include provisions to regularly evaluate the safeguards and mitigation measures so that improvements may be made as new technologies and best practices evolve.

Assess how the proposed mitigation measures accord with all relevant management plans for matters covered by the controlling provisions (e.g. National Heritage place's management plan, or listed wetland's management plan), and detail any conflicts.

## Residual impacts and offsets

Assess and describe all residual impacts that are likely to occur on MNES after all feasible avoidance and mitigation measures have been implemented.

Propose offsets for any significant residual impacts of the project on MNES in accordance with the Australian Government's [Environmental offsets policy](#) (Department of Sustainability, Environment, Water, Population and Communities 2012). Assess and calculate the offset requirement(s) with the assistance of the Australian Government's [How to use the offsets assessment guide](#) (Department of Sustainability, Environment, Water, Population and Communities 2012). Describe in detail how the amount of offsets was determined, even if that amount is nil.

If offsets are required, the EIS must include an offset strategy that details where and how the offsets will be delivered and audited.

If offsets might be required under both the Queensland *Environmental Offsets Act 2014* (EO Act) and the Commonwealth EPBC Act for substantially the same impact, the offset assessment and imposed condition(s) under the EPBC Act will take precedence over the state's offset requirement (see s. 15, EO Act). Consequently, the proponent should initiate negotiations as soon as practicable with representatives of the state and the Commonwealth to agree on an appropriate offset strategy, so that the EIS can present the strategy.



## Consultation

In accordance with item 2 of Schedule 1 of the EP Regulation, identify the affected persons, interested persons and communities that the project might affect. Describe the consultation that has taken place with all such people, and summarise their responses and views about the project and its impacts.

## Other approvals and conditions

In accordance with item 5 of Schedule 1 of the EP Regulation, provide details of the other approvals and conditions needed by and for the project (i.e. other than the Commonwealth's approval under the EPBC Act).

## Proponent's environmental record

In accordance with items 6 and 7 of Schedule 1 of the EP Regulation, provide details of the proponent's environmental record.

## Information sources

In accordance with item 8 of Schedule 1 of the EP Regulation, provide details of the information sources used for the MNES section of the EIS, including

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

## References

*Note: These references were correct at the time of publication. Where more recent versions are available, these must be used.*

Department of Sustainability, Environment, Water, Population and Communities 2012, *Marine bioregional plan for the North Marine Region*, Australian Government, Australian Capital Territory, Canberra, viewed April 2020, <<http://www.environment.gov.au/topics/marine/marine-bioregional-plans/north>>.

Department of Sustainability, Environment, Water, Population and Communities 2012, *Marine bioregional plan for the Temperate East Marine Region*, Australian Government, Australian Capital Territory, Canberra, viewed April 2020, <<https://www.environment.gov.au/topics/marine/marine-bioregional-plans/temperate-east>>.

Department of Sustainability, Environment, Water, Population and Communities 2012, *Environmental offsets policy Environment Protection and Biodiversity Conservation Act 1999*, Australian Government, Canberra, Australian Capital Territory, viewed April 2020, <[http://www.environment.gov.au/system/files/resources/12630bb4-2c10-4c8e-815f-2d7862bf87e7/files/offsets-policy\\_2.pdf](http://www.environment.gov.au/system/files/resources/12630bb4-2c10-4c8e-815f-2d7862bf87e7/files/offsets-policy_2.pdf)>

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Director of National Parks 2018, *Coral Sea Marine Park Management Plan 2018*, Director of National Parks, Canberra, Australian Government, viewed April 2020, <<https://parksaustralia.gov.au/marine/parks/coral-sea/plans/>>.