

**AN AGREEMENT BETWEEN THE COMMONWEALTH OF
AUSTRALIA AND THE AUSTRALIAN CAPITAL TERRITORY**

**UNDER SECTION 45 OF THE *ENVIRONMENT PROTECTION
AND BIODIVERSITY CONSERVATION ACT 1999* (CWLTH)**

RELATING TO ENVIRONMENTAL IMPACT ASSESSMENT

Aim

1. The Agreement aims to minimise duplication of environmental impact assessment processes, strengthen intergovernmental co-operation, and promote a partnership approach to environmental protection and biodiversity conservation. In particular, this Agreement provides for the accreditation of the Australian Capital Territory environmental impact assessment processes (set out in the *Planning and Development Act 2007* and regulations, and outlined in Schedule 1), to ensure an integrated and coordinated approach to environmental impact assessment for actions requiring approval from both the Commonwealth (under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cwlth) (EPBC Act) and the Australian Capital Territory.
2. This agreement will enable the Commonwealth to rely primarily on the Australian Capital Territory process set out in Schedule 1 in assessing actions under the EPBC Act.
3. The specific objects of this Agreement are to provide for the following:
 - (a) protecting the environment,
 - (b) promoting the conservation and ecologically sustainable use of natural resources,
 - (c) ensuring an efficient, timely, and effective process for environmental assessment and approval of actions, and
 - (d) minimising duplication in the environmental assessment of relevant impacts within the meaning of section 82 of the EPBC Act through Commonwealth accreditation of the processes of the Australian Capital Territory.

Parties to the agreement

4. The parties to this agreement are the Australian Capital Territory and the Commonwealth of Australia.

Term of Agreement

5. This agreement commences upon signature and will continue to operate until amended, suspended or terminated in accordance with this agreement or relevant legislation.

Nature of the Agreement

6. This agreement is a bilateral agreement made under section 45 of the EPBC Act.
7. The parties do not intend this agreement to create contractual or other legal obligations between the parties, or that a breach of the agreement will give rise to any cause of action, or right to take legal proceedings, other than as provided for in the EPBC Act.

Effect of this agreement

8. The effect of this agreement is that certain actions do not require assessment under Part 8 of the EPBC Act
- 8.1 Pursuant to subsection 47(1) of the EPBC Act, it is declared that an action need not be assessed under Part 8 of the EPBC Act if the action is:
 - a) assessed in the manner described in Schedule 1 to this agreement, and
 - b) proposed to be taken in the Australian Capital Territory.
9. Confirmation that the Australian Capital Territory environmental impact process will apply
- 9.1 The Australian Capital Territory Minister will confirm that an accredited process will apply following receipt of a written notice from the Commonwealth Environment Minister that an action proposed to take place in the Australian Capital Territory is a controlled action, and the action does not require assessment under Part 8 of the EPBC Act if assessed in the manner specified in Schedule 1 to this agreement.
- 9.2 The Australian Capital Territory undertakes that as soon as practicable after receiving the written notice referred to in clause 9.1, the Territory Minister will indicate in a written notice given to the Commonwealth Environment Minister whether the action will be assessed by Australian Capital Territory in the manner specified in Schedule 1 to this agreement.
10. The Australian Capital Territory undertakes to ensure that the environmental impacts that the action has, or will have, or is likely to have, are assessed to the greatest extent practicable
- 10.1 The parties agree that ‘greatest extent practicable’ in clause 10 is satisfied where the assessment has been undertaken in accordance with *the Planning and Development Act 2007* and Schedule 1 to this agreement.
11. The environmental impact assessment approach described in the *Planning and Development Act 2007* and Schedule 1 to this agreement, is taken to correspond to assessment by Environmental Impact Statement under Division 6 of Part 8 of the EPBC Act.
12. This agreement applies to actions proposed to be taken on Territory land as defined in section 525 of the EPBC Act.
- 12.1. The parties may agree in writing, pursuant to section 49 of the EPBC Act, to have this agreement also apply to an action in the Australian Capital Territory:
 - (a) in a Commonwealth area; or
 - (b) by the Commonwealth or a Commonwealth agency.

13. This agreement (other than this clause) applies to actions that are taken wholly within the Australian Capital Territory

- 13.1. In relation to actions taken in more than one jurisdiction (including the Australian Capital Territory), the parties agree to consult and use their best endeavours to reach agreement with other affected jurisdictions on an appropriate assessment process, such as that set out in Schedule 1.

