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Australian Government

**Department of Climate Change, Energy,
the Environment and Water**

**GUIDELINES FOR THE CONTENT OF A DRAFT
PUBLIC ENVIRONMENT REPORT**

**Exe Tailings Storage Facility
(EPBC 2026/10425)**

Environment Protection and Biodiversity Conservation Act 1999

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PREAMBLE

MMG Pty Ltd (the proponent) proposes to construct, operate and close a tailings storage facility and associated infrastructure, approximately 5 km west of the town of Rosebery, in Western Tasmania, for the purpose of providing tailings storage to the Rosebery Mine

The proposal was referred under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to the Minister for the Environment (the Minister) on 18 February 2026. On 19 March 2026, a delegate to the Minister determined that approval is required as the action has the potential to have a significant impact on the following matters of national environmental significance (MNES) that are protected under Part 3 of the EPBC Act:

- Listed threatened species and communities (sections 18 and 18A).

The delegate of the Minister determined, on 19 March 2026, that the proposed action be assessed by a Public Environment Report (PER).

Information about the proposed action and its relevant impacts, as outlined below, is to be provided in the PER. This information should be sufficient to allow the Minister to make an informed decision on whether or not to approve, under Part 9 of the EPBC Act, the taking of the action for the purposes of each controlling provision.

PART A – GENERAL ADVICE ON GUIDELINES

1. GENERAL CONTENT

The PER should be a stand-alone document that primarily focuses on the MNES listed above. It should contain sufficient information to avoid the need to search out previous or supplementary reports. The PER should take into consideration the EPBC Act [Significant Impact Guidelines](#).

The PER should enable interested stakeholders and the Minister to understand the environmental consequences of the proposed development. Information provided in the PER should be objective, clear, and succinct and, where appropriate, be supported by maps, plans, diagrams or other descriptive detail. The body of the PER is to be written in a clear and concise style that is easily understood by the general reader. Technical jargon should be avoided wherever possible. Cross-referencing should be used to avoid unnecessary duplication of text.

Detailed technical information, studies or investigations necessary to support the main text should be included as appendices to the PER. It is recommended that any additional supporting documentation and studies, reports or literature not normally available to the public from which information has been extracted, be made available at appropriate locations during the period of public display of the draft PER.

After receiving the Ministers approval to publish the report, the Proponent is required to make the draft PER available for a period of public comment. Specific instructions regarding publication requirements will be provided as part of the Minister's direction to publish.

If it is necessary to make use of material that is considered to be of a confidential nature, the Proponent should consult with the Department on the preferred presentation of that material, before submitting it to the Minister for approval for publication.

The level of analysis and detail in the PER should reflect the level of significance of the expected impacts on the environment. Any and all unknown variables or assumptions made in the assessment must be clearly stated and discussed. The extent to which the limitations, if any, of available information may influence the conclusions of the environmental assessment should be discussed.

The Proponent should ensure that the PER assesses compliance of the action with principles of Ecological Sustainable Development as set out in the EPBC Act, and the objects of the Act in [Attachment 1](#). A copy of Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2025* (EPBC Regulations), which determines matters to be addressed by draft public environment report and environmental impact statement, is at [Attachment 2](#).

The Department notes that some of the information requested below has already been included in the referral information, therefore, the Department requests that information be consolidated into the public environment report.

The Department also notes that information prepared for State assessment processes, including Environmental Impact Statements, may be relied upon where it is relevant and convenient to the assessment of likely significant impacts on MNES.

2. FORMAT AND STYLE

The PER should comprise three elements, namely:

- a) the executive summary;
- b) the main text of the document; and
- c) appendices containing detailed technical information and other information that can be made publicly available.

The guidelines have been set out in a manner that may be adopted as the format for the PER. This format need not be followed where the required information can be more effectively presented in an alternative way. However, each of the elements must be addressed to meet the requirements of the EPBC Act and Regulations.

The PER should be written so that any conclusions reached can be independently assessed. To this end all sources must be appropriately referenced using the Harvard standard. The reference list should include the address of any Internet “web” pages used as data sources.

The main text of the PER should include a list of abbreviations, a glossary of terms and appendices containing:

- a) a copy of these guidelines;
- b) a list of persons and agencies consulted during the PER;
- c) contact details for the Proponent; and
- d) the names of the persons involved in preparing the PER and work done by each of these persons.

