

## What next on regional planning and related national environmental law reforms

Recognising Australia's environment is deteriorating and under increasing threat, the Australian Government intends to replace the ineffective and outdated *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) with a new 'Nature Positive (Environment) Bill' (NPE Bill).

We need the improvement urgently, because the problems are serious.

One aspect of the proposed reform offers hope cumulative impacts will finally start to be properly considered. The Commonwealth intends to make 'regional plans' with state and territory governments to "pre-identify areas for protection, restoration and sustainable development."

In step 1, "the environmental and other values" of an area will be mapped. In step 2, two regulatory zones will be identified within a proposed 'regional plan area', a 'Development Zone' and a 'Conservation Zone'.

Draft plans must identify a person—likely to be a state or territory government minister—who has consented to be responsible for delivery of "regional restoration measures". The draft plan must propose measures that will "more than compensate" for the impacts on protected matters of "priority development actions" in the Development Zone. The draft plan must propose conditions to be imposed on the delivery of the regional restoration measures.

After step 2, the Minister will decide whether to 'make' (approve) the regional plan. The plan will delineate (identify and map, at fine scale) the Development and Conservation zones within the regional plan area. The state or territory representative would assume responsibility for delivery of the regional restoration measures.

The Minister must not approve the regional plan unless satisfied (among other things) that it "would result in, or be likely to result in, a net positive outcome for protected matters in the region".

Once a regional plan is in effect, registered developers will be authorised to proceed with priority development actions in Development Zones *without* the need for individual project-based environmental impact assessment.

There is no detail yet regarding where these regional restoration measures must be taken. All we know is Conservation Zones will be “priority areas for action and investment”. We say there would be little point restoring land in Development Zones; these areas will always be subject to future loss.

Our primary concern however is the reform proposal does not confirm a long list of area types must all be, and only be, in Conservation Zones:

- existing and future public and private protected areas, including existing offset sites
- ‘Conserved Areas’ (an area type Australia intends to recognise) where management is and is expected to continue to achieve biodiversity benefits despite having no legal protection
- future ‘critical protection areas’ for threatened species, threatened ecological communities and migratory species
- ‘project areas’ where future registered nature repair market projects will occur.

The NPE Bill must be clear, if/when any regional plan is made, *all* these area types must always be, and only be, in Conservation Zones.

While we wait for the NPE Bill to be introduced to the Federal Parliament, local conservation groups are encouraged to engage with and (where appropriate) support the proposed reforms. We need to be heard!

Continue or begin work now to help ensure the places we love will in future always be, and only be, in Conservation Zones. Work with state and territory government officials to identify *at fine scale* all places with important biodiversity values, and assist where possible to document the conservation significance of each such place.

The Government’s regional planning and related reform proposals are complex, and frankly, their consultation to date has been a mess. For more detail about any aspect of the above, including links to policies and proposed outcomes etc, please see our blog post [here](#).