Procedures to be followed

14. The Australian Capital Territory will use its best endeavours to ensure that actions are referred

- 14.1. The parties will work cooperatively to ensure that proponents are aware of their obligations under the EPBC Act, and will use their best endeavours to encourage proponents to refer actions that are proposed to take place in the Australian Capital Territory that may require approval under the EPBC Act to the Commonwealth Environment Minister. The parties agree to develop administrative arrangements to streamline the referral process for proponents.

- 14.2. Where possible the parties will develop administrative arrangements which will allow proponents to simultaneously satisfy both Commonwealth and Australian Capital Territory requirements. In this respect, the parties note that section 69 of the EPBC Act – which provides that a self-governing Territory or agency of a Territory that is aware of a proposed action may refer the action to the Commonwealth Environment Minister – may, in appropriate cases, provide a mechanism for streamlining the referral process.

- 14.3. Subject to sections 69, 70 and 71 of the EPBC Act, the parties recognise that final responsibility for referring actions which may require approval from the Commonwealth Environment Minister under the EPBC Act lies with the person proposing to take the action. In making the undertakings set out in this clause, the parties do not accept any responsibility for the actions of proponents who may or may not choose to refer actions.

15. The Commonwealth will inform the Australian Capital Territory of the decision about whether a proposed action is a controlled action

- 15.1. The Commonwealth undertakes that the Commonwealth Environment Minister will give written notice of his or her decision whether the action is a controlled action to the Australian Capital Territory Minister within ten business days of making the decision.

- 15.2. If the Commonwealth Minister has decided that the action is a controlled action, the notice referred to in clause 15.1 will state that an action proposed to take place in the Australian Capital Territory is a controlled action, and does not require assessment under Part 8 of the EPBC Act if assessed in the manner specified in Schedule 1 to this agreement.

16. Assessment documentation (from Australian Capital Territory)

- 16.1. The Australian Capital Territory undertakes that when an action has been assessed in the manner specified in Schedule 1 to this agreement it will:

- (a) provide a copy of the Assessment Report to the Commonwealth Environment Minister within 10 business days of the Environmental Impact Statement being completed under the *Planning and Development Act 2007*; and
- (b) provide a copy of any other assessment documentation pertaining to the relevant impacts to the Commonwealth Environment Minister as soon as reasonably practicable (and in any event not later than ten business days) after the date on which the Assessment Report is provided to the Commonwealth Environment Minister.

16.2. The Australian Capital Territory may, when it provides the Assessment Report or the other assessment documentation referred to in clause 16.1, also provide additional information on social and economic matters if such information will be relevant to the Commonwealth Environment Minister's decision whether to approve the action under section 136 of the EPBC Act. Such information may include the statement of strategic directions in the Territory Plan.

17. Additional information (from the Commonwealth)

17.1. If, in deciding whether to approve the taking of an action assessed under this agreement, the Commonwealth Environment Minister uses any information described in paragraph 136(2)(e) of the EPBC Act, the Commonwealth Environment Minister undertakes to provide a copy of this information to the Australian Capital Territory Minister.

17.2. The intention of this clause is to give the Australian Capital Territory an opportunity to comment on the accuracy of this information before the Commonwealth Environment Minister decides whether to approve the taking of the action, subject to the requirements of section 130 of the EPBC Act relating to the time period within which the Commonwealth Environment Minister must decide whether to approve the action.

18. Relevant plans and agreements

18.1. The parties note that a number of agreements, policies, plans and regulations may be relevant to assessments under this agreement, and will be taken into account as relevant and necessary.

18.2. The parties agree that where the assessment covers impacts on:

- (a) the World Heritage values of a World Heritage property, Australia's obligations under the World Heritage Convention, the World Heritage Management principles, any management plan for the property, and the requirements (if any) prescribed by regulations, are relevant.
- (b) the National Heritage values of a National Heritage place, any management plan for the place, the National Heritage management principles, and the requirements (if any) prescribed by regulations, are relevant.
- (c) the ecological character of a Ramsar wetland property, Australia's obligations under the Ramsar Convention, the Australian Ramsar

Management principles, any management plan for the wetland, and the requirements (if any) prescribed by regulations, are relevant.