Maps, diagrams and other illustrative material should be included in the PER. Maps and diagrams must be clearly annotated, in colour and of high resolution. Maps must contain all map elements and adhere to map guidelines outlined in the [Guide to providing maps and boundary data for EPBC Act projects](#)

Maps should also be provided in digital format (e.g. shapefile *.kml or *.kmz).

The PER should be produced on A4 size paper capable of being photocopied, with maps and diagrams on A4 or A3 size and in colour where possible.

The Proponent should consider the format and style of the document appropriate for publication on the Internet. The capacity of the website to store data and display the material may have some bearing on how the document is constructed.

SPECIFIC CONTENT

1. GENERAL INFORMATION

This should provide the background and context of the action including:

- a) the title of the action;
- b) the full name and postal address of the Proponent;
- c) a clear outline of the objective of the action;
- d) the location of the action;
- e) the background to the development of the action;
- f) 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;
- g) existing and historic operation of the site (if relevant);
- h) the current status of the action;
- i) information on current regulatory approvals and licences must be provided for existing operation of the site and proposed operation; and
- j) the consequences of not proceeding with the action.

2. DESCRIPTION OF THE ACTION

The description of the action should include:

- a) relevant maps, plans, diagrams, and technical information, including:
 - i) an indicative layout plan for the proposed action area, including the disturbance footprint, project area boundary, the location and type of land use, key infrastructure, and the number and location of buildings;
- b) a description of all construction, commissioning, operational, decommissioning and rehabilitation components of the action. This must be described in sufficient detail to understand the proposed action and assist in determining the associated potential environmental impacts. This should include the precise location (including coordinates) of all works to be undertaken, structures to be built or elements of the action that may have impacts on MNES; and
- c) the expected maximum duration of the action, and expected timeframes for each individual stage including construction, commissioning, operational, decommissioning and rehabilitation.

3 FEASIBLE ALTERNATIVES

Any feasible alternatives to the action to the extent reasonably practicable, including:

- a) if relevant, the alternative of taking no action; and
- b) a comparative description of the impacts of each alternative on the MNES protected by controlling provisions of Part 3 of the EPBC Act for the action. Short, medium and long-term advantages and disadvantages of the options should be discussed. There must be sufficient detail to make clear why any alternative is preferred to another.

4 DESCRIPTION OF THE ENVIRONMENT

This section should describe the environment at the site of the proposed action and the surrounding area (including adjacent and downstream areas) to the extent necessary to assess likely significant impacts on MNES. This description must include, but not be limited to, the following information:

- a) geomorphology;
- b) geology, soils and substrates;
- c) hydrology (surface water and groundwater);
- d) vegetation;
- e) fauna;
- f) habitat types;
- g) invasive species;
- h) land use and tenure;
- i) heritage values and native title considerations; and
- j) detailed mapping of the environment, including key features

5 MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE

Based on the information provided in the referral, the Department considers that listed threatened species and ecological communities (section 18 & 18A) may be significantly impacted by the proposed action.

The PER must include a detailed assessment of the presence, or likelihood of presence, of MNES in the proposed action area and in the adjacent area.

5.1. Listed Threatened Species and ecological communities

This section of the PER must provide a description of Listed threatened species and communities (EPBC Act sections 18 & 18A) that are likely to be present within and surrounding the proposed action area.

At the time of the controlled action decision, the listed threatened species and communities known or likely to be impacted by the proposed action are included in Table 1:

Table 1: Listed Threatened Species and ecological communities:
Masked Owl (<i>Tyto novahollandiae castanops</i>) (Tasmanian population) - Vulnerable
Tasmanian Devil (<i>Sarcophilus harrisii</i>) - Endangered
Tasmanian Wedge-tailed Eagle (<i>Aquila audax fleayi</i>) - Endangered
Spotted-tail Quoll (<i>Dasyurus maculatus maculatus</i>) - Vulnerable
Swift Parrot (<i>Lathamus discolor</i>) – Critically Endangered
Blue-winged Parrot (<i>Neophema chrysostoma</i>) - Vulnerable
Tasmanian Azure Kingfisher (<i>Ceyx azureus diemensis</i>) - Vulnerable
Tasmanian Forests and Woodlands dominated by black gum or Brookers gum (<i>Eucalyptus ovata</i> / <i>E. brookeriana</i>) – Critically Endangered

A full characterisation must be provided for each of the MNES that are likely to be within, adjacent to, upstream and/or downstream of the proposed action (and in surrounding areas that may be impacted by the proposed action), including the following information:

