

Guidance for suitably qualified experts on the assessment of impacts on Heritage MNES

Purpose and scope

This Guidance Note is intended for use by suitably qualified experts preparing heritage assessment documentation for State Significant projects which may have significant impacts on World Heritage properties and/or National Heritage places, and which will be assessed under the Bilateral Agreement made under *section 45 of the Environment Protection and Biodiversity Conservation Act 1999 (bilateral agreement)* between the Commonwealth of Australia and the State of New South Wales (NSW).

World Heritage properties and National Heritage places are protected as Matters of National Environmental Significance (MNES) under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*. Under the Bilateral Agreement, the Australian Minister for the Environment and Water can use the NSW assessment process to inform an assessment of the impacts of any eligible action on MNES, including World and National Heritage.

The Department of Planning, Housing and Infrastructure (DPHI) has developed this Guidance Note and the attached checklists (Attachment 1 and 2) for use by suitably qualified experts preparing assessment documentation for impacts on World Heritage properties and National Heritage places. The checklist format aims to ensure that the assessment documentation contains all information required under the EPBC Act by encouraging systematic review of each list item.

When making a decision under the EPBC Act, the Minister must take into account specific mandatory requirements. This document directs assessors to those mandatory requirements, so they can be properly incorporated during the project's assessment; thus ensuring the project's final decision is not delayed and is legally robust.

Guidance material

There are several guidelines and resources that can assist with completing the assessment and Attachment 1A and 1B checklists. The list below is not an exhaustive list and is subject to change:

General

[Matters of National Environmental Significance: Significant Impact Guidelines 1.1](#) (Significant Impact Guidelines)

[EPBC Act Self-Assessment Guidelines: World Heritage properties and National and Commonwealth Heritage places](#)

[Heritage publications](#) (DCCEEW website).

[Guide to providing maps and boundary data for EPBC Act projects](#)

[Environment Protection and Biodiversity Conservation Act 1999](#)

[Environment Protection and Biodiversity Conservation Regulations 2000](#)

[Amending Agreement No 1: Bilateral agreement made under section 45 of the Environment Protection and Biodiversity Conservation Act 1999 \(Cth\)](#) (bilateral agreement)

World Heritage

[Guidance and Toolkit for Impact Assessments in a World Heritage Context](#)

[The Operational Guidelines for the Implementation of the World Heritage Convention](#)

[UNESCO World Heritage Centre - World Heritage List](#)

[Australia's World Heritage List \(DCCEEW website\)](#)

[UNESCO World Heritage Centre - Convention Concerning the Protection of the World Cultural and Natural Heritage](#)

National Heritage

[Australian Heritage Database National Heritage List](#)

[Australia's National Heritage List \(DCCEEW website\)](#)

Indigenous consultation

[Interim Engaging with First Nations People and Communities on Assessments and Approvals Under the Environment Protection and Biodiversity Conservation Act 1999 \('Interim Guidelines', DCCEEW 2023\)](#)

Summary table (Attachment 1)

Suitably qualified experts are required to complete the checklist when providing information to DPHI on impacts to World and National Heritage. The checklist outlines the minimum information requirements for adequate assessments of impacts to World and National Heritage values against the relevant parts of the EPBC Act, *Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations)*.

The completed checklist should be included in the documents submitted to DPHI. It will help DPHI if the relevant requirements are cross referenced with the sections, and page numbers of the heritage assessment documents.

Completion checklist (Attachment 2)

Suitably qualified experts are required to complete Attachment 2 to confirm that information required for the heritage assessment is complete, for all relevant heritage EPBC matters.

The checklist establishes the minimum information requirements for the heritage assessment. The completed checklist does not need to be included in the EIS/heritage assessment documents but should be available for review if sought by Planning.

Attachment 1A: Summary table of information required for assessment of impacts on heritage MNES

World Heritage properties

This checklist outlines the information required for an adequate assessment of impacts to World Heritage values. Please include references to the assessment documents where the heritage assessment requirements have been addressed (e.g., EIS, Heritage Assessment Appendix, Sections 2.1-2.6, pp 100 – 150).

Identify the impacted place	Identify the impacted place's listed values	Characterise the proposed action with respect to World Heritage values	Identify and assess all direct and indirect impacts specific to the action and in relation to the place's listed values	Identify any proposed avoidance and/or mitigation measures	Page references in EIS, Heritage Assessment
Complete a separate line for each World Heritage Property					

Attachment 1B: Summary table of information required for assessment of impacts on heritage MNES

National Heritage places

This checklist outlines the information required for an adequate assessment of impacts to World Heritage values. Please include references to the assessment documents where the heritage assessment requirements have been addressed (e.g., EIS, Heritage Assessment Appendix, Sections 2.1-2.6, pp 100 – 150).

Identify the impacted place	Identify the impacted place’s listed values	Characterise the proposed action with respect to National Heritage values	Identify and assess all direct and indirect impacts specific to the action and in relation to the place’s listed values	Identify any proposed avoidance and/or mitigation measures	Page references in EIS, Heritage Assessment
Complete a separate line for each National Heritage Place					

Attachment 2: Completion checklist on information required for assessment of predicted impacts on heritage MNES

The checklist establishes the minimum information requirements for assessment of impacts on heritage MNES. The completed checklist does not need to be included in the EIS/heritage assessment documents but should be available for review if sought by Planning.

Initial when complete	Information required to be included in EIS/Heritage Assessment	Comments
PART A World Heritage Properties and Places		
	The EIS/ Heritage Assessment clearly identifies the impacted property/place.	
	The EIS/Heritage Assessment clearly identifies the gazetted values.	
	The EIS/Heritage Assessment characterises the proposed action accurately with respect to World Heritage values.	
	The EIS/Heritage Assessment clearly identifies and assesses all direct and indirect impacts specific to the action, specifically the property or places listed values, including the nature, consequence, and duration/permanence of the impacts.	
	The EIS/Heritage Assessment clearly identifies whether the action is consistent with Australia's obligations under the World Heritage Convention.	
	The EIS/Heritage Assessment clearly identifies whether the action is consistent with the Australian World Heritage management principles, and/or the National Heritage management principles.	
	The EIS/Heritage Assessment identifies any relevant management plans.	

	The EIS/Heritage Assessment identifies whether there is an agreement to which the Commonwealth is party in relation to the National Heritage place relevant to the proposed action.	
	The EIS/Heritage Assessment identifies any proposed avoidance and/or mitigation measures and demonstrate the suitability of the measures.	
	The EIS/Heritage Assessment demonstrates that adequate and appropriate consultation with indigenous stakeholders has been undertaken.	