- (d) a listed threatened species or ecological community, Australia's obligations under the Biodiversity and Apia Conventions and Convention on International Trade on Endangered Species of Wild Fauna and Flora (CITES), any recovery plan, threat abatement plan or ACT action plan for the species or community, any approved conservation advice, and the requirements (if any) prescribed by regulations, are relevant.
- (e) a listed migratory species, Australia's obligations under the Bonn Convention, China-Australia Migratory Bird Agreement (CAMBA), Japan-Australia Migratory Bird Agreement (JAMBA), or an international agreement approved under subsection 209(4), under the EPBC Act any wildlife conservation plan for the species and the requirements (if any) prescribed by regulations, are relevant.
- (f) public land in the ACT, any management plan for that land is relevant.
- (g) land in a rural lease in the ACT, any land management agreement for the area is relevant.
- (h) a protected tree in the ACT, any tree management plan or advice from the Conservator of Flora and Fauna is relevant.

19. Conditions attached to an approval

19.1. The parties recognise the need to avoid attaching inconsistent conditions to approvals and will avoid, to the extent practicable, attaching different conditions to approvals for an action under the EPBC Act and Australian Capital Territory legislation. To this end the parties:

- (a) agree where practicable to consult on the conditions to be attached to approvals granted by either party; and
- (b) note the provisions of section 134 of the EPBC Act, which include a requirement for the Commonwealth Environment Minister to consider any relevant Australian Capital Territory conditions when deciding whether to attach a condition to an approval; and
- (c) agree to inform one another before varying the conditions attached to an approval for an action which has been approved by both parties, where the condition relates to, or affects, a matter protected by Part 3 of the EPBC Act. The parties also agree to advise one another of any such variation after it has been made.

20. Monitoring compliance with conditions

20.1. The parties agree to cooperate in monitoring compliance with conditions attached to approvals (see clause 19), with the aim of reducing duplication. To this end the parties agree:

- (a) each party will inform the other of any conditions attached to the approval(s) to take the action; and
 - (b) that best endeavours will be used to put cooperative arrangements in place for monitoring compliance with conditions on any action which is approved by both parties. The aim of these arrangements is to ensure that reporting requirements for the proponent, and other monitoring efforts such as site inspections, are not duplicated.
- 20.2. The parties agree to inform one another before commencing action to prosecute a person for breaching conditions of an approval for an action which has been approved by both parties, where the conditions relate to, or affect, a matter protected by Part 3 of the EPBC Act.

21. Administrative procedures

- 21.1. The parties agree to develop administrative procedures jointly to ensure that the requirements of this agreement are administered efficiently in accordance with their separate legal requirements. The administrative procedures may include guidelines on the exchange of information and consultation on draft assessment documentation between the Commonwealth and the Australian Capital Territory.

Maintaining the agreement

22. Monitoring compliance with the agreement

- 22.1. The parties recognise that, under the *Commonwealth Auditor-General Act 1997*, the Commonwealth Auditor-General may audit the operation of the Commonwealth public sector (as defined in section 18 of that Act) in relation to this agreement, including whether the Commonwealth is meeting its obligations under the EPBC Act by relying on Australian Capital Territory processes accredited under this agreement.

23. Reviewing the agreement

- 23.1. The parties note that section 65 of the EPBC Act requires the Commonwealth Environment Minister to cause a review of the operation of this agreement to be carried out at least once every five years while the agreement remains in effect. The Commonwealth Environment Minister must publish the report of each review in accordance with the Environment Protection and Biodiversity Conservation regulations, and give a copy of the report of each review to the Australian Capital Territory Minister.

24. The parties agree that:

- (a) each review of this agreement under section 65 will be carried out jointly by the relevant administrative units of the Commonwealth and the Australian Capital Territory; and
- (b) each review will evaluate the operation of the agreement against the objects of the agreement; and

(c) the views of key stakeholders will be sought as part of each review.

25. Minor amendments to the agreement

25.1. The parties note that section 56A of the EPBC Act provides that the Commonwealth Environment Minister may make a written determination that he or she intends to develop a draft amendment to a bilateral agreement if satisfied that the amendment will not have a significant effect on the operation of the bilateral agreement. Section 56A of the EPBC Act also sets out publication requirements where the Commonwealth Environment Minister makes a determination.

25.2. Prior to making such a determination the Commonwealth Environment Minister must reach agreement with the Australian Capital Territory Minister on the wording of the amendment.