- a) a detailed habitat assessment for each MNES, including:
 - i) the habitat area (in hectares), quality, condition, location, specifications of known and potential suitable habitat including habitat critical to survival and location of known or important populations or individuals (as outlined in conservation advices and recovery plans);
 - ii) the value of the habitat present to the species;
 - iii) an assessment of specific habitat requirements (e.g. breeding, foraging, roosting, watering sites, dispersal, habitat critical to survival, within home ranges etc.) to inform the expected, likely and potential impacts of the proposed action;
- b) habitat assessments must be informed by information obtained from:
 - i) desktop assessments of Commonwealth and State government databases;
 - ii) field surveys and vegetation assessments, or studies that are applicable;
 - iii) the Species Profile and Threats (SPRAT) Database;
 - iv) relevant departmental documents (i.e. approved conservation advice, recovery plans, listing advices, draft referral guidelines etc.);
 - v) published research and other relevant sources (where relevant);
- c) details of the scope, duration and timing (survey season/s), and scientifically robust methodology for studies or surveys used to provide information on species/community/habitat within and surrounding the proposed action area, including:
 - i) an analysis of the strengths, limitations and expected methodologies used

- ii) key information gaps, further studies needed and any proposals to address critical information needs;
- d) how studies or species-specific surveys are consistent with (or a justification of divergence from) relevant departmental guidelines or policy statements, or are in accordance with best practice studies or surveys, and include a description of any uncertainties/limitations, including but not limited to timing, conditions and technology;
- e) usage of the proposed action area by MNES in a regional context including, but not limited to, breeding, foraging, roosting and dispersal behaviours, and ecological corridors;
- f) the predicted temporal and spatial variability of occurrence within and surrounding the proposed action area; and
- g) relevant identified threats to the survival, habitat utilisation, site fidelity and essential life functions, including foraging, breeding, roosting or dispersal behaviours, past and projected trends and existing threats to the condition of habitat.

Appropriate resources and published literature should be reviewed and cited throughout, including all relevant EPBC Act approved conservation advice, recovery plans and threat abatement plans and Commonwealth guidelines. Other relevant State and academic literature, industry standards, guidelines and ecological studies could also be used where available.

It is the Proponent's responsibility to ensure that any MNES at the time of the controlled action decision, which will or are likely to be impacted by the proposed action, are assessed for the Minister's consideration. Under section 158A of the EPBC Act, a decision under section 75, of whether an action is a controlled action and whether a provision of Part 3 is a controlling provision for an action, any listing events (e.g. the listing of a species or ecological community, or the uplisting of a species or ecological community) that occur after the controlled action decision (10 December 2025) do not affect the assessment and approval process.

The PER must identify and describe known historical records of MNES in the broader region (this will also need to include records outside of the proposed action area). All known records must be supported by an appropriate source (i.e., Commonwealth and State databases, published research, publicly available survey reports, etc.), the year of the record and a brief description of the habitat.

Please note that additional MNES may need to be considered based on further surveys and assessments, which are found to be likely to be present within and surrounding the proposed action area.

6. RELEVANT IMPACTS

6.1 General Impact Information

The PER must include a description of all of the relevant impacts of the proposed action. Relevant impacts are impacts that the proposed action will have or is likely to have on a matter protected by a controlling provision (as listed in the preamble of this document). Likely impacts include direct, indirect,

facilitated and cumulative impacts arising from construction, operational and the decommissioning phases of the project, and the following information provided:

- a) a description of the relevant impacts of the proposed action
- b) a detailed assessment of the nature and extent of the likely short term and long-term relevant impacts
- c) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible
- d) analysis of the significance of the relevant impacts
- e) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

Impacts must be evaluated not only within the immediate footprint of the proposed action but also in adjacent areas that are likely to support populations of threatened species and ecological communities (if any are found to be present) or habitats of threatened species. Additionally, the assessment must consider species impacts across local, regional, and species-wide scales.

A discussion on the likelihood, significance, and extent of impacts and whether any relevant impacts are likely to be unknown, unpredictable or irreversible.

The PER must 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).

The PER must also address the potential cumulative impact of the proposal on ecosystem resilience. The cumulative effects of climate change impacts on the environment must also be considered in the assessment of ecosystem resilience. Where relevant to the potential impact, a risk assessment must be conducted and documented.

All impacts must be identified and analysed in line with the *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance*, which provide criteria for determining whether an action is likely to significantly affect a protected matter [Significant Impact Guidelines 1.1](#).

