

Statement of Reasons

Agreement between the Australian Government and the State of New South Wales under section 45 of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) relating to actions approved and taken in accordance with the bilaterally accredited Management Plan for the Sydney Opera House

I, IAN GORDON CAMPBELL, Minister for the Environment and Heritage, provide the following reasons for my decision to enter into a bilateral agreement with the State of New South Wales relating to actions approved and taken in accordance with the bilaterally accredited Management Plan for the Sydney Opera House.

Legislative power

Section 45 of the EPBC Act authorises me, on behalf of the Australian Government, to enter into a bilateral agreement with a State, that is expressed to be a bilateral agreement and that provides for one or more of the following as set out in subsection 45(2):

- protecting the environment;
- promoting the conservation and ecologically sustainable use of natural resources;
- ensuring an efficient, timely and effective process for environmental assessment and approval of actions; and
- minimising duplication in the environmental assessment and approval process through Commonwealth accreditation of processes of the State or Territory (or vice versa).

Under subsection 46(1) of the EPBC Act a bilateral agreement may declare that actions in a class of actions specified in the agreement wholly or partly by reference to the fact that their taking has been approved by the State that is party to the agreement, or an agency of the State, in accordance with a management plan that is a bilaterally accredited management plan for the purposes of the agreement do not require approval under Part 9 of the EPBC Act for the purposes of a specified provision of Part 3 of the EPBC Act.

Consultation

In accordance with section 49A of the EPBC Act a notice advising of the availability of the draft bilateral agreement between the Australian Government and the State of New South Wales under section 45 of the EPBC Act relating to actions approved and taken in accordance with the bilaterally accredited Management Plan for the Sydney Opera House, together with an invitation for any person to comment on the draft bilateral agreement, was published on the DEH website from 7 October 2005; in the Weekend Edition of the Sydney Morning Herald on 8-9 October 2005; and in the Government Notices Gazette on 12 October 2005. No comments were received.

Reasons

The bilateral agreement between the Australian Government and the State of New South Wales relating to the Sydney Opera House includes a declaration under subsection 46(1) of the EPBC Act that actions the taking of which has been approved by the State of New South Wales, or an agency of the State of New South Wales, in accordance with the bilaterally accredited Management Plan for the Sydney Opera House do not require approval under Part 9 of the EPBC Act for the purposes of

sections 12 and 15A (World Heritage provisions) and sections 15B and 15C (National Heritage provisions) of the EPBC Act.

I have concluded that the bilateral agreement between the Australian Government and the State of New South Wales relating to actions approved and taken in accordance with the bilaterally accredited Management Plan for the Sydney Opera House will ensure that the National and potential World Heritage values of the Sydney Opera House are fully protected and conserved.

In particular I am satisfied that that there will be adequate assessment of the impacts that actions approved in accordance with the Management Plan have, will have or are likely to have on the National and potential World Heritage values of the Sydney Opera House, and that actions approved in accordance with the Management Plan will not have unacceptable or unsustainable impacts on those values.

I have further concluded that the bilateral agreement between the Australian Government and the State of New South Wales relating to actions approved and taken in accordance with the bilaterally accredited Management Plan for the Sydney Opera House will minimise duplication in the environmental assessment and approval processes of the Australian Government and the State of New South Wales relating to the protection of the National and potential World Heritage values of the Sydney Opera House.

As a result I am satisfied that the agreement is not inconsistent with Australia's obligations under the World Heritage Convention; that it will promote the management of the Sydney Opera House in accordance with the Australian World Heritage management principles and the National Heritage management principles; and that it accords with the objects of the EPBC Act.

Material on which my decision was based

The material on which I based my decision to enter into the bilateral agreement between the Australian Government and the State of New South Wales under section 45 of the EPBC Act relating to actions approved and taken in accordance with the bilaterally accredited Management Plan for the Sydney Opera House was:

- the content of the bilateral agreement between the Australian Government and the State of New South Wales under section 45 of the EPBC Act relating to actions approved and taken in accordance with the bilaterally accredited Management Plan for the Sydney Opera House;
- the content of the bilaterally accredited Management Plan for the Sydney Opera House;
- the provisions of the EPBC Act and the EPBC Regulations 2000;
- advice from my Department; and
- comments and information provided by the New South Wales Government in the course of the preparation of the bilaterally accredited Management Plan for the Sydney Opera House and the negotiation of the bilateral agreement.

Signed

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IAN CAMPBELL

12/12/2005