26. Cancelling or suspending the agreement

26.1. The parties note that sections 57–64 of the EPBC Act provide that the Commonwealth Environment Minister may cancel or suspend all or part of this agreement (either generally or in relation to actions in a specified class) in certain circumstances. Sections 57–64 of the EPBC Act also set out a process for consulting on the cancellation or suspension of all or part of this agreement.

26.2. In accordance with section 63 of the EPBC Act the Commonwealth Environment Minister may cancel or suspend all or part of this agreement at the request of the Australian Capital Territory Minister.

26.3. The parties agree that the Australian Capital Territory may request the cancellation or suspension of all or part of this agreement if:

- (a) the request is made on the grounds that the Australian Capital Territory Minister is not satisfied that the Commonwealth has complied or will comply with the agreement; or
- (b) the request is made on the grounds that the Australian Capital Territory Minister is not satisfied that the object of the agreement is being achieved; and
- (c) before making the request, the Australian Capital Territory Minister has informed the Commonwealth Environment Minister in writing of the reason(s) for requesting the suspension and allowed a period of at least twenty business days for the Commonwealth Environment Minister to respond.

Transfer of information

27. Each party agrees to promptly comply with any reasonable request from the other party to supply information relating to the management or administration of assessments covered by this agreement.

28. The parties agree that they may each use data within the control of the relevant departments of government of the other party for the purposes of meeting their

respective responsibilities relating to the agreement or the assessment of environmental impacts under their respective Acts, and to make data available to the other. The parties agree that data will remain the property of the owner and its use will be subject to such licence conditions as may be agreed. The parties agree that, subject to clauses 33 and 34, data will not be used or communicated to any other person without the permission of the owner.

Conflict resolution

29. In the event that any dispute arises under this agreement, the parties will settle it by direct negotiation using their best endeavours, acting in a spirit of cooperation. The parties agree that in the event of a dispute, discussions aimed at resolution will normally take place at senior officials level in the first instance. This clause does not purport to limit the rights and obligations of each party under relevant sections of the EPBC Act (including those sections dealing with cancellation and suspension of bilateral agreements).
30. The parties will notify and consult each other on matters that come to their attention that may improve the operation of this Agreement.

Freedom of information legislation

31. If a party receives any request in relation to an assessment conducted under this agreement, including under Freedom of Information legislation, for any documents originating from the other party or from a third party, which are not otherwise publicly available, the parties to this agreement will consult on the release of those documents.
32. The parties recognise the need for expeditious consultation on such requests so that statutory obligations can be met without delay.

Public access to assessment documentation

33. The parties agree that documentation relating to the assessment of each action which is assessed in the manner specified in Schedule 1 shall be made available to the public, except where otherwise excluded on grounds under the *Planning and Development Act 2007* where those grounds are consistent with the grounds for non-disclosure of information under the EPBC Act that would have been applied had the assessment occurred under Part 8 of the EPBC Act.

Groups with particular communication needs

34. The Australian Capital Territory will, in giving effect to the requirements in Schedule 1, make special arrangements, if appropriate, to ensure that affected groups with particular communication needs have adequate opportunity to comment on actions assessed in the manner described in Schedule 1. The parties note that indigenous people affected by a proposed action may have particular communication needs, and will ensure, where appropriate, that affected indigenous people have adequate opportunity to comment on actions assessed in the manner described in Schedule 1.

Funding

35. The parties agree that, 12 months after the commencement of this agreement, and every 12 months thereafter until the expiry of the agreement, they will review the additional implementation costs that the Australian Capital Territory may have incurred during the relevant 12-month period of the agreement. The Commonwealth agrees to reimburse the Australian Capital Territory the additional implementation costs, (including the cost of advertising in a newspaper circulating in every State and Territory in accordance with Schedule 1).
36. In clause 35, the additional implementation costs are the costs that the Commonwealth and the Australian Capital Territory agree:
 - (a) have been incurred by the Australian Capital Territory in implementing this agreement; and
 - (b) would not, in the absence of this agreement, have been incurred by the Australian Capital Territory in carrying out an adequate assessment of each action to which the Schedule applies.