The assessment must be fully justified using the best available scientific evidence, including consideration of relevant Recovery Plans, Conservation Advices, and Threat Abatement Plans for threatened species and ecological communities (if any are found to be present). These documents are accessible via the [Species Profile and Threats database](#).

The PER should also provide a detailed assessment of any likely impact that this proposed action may facilitate on listed threatened species and ecological communities (at the local, regional, state, national and international scale).

6.1 Habitat clearing, degradation and fragmentation

The PER must include an assessment of the impact to critical and supporting habitat as a result of land clearing, degradation and fragmentation that is associated with the construction, ongoing operation and closure of the tailings storage facility and associated activities.

This assessment must consider direct, indirect, and downstream impacts, including short-term and long-term impacts arising from construction activities and ongoing operation (for example,

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vegetation removal, habitat fragmentation, changes to hydrology or water levels, edge effects, and the introduction or spread of invasive species).

Specifically, the PER must provide:

- a) the disturbance footprint, including the spatial extent of disturbance within the proposed action area
- b) the type and function of impacted habitat (for example, foraging, breeding, nesting, denning or dispersal habitat) and an assessment of habitat quality
- c) a quantification of the area (in hectares) of habitat to be impacted and, where relevant, the number of individuals or habitat features affected
- d) an assessment of the total quantum of direct and indirect impacts on critical and supporting habitat for each relevant threatened species and ecological community
- e) identification and quantification of habitat features affected by the proposed action (for example known breeding/roosting trees and potential future breeding trees or permanent and ephemeral water bodies) where relevant to MNES.

6.2 Noise disturbance

The PER must include an assessment of the potential impacts of noise and vibration associated with the construction, commissioning, operation and maintenance of the proposed tailings storage facility, to the extent necessary to assess likely significant impacts on MNES.

This assessment must consider short-term and long-term impacts, including the magnitude, timing, duration and frequency of noise and vibration, and take into account seasonal sensitivities relevant to MNES (for example, breeding or denning periods).

The assessment should address noise and vibration generated by relevant activities, including but not limited to construction traffic, construction, operation, maintenance and closure of infrastructure associated with the tailings storage facility.

The PER should also address MNES that may be sensitive to noise or vibration (including listed threatened species), and consideration of any buffer distances or exclusion measures proposed around sensitive habitat features (for example, breeding, nesting or denning habitat).

6.3 Lighting

The PER must assess the potential impacts of artificial lighting associated with construction, operation and maintenance of the proposed action where lighting may result in disturbance to MNES.

This assessment must include, where relevant:

- a) the nature and extent of lighting proposed (including duration and timing)
- b) the location of lighting in relation to sensitive MNES receptors (for example, nocturnal fauna habitat)
- c) an assessment of the potential effects of lighting on listed threatened species, including disturbance, avoidance or behavioural change
- d) where relevant, consideration should be given to the [National Light Pollution Guidelines for Wildlife \(2023\)](#).

6.4 Invasive Species and Pathogens

The PER must include an assessment of the potential for the proposed action to result in the introduction or spread of invasive species or pathogens where this may affect MNES, including through construction activities, vehicle movements or disturbance of vegetation.

6.5 Traffic

The PER must include an assessment of the potential impacts to MNES resulting from vehicle strike risk associated with construction and operational traffic generated by the proposed action.

6.6 Fire Risk

The PER must assess the potential for the proposed action to increase the risk of fire as a result of construction or operational activities, and the potential consequences of such risk for MNES within or surrounding the proposed action area.

6.7 Hydrology and water quality impacts

The PER must assess the potential impacts of changes to hydrology and water quality arising from the construction, commissioning, operation, closure and maintenance of the proposed tailings storage facility to the extent necessary to assess likely significant impacts on MNES.

This assessment must consider direct, indirect and downstream impacts, including short-term and long-term impacts, including the following (to the extent to which they may be relevant to MNES):

- a) impacts to hydrology, including surface water and groundwater regimes, changes to water levels, flow paths, and connectivity or drawdowns associated with the proposed action
- b) changes to water quality
- c) an assessment of potential downstream impacts on MNES beyond the immediate disturbance footprint.

6.8 Poisoning Risk

The PER must assess the potential impacts of changes to increased poisoning risks arising from the construction, commissioning, operation, closure and maintenance of the proposed tailings storage facility to the extent necessary to assess likely significant impacts on MNES. For example, impacts to MNES from drinking of supernatant water or ingesting rodenticide.

7. ADDITIONAL INFORMATION REQUIRED

7.1 Details of Existing Tailings Storage Facilities

The PER should contain the following information related to the existing 2/5 Tailings Storage Facility:

- a) as built and construction report of existing tailings storage facility
- b) details regarding the known legacy and stability aspects associated with the waste storage structures and the potential risks associated with these concerns not being addressed
- c) measures to mitigate those potential risks
- d) water management procedures describing the safe handling of decant and stormwater runoff.

7.2 Technical Design of the Proposed tailings storage facility and delivery pipeline

To avoid and mitigate potential adverse impacts of environmental contamination risks associated with tailings storage and transport, the design and construction of the tailings storage facility and delivery pipeline must achieve the following objectives:

- a) containing/encapsulating the tailings to prevent their escape to the environment
- b) minimising seepage of contaminated water from the tailings storage facility and delivery pipeline to surface waters or groundwaters
- c) providing a stabilised surface cover to prevent erosion from the tailings storage facility
- d) designing the final landform to minimise post closure maintenance
- e) preventing damage and catastrophe to surrounding environment from structural failure of the tailings storage facility and delivery pipeline.

The PER must include, but not be limited to the following:

- a) depth and dimensions of the dam
- b) description of the lining/containment systems to be installed on the base and side walls/embankments, including results of mechanical and geotechnical investigations
- c) description of the pipeline construction materials, including results of mechanical and geotechnical investigations
- d) details of the leachate/tailings collection system (i.e. sumps, underdrainage, and extraction pipes)
- e) freeboard, overflow and storage requirements and restrictions
- f) design drawings
- g) construction quality assurance/quality control methodologies in accordance with industry best practice and standards.

In the development of the design of the tailings storage facility and delivery pipeline, the parameters below should be considered. The PER should contain evidence of assessments conducted to evaluate these parameters.

- a) local hydrology
- b) site geology and seismic risk
- c) baseline water quality at the tailings storage facility
- d) the potential for adverse chemical reactions with the tailings mass, foundations and storage structures
- e) compatibility of tailings chemical composition against construction materials
- f) adequate freeboard to retain design floods, normally with spillways to pass higher floods without damaging the containment system.

The PER must incorporate an assessment of physio-chemical properties of tailings to be disposed of/stored in the proposed tailings storage facility and transported in the pipeline. Sufficient geochemical investigation should be undertaken to clearly demonstrate the physio-chemical

properties of the tailings from the reprocessing of existing tailings and any other waste materials from the process such as slags and oversize materials.

The PER must incorporate water management procedures describing the safe handling of decant and stormwater runoff.

The design of the tailings storage facility must consider the requirements for long-term closure, which may include the expectation of producing a long-term stable landform with ongoing maintenance requirements similar to that for natural landforms or similar land uses. After closure, the tailings storage facility should be able to cope with potential conditions to be encountered over the extended period determined as the design life, potentially of 1,000 years or longer.

7.3 Proposed Tailings Treatment

The proposed action includes the construction and operation of a treatment pond and discharge into Lake Pieman. The PER must include a discussion on the processes and operations conducted within the proposed treatment pond. This should include, but not be limited to the following:

- a) details of the physical and/or chemical processes including the water quality of the water discharged into Lake Pieman
- b) description of inflows and outflows of process materials, including mass balance and characterisation of residual wastes produced from the treatment operations
- c) schematic diagram showing the flow of all incoming and outgoing streams that link between the tailings treatment pond and all operations of the mining site including the existing tailings storage facilities
- d) disposal and management strategies for residual wastes that are non-recoverable and non-recyclable.

7.4 Environmental risk assessment

The PER must include assessments of the site's hydrology, geology, hydrogeology and contamination (soil, groundwater and surface water) profiles within and surrounding the proposed action area and adjacent areas. The risk assessment should include discussion of any risks arising from the proposed actions and identification of the mitigation measures to be implemented to manage these risks into the future.

8. PROPOSED AVOIDANCE, MITIGATION AND MANAGEMENT MEASURES

Avoidance, mitigation and management measures are the primary methods of eliminating and reducing significant impacts on MNES. Where possible and practicable, it is best to avoid impacts. If impacts cannot be avoided, then they should be minimised or mitigated as much as possible. Avoidance, mitigation and management measures must be investigated thoroughly as a part of the assessment and be supported by evidence to demonstrate likely success.

Management commitments by the person proposing to take the action must be clearly distinguished from recommendations or statements of best practice made by the documents author or other technical expert.

The [Species Profile and Threats database](#), and associated statutory documents, may provide relevant avoidance, mitigation and management for listed threatened species and ecological communities (if any are found to be present).