Interpretation

37. A reference in this agreement to the EPBC Act, or the *Planning and Development Act 2007*, is a reference to the relevant Acts as in force at the date of this agreement. If any of the Acts are subsequently amended in a manner that affects the operation of this agreement, the parties will seek to agree as soon as practicable on whether it is necessary to make another bilateral agreement varying or replacing this agreement.
38. Unless the contrary intention appears, the terms used in this agreement have the same meaning as in the EPBC Act.
39. A reference in this agreement to an Act includes a reference to any regulations and instruments made under that Act.
40. A reference in this agreement to the impacts of an action (or the relevant impacts of an action) includes a reference to any impacts (or relevant impacts, as the case may be) of that action outside of the Australian Capital Territory.
41. **Australian Capital Territory Minister** means the Minister administering the *Planning and Development Act 2007* and includes a delegate of the Minister, or as the case requires, the relevant Minister as defined in the *Planning and Development Act 2007* and includes a delegate of the Minister.
42. **Assessment documentation** means any draft guideline, scoping document, formal report, study, agreement, submission, instrument of appointment, or correspondence prepared by or received by the Australian Capital Territory, which forms part of the assessment processes set out in Schedule 1. This includes draft reports or studies that would normally be publicly available under those assessment processes.

43. **Assessment Report** means the report prepared by the Australian Capital Territory in accordance with item 6 in Schedule 1 to this Agreement.
44. **Commonwealth Environment Minister** means the Minister administering the EPBC Act and includes a delegate of the Minister.
45. **EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).
46. **Planning and Land Authority** has the same meaning as ‘Planning and Land Authority’ under the *Planning and Development Act 2007*.
47. **Relevant Australian Capital Territory Minister** has the same meaning as ‘relevant Minister’ under the *Planning and Development Act 2007*.

Signed for and on behalf of the
Australian Capital Territory by:

Signed for and on behalf of the
Commonwealth by:

The Hon Jon Stanhope MLA
Chief Minister for the ACT

The Hon Peter Garrett MP
Minister for the Environment,
Heritage and the Arts

Date:

Date:

SCHEDULE 1

Preamble

Subsection 47(1) of the EPBC Act provides that a bilateral agreement may declare that actions need not be assessed under Part 8 of that Act if the actions have been '*assessed in a specified manner*'.

Clause 8 of this agreement declares that an action does not require assessment under Part 8 of the EPBC Act if it is assessed in the manner specified in this Schedule.

The specified manner of assessment

For the purposes of clause 8 of this agreement, an action is assessed in the manner specified in this Schedule if it is assessed in accordance with the requirements set out below.

For the purposes of regulations made under section 50 of the EPBC Act, the manner of assessment specified in this Schedule provides for the following assessment approach:

preparation of an Environmental Impact Statement with or without an associated inquiry panel report under the *Planning and Development Act 2007*

This assessment approach corresponds to assessment by Environmental Impact Statement under the EPBC Act.

Restrictions on public access to assessment information

Information relating to actions assessed under this agreement must not be withheld from public access on any grounds that would not be available had the action been assessed under Part 8 of the EPBC Act.

1 Law under which assessments to be carried out

Assessments will be carried out under and in accordance with the *Planning and Development Act 2007*(ACT) and the *Planning and Development Regulations 2008* (ACT).

2 Scoping the assessment

Regulations prescribe the requirements for scoping and undertaking an Environmental Impact Statement under the *Planning and Development Act 2007*. The guidelines for conducting an environmental impact assessment are contained in the written scoping document issued under that Act. The regulations and scoping document shall provide for an assessment that:

- (a) assesses all relevant impacts that the action has, will have or is likely to have; and
- (b) contains enough information about the action and its relevant impacts to allow the Commonwealth Environment Minister to make an informed

decision whether or not to approve the action under Part 9 of the EPBC Act; and

- (c) addresses the relevant matters prescribed in paragraphs 3.03, 3.04 and Schedule 1 of the Environment Protection and Biodiversity Conservation Regulations 2000 (Cwlth).

The Planning and Land Authority must consult with prescribed entities when preparing a scoping document for a development proposal. The Planning and Land Authority may consult with part or all the Australian Capital Territory community or other entities when preparing a scoping document for a development proposal. The consultation period must be at least 15 business days.

Environmental Impact Statements are required to address the matters mentioned in the Environment Protection and Biodiversity Conservation Regulations 2000, Schedule 4 where the Commonwealth has indicated that the proposal is to be assessed by the Australian Capital Territory process.

3 Setting the public comment period

A draft Environmental Impact Statement is prepared in accordance with the scoping document, and the public is given at least 28 days to provide comments to the Australian Capital Territory on the action or on the draft Environmental Impact Statement. During this period (the public consultation period):

- (a) copies of the Environmental Impact Statement are available for public inspection; and
- (b) copies of the Environmental Impact Statement are available for purchase.