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Please refer to the following link for guidance [Action Management Plans](#).

Please refer to the [Environmental Management Plan Guidelines \(2024\)](#) for guidance on what should be included in Action Management Plans.

8.1 Avoidance, mitigation and management measures

The PER must provide information on and must include the following elements:

- a) details of specific and measurable environmental outcomes to be achieved for relevant MNES. All commitments must be drafted using committal language (e.g. 'will' and 'must') when describing the proposed measures
- b) details of the proposed measures to be undertaken to avoid, mitigate and manage the relevant impacts of the proposed action, including those required through other Commonwealth, State and local government approvals
- c) an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing
- d) information on the timing, frequency and duration of the proposed avoidance, mitigation and management and monitoring measures, and corrective actions to be implemented
- e) an assessment of the expected or predicted effectiveness of the proposed measures
- f) any statutory or policy basis for the proposed measures, including reference to the [Species Profile and Threats database](#) and relevant approved conservation advice, recovery plan or threat abatement plan, and a discussion on how the proposed measures are not inconsistent with relevant plans
- g) information on ongoing management, including monitoring programs designed to support an adaptive management approach, which verify the effectiveness of the proposed measures and clearly demonstrate that the desired outcomes will be met
- h) details of tangible, on-ground corrective actions that will be implemented in the event the monitoring programs indicate that the environmental outcomes have not or will not be achieved
- i) the cost of the measures
- j) details of any measures proposed to be undertaken by State and local governments, including the name of the agency responsible for approving each measure.
- k) a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including mitigation measures proposed to be taken by State governments, local governments or the Proponent.

All proposed measures for MNES must be drafted to meet the 'S.M.A.R.T' principle:

S – Specific (what and how)

M – Measurable (baseline information, number/value, auditable)

A – Achievable (timeframe, money, personnel)

R – Relevant (conservation advices, recovery plans, threat abatement plans)

T – Time-bound (specific timeframe to complete)

8.2 Residual significant impact assessment

After consideration of proposed avoidance, mitigation and management measures, provide an assessment of the likelihood of residual significant impacts on MNES.

The PER must provide a clear and definitive conclusion of residual significant impacts on MNES. Any residual significant impact must be offset. Further guidance on environmental offsets is provided in section 9 of these guidelines.

9. ENVIRONMENTAL OFFSETS

Environmental offsets are broadly understood to mean actions taken that compensate for the residual significant impacts of the proposed action. Offsets are not intended to replace avoidance and mitigation measures which are expected to be the primary strategies for managing the potential impacts of development proposals. The PER must provide details of:

- a) residual significant impacts on MNES that are likely to occur after the proposed activities to avoid and mitigate all impacts are taken into account
- b) where residual significant impacts are likely to occur, the reasons for why the avoidance or mitigation of these significant impacts is not expected to be achieved need to be discussed.

The PER must include an offset strategy (as an appendix) proposed to be implemented to compensate for the residual significant impacts of the proposed action if these are determined likely, as well as an analysis about how the offset(s) meet the requirements in the department's *EPBC Act Environmental Offsets Policy (2012)*.

The offset strategy must include:

- a) for the impact site: details of the location, quantity (in hectares), habitat quality and habitat usage for residual significant impacts of the proposed action to each relevant MNES and/or their habitat which are being offset
- b) for the offset site(s): details of the location, quantity (in hectares) and habitat quality intended to compensate for residual significant impacts of the proposed action to each relevant MNES and/or their habitat within the offset site(s)
- c) the availability and suitability of offsets and evidence that the relevant MNES, and/or their habitat, is present in the proposed offset site(s), noting the same habitat use at the impact site should occur at any proposed offset site(s) (i.e. foraging, breeding, roosting, dispersal etc.)
- d) discussion and justification that any proposed offset site(s) and associated management measures proposed to be implemented will be of a suitable size and scale proportionate to the residual significant impacts likely to incur to MNES from the proposed action, so as to deliver a conservation gain that compensates for the impact to each MNES, noting that a minimum of 90% of the offset requirements for any given impact must be met through direct offsets as per the *EPBC Act Environmental Offsets Policy (2012)*

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- e) specific environmental outcomes to be achieved through the offset, and justification for these in reference to threats and management actions outlined in relevant statutory recovery plans, conservation advices and threat abatement plans
- f) the viability of the offset site(s) and their ability to support MNES in the face of climate change, for a period of at least 20 years
- g) details of the proposed mechanism to legally secure the environmental offset site(s) (under WA legislation or equivalent) to provide protection for the offset site(s) against development incompatible with conservation. The best legal mechanisms for protecting land are intended to be permanent (lasting forever) and are secure (difficult to change or alter)
- h) for other compensatory measures (indirect offsets): details of any indirect offset(s) proposed as part of the offset package including discussion of implementation, timing and justification of the ability of these measures to lead to a conservation gain for the relevant MNES
- i) the entity responsible for each offset action for the entirety of the period required for the respective offset
- j) how any proposed staging of the overall development will be considered in the delivery of offsets, noting that any offset must be in place prior to the associated impact commencing
- k) auditing and review mechanisms
- l) an analysis of how the offset package meets the requirements of the *EPBC Act Environmental Offsets Policy (2012)*.

Offsets must directly contribute to the ongoing viability of the MNES significantly impacted by the proposed action, be based on scientifically robust information 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 proposed action nor the offset(s) had taken place.

The outcomes of the offset strategy need to be specific, measurable, achievable, based on robust baseline data and demonstrate with a high degree of certainty that predicted outcomes will be achieved.

10. OTHER APPROVALS AND CONDITIONS

The PER must include information on any other requirements for approval or conditions that apply, or that the Proponent reasonably believes are likely to apply, to the proposed action. This must include:

- a) details of any local or State Government planning scheme, or plan or policy under any local or State Government planning system that deals with the proposed action, including:
 - i) what environmental assessment of the proposed action has been, or is being, carried out under the scheme, plan or policy
 - ii) how the scheme provides for the prevention, minimisation and management of any relevant impacts.

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- b) a description of any approval that has been obtained from a State or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action
- c) a statement identifying any additional approval that is required
- d) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

11. CONSULTATION

11.1 Any consultation about the action, including:

- a) any consultation that has already taken place
- b) proposed consultation about relevant impacts of the action
- c) if there has been consultation about the proposed action, any documented response to, or result of, the consultation
- d) identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.

11.2 First Nations Consultation

The PER should include information on engagement with First Nations people whose rights, interests, cultural heritage and aspirations may be affected by the proposed action, and include:

- a) identification of the relevant Traditional Owners and other relevant First Nations people and organisations, taking account of any cultural sensitivities expressed by First Nations people
- b) details of engagement with Traditional Owners and other relevant First Nations people and organisations, and a description of how that engagement was conducted in a culturally appropriate manner and in accordance with First Nations people's preferences
- c) information on the rights, interests, views, aspirations and other concerns expressed by the Traditional Owners and other First Nations people and organisations in relation to the project, including Native Title settlements and any other land and water rights and interests, land and water management arrangements, cultural heritage, and social and economic matters
- d) a description of any state government requirements or conditions that apply to the proposed action in relation to First Nations people
- e) information on how First Nations people's rights, interests, views and concerns will be addressed in design, construction and operation of the proposed action, and whether Traditional Owners and other relevant First Nations people are satisfied that they have been adequately consulted and that their project-related feedback and concerns have been addressed
- f) information on any project-related agreements, plans, partnerships and benefit-sharing arrangements entered into with Traditional Owners and other relevant First Nations people
- g) a description of future planned First Nations communication and consultation arrangements to be conducted throughout the life of the project.

Engagement with First Nations people should apply principles set out in *Interim Engaging with First Nations People and Communities on Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999* (DCCEEW 2023) available at this web address:

<https://www.dcceew.gov.au/sites/default/files/documents/interim-engaging-with-first-nations-people-and-communities-assessments-and-approvals-under-epbc-act.pdf>; or any First Nations engagement

standard (if one is in force).

12. ENVIRONMENTAL RECORD OF PERSON(S) PROPOSING TO TAKE THE ACTION

The information provided must include details of any proceedings under a Commonwealth or State 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
- a) 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.

13. ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

The PER should include a description of how the proposed action meets the principles of ESD, as defined in section 3A of the *EPBC Act*. The following principles are principles of ecologically sustainable development:

- a) decision making processes should effectively integrate both long term and short term economic, environmental, social and equitable considerations
- b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation
- c) the principle of inter generational equity—that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations
- d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision making
- e) improved valuation, pricing and incentive mechanisms should be promoted.

14. ECONOMIC AND SOCIAL MATTERS

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

- a) any potential impact to downstream health impacts that may occur from the proposed action (e.g. drinking water contamination)
- b) identification of affected parties, including a statement mentioning any communities that may be affected and describing their views
- c) details of any public consultation activities undertaken, and their outcomes

- d) short and long-term impacts and opportunities on the local and regional communities from implementation of the proposed action
- e) projected economic costs and benefits of the project, including the basis for their estimation through cost/benefit analysis or similar studies
- f) 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 3 above, should also be included.