Before the public consultation period begins, notice is given by public advertisement in a daily newspaper of the availability of copies of the Environmental Impact Statement and the opportunity for the public to provide comments.

The Planning and Land Authority is required to make available on its website representations about a draft Environmental Impact Statement, until the Environmental Impact Statement is complete or the representation has been withdrawn. The Authority must also provide a copy of the representation to the proponent of the development proposal.

4 Responding to public comments

The proponent prepares, and submits to the Australian Capital Territory Minister a revised Environmental Impact Statement, which:

- (a) summarises issues relating to the relevant impacts of the proposed action raised in submissions received during the public consultation period referred to in clause 3 of this Schedule; and

- (b) demonstrates how the matter has been taken into account in the revised Environmental Impact Statement.

5 Consideration of submitted Environmental Impact Statement

If the Planning and Land Authority has been given an Environmental Impact Statement which in the Authority's view does not sufficiently address each matter raised in the scoping document, the Authority may notify the proponent, in writing, the reasons why that the Environmental Impact Statement has not been accepted, and specify the time (not less than 20 business days) within which the proponent may respond to the notice by providing a revised Environmental Impact Statement or otherwise.

If the Planning and Land Authority has accepted the Environmental Impact Statement, or the Authority has given the proponent written notice and the time for responding has ended, the Authority must give the Environmental Impact Statement to the Australian Capital Territory Minister.

Within 15 days of receiving the revised Environmental Impact Statement, the Australian Capital Territory Minister must decide whether to establish a panel to conduct an inquiry about the Environmental Impact Statement and advise the Planning and Land Authority if the panel is to be established. The Minister must prepare terms of reference for the inquiry, give the proponent notice of the inquiry, and prepare a notifiable instrument. The Australian Capital Territory Minister must appoint eligible persons to the panel to conduct the inquiry. The inquiry panel must report to the Australian Capital Territory Minister within 60 business days, unless the reporting period is extended.

An Environmental Impact Statement is completed if the Australian Capital Territory Minister gives the Planning and Land Authority notice of no action in relation to the Environmental Impact Statement, the inquiry panel has reported to the Minister the results of their inquiry, or the time for reporting has ended.

6 Assessment reports

After an Environmental Impact Statement has been completed, the Australian Capital Territory shall prepare an Assessment Report in relation to the Environmental Impact Statement and provide a copy of the Report to the Commonwealth Environment Minister.

The Assessment Report shall take into account:

- (a) the Environmental Impact Statement; and
- (b) any comments provided by the public during the public review period; and
- (c) information provided by the proponent under clause 4 of this schedule; and
- (d) any other relevant information available to the decision-maker.

The Assessment Report shall contain enough information about the relevant impacts of the action to enable the Commonwealth Environment Minister to make an informed decision whether or not to approve the taking of the action under the EPBC Act.

The Assessment Report may be provided to the Commonwealth Minister with the report of an inquiry by an inquiry panel. The Assessment Report (with or without the inquiry panel report) must include:

- (a) a description of:
 - (i) the action; and
 - (ii) the places affected by the action; and
 - (iii) any matters of national environmental significance that are likely to be affected by the action; and
- (b) a summary of the relevant impacts of the action; and
- (c) a description of feasible mitigation measures, changes to the action or procedures to prevent or minimise environmental impacts on relevant matters of national environmental significance proposed by the proponent or suggested in public submissions; and
- (d) to the extent practicable, a description of any feasible alternatives to the action that have been identified through the assessment process, and their likely impact on matters of national environmental significance; and
- (e) a statement of conditions for approval of the action that may be imposed to address identified impacts on matters of national environmental significance; and
- (f) a statement of Australian Capital Territory approval requirements and conditions that apply, or are proposed to apply, to the action when the report is prepared, including a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

7 Advertising and consultation

When the public is invited to comment on the draft Environmental Impact Statement or Scoping Document, the invitation shall be published in newspapers circulating generally in each State and Territory.

The advertisements will include: the name of the action, a brief description of the action, its location(s), what matters are protected by Part 3 of the EPBC Act, the name of the person proposing to take the action, the name of the designated proponent (if not the person intending to take the action), and how the relevant documents may be obtained, and the deadline for public comments.