15. INFORMATION SOURCES PROVIDED IN THE PER

For information given in a draft PER, the draft must 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.

16. CONCLUSION

An overall conclusion as to the environmental acceptability of the proposal should be provided, including discussion on compliance with principles of ESD and the objects and requirements of the EPBC Act. Reasons justifying undertaking the proposal in the manner proposed should also be outlined.

Measures proposed or required by way of offset for any unavoidable impacts on MNES, and the relative degree of compensation, should be restated here.

ATTACHMENT 1: THE OBJECTS AND PRINCIPLES OF THE *ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999*

SECTIONS 3 AND 3A

3 Objects of the Act

- (a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
- (b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;
- (c) to promote the conservation of biodiversity;
- (d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples;
- (e) to assist in the co-operative implementation of Australia's international environmental responsibilities;
- (f) to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- (g) to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge.

3A Principles of Ecologically Sustainable Development

The following principles are principles of ecologically sustainable development.

- (a) Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.
- (b) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- (c) The principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
- (d) The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.
- (e) Improved valuation, pricing and incentive mechanisms should be promoted.

**ATTACHMENT 2: MATTERS TO BE ADDRESSED BY DRAFT PUBLIC ENVIRONMENT REPORT
AND ENVIRONMENTAL IMPACT STATEMENT**

SCHEDULE 4 OF THE EPBC REGULATIONS 2025

1 General information

1.01 The background of the action including:

- a) the title of the action;
- b) the full name and postal address of the designated Proponent;
- c) a clear outline of the objective of the action;
- d) the location of the action;
- e) the background to the development of the action;
- f) 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;
- g) the current status of the action;
- h) the consequences of not proceeding with the action.

2 Description

2.01 A description of the action, including:

- a) all the components of the action;
- b) the precise location of any works to be undertaken, structures to be built or elements of the action that may have relevant impacts;
- c) how the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts;
- d) relevant impacts of the action;
- e) proposed safeguards and mitigation measures to deal with relevant impacts of the action;
- f) any other requirements for approval or conditions that apply, or that the Proponent reasonably believes are likely to apply, to the proposed action;
- g) to the extent reasonably practicable, any feasible alternatives to the action, including:
 - i. if relevant, the alternative of taking no action;
 - ii. a comparative description of the impacts of each alternative on the matters protected by the controlling provisions for the action;
 - iii. sufficient detail to make clear why any alternative is preferred to another;
- h) any consultation about the action, including:
 - i. any consultation that has already taken place;
 - ii. proposed consultation about relevant impacts of the action;
 - iii. if there has been consultation about the proposed action — any documented response to, or result of, the consultation;
- i) identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.

3 Relevant impacts

3.01 Information given under paragraph 2.01(d) must include:

- a) a description of the relevant impacts of the action;

- b) a detailed assessment of the nature and extent of the likely short term and long-term relevant impacts;
- c) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
- d) analysis of the significance of the relevant impacts;
- e) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

4 Proposed safeguards and mitigation measures

4.01 Information given under paragraph 2.01(e) must include:

- a) a description, and an assessment of the expected or predicted effectiveness of, the mitigation measures;
- b) any statutory or policy basis for the mitigation measures;
- c) the cost of the mitigation measures;
- d) an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing;
- e) the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program;
- f) a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including mitigation measures proposed to be taken by State governments, local governments or the Proponent.

5 Other Approvals and Conditions

5.01 Information given under paragraph 2.01(f) must include:

- a) details of any local or State government planning scheme, or plan or policy under any local or State government planning system that deals with the proposed action, including:
 - i. what environmental assessment of the proposed action has been, or is being carried out under the scheme, plan or policy;
 - ii. how the scheme provides for the prevention, minimisation and management of any relevant impacts;
- b) a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action;
- c) a statement identifying any additional approval that is required;
- d) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

6 Environmental records of person proposing to take the action

6.01 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.

6.02 If the person proposing to take the action is a corporation — details of the corporation's environmental policy and planning framework.

7 Information sources

7.01 For information given in a draft public environment report or environmental impact statement, the draft must state:

- a) the source of the information; and
- b) how recent the information is; and
- c) how the reliability of the information was tested; and
- d) what uncertainties (if any) are in the information.