



Environment Protection Reform Act 2025

Airports Act 1996 amendments, major airport developments, and transitional arrangements

October 2026

Transition from 1 December 2026

From 1 December 2026, the special environmental assessment process outlined under Subdivision A of Division 4 of Part 11 of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) will be repealed. From this date, actions likely to have significant impact on the environment that form part of a major airport development also require separate consideration and referral under the EPBC Act. Major airport developments will continue to require approval of a major development plan (MDP) under the *Airports Act 1996* (the Act).

Find out how this change will affect major airport developments at leased federal airports.

Background and current arrangements

Subdivision A of Division 4 of Part 11 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) currently requires a Commonwealth agency or employee to obtain and consider advice from the minister responsible for the EPBC Act (the environment minister) before giving authorisation for certain actions, including (among other things):

- adoption or implementation of a plan for aviation airspace management involving aircraft operations that have, will have, or are likely to have a significant impact on the environment; or
- adopting or implementing a major development plan (MDP) for an airport under the *Airports Act 1996* (the Airports Act).

Under the current EPBC Act, the environment minister may decide that advice is not required under subsection 161A(1). However, if the environment minister decides that advice is required, the relevant action must undergo an environment assessment process, similar to that outlined in Part 8 of the EPBC Act.

Following this environment assessment process, the environment minister must then give the agency or employee advice on protecting the environment from the action.

The Airports Act provides that the statutory clock for a MDP or a variation of a MDP submitted to the relevant minister under the Airports Act (the transport minister) does not commence until this advice is received. The transport minister may choose not to apply that advice under the Airports Act, and there is no requirement for actions set out in the MDP to go through a separate EPBC Act approval process.

Such actions are currently exempt from general prohibitions set out in Part 3 of the EPBC Act as they are considered actions whose authorisation is subject to a special environmental assessment process (commonly known as section 160 exemptions).

Environment Protection Reform Act 2025

The *Environment Protection Reform Act 2025* (Reform Act) received Royal Assent on 1 December 2025 after being passed by the Australian Parliament on 28 November 2025. The Reform Act is intended to deliver:

- stronger environmental protection and restoration;
- more efficient and robust project assessment; and
- greater accountability and transparency in decision-making.

The Reform Act includes amendments to the EPBC Act, and consequential amendments to the Airports Act, which are relevant for leased federal airports.

Repeal of special environmental assessment process

The Reform Act repeals and replaces Subdivision A of Division 4 of Part 11 of the EPBC Act and makes consequential amendments to Part 3 of the EPBC Act so that proposed actions are assessed by the standard assessment and approval pathways under the EPBC Act.

The intention is that actions that would previously have been subject to the section 160 process will now be subject to the ordinary prohibitions in Part 3, and the ordinary EPBC referral, assessment and approval processes in Part 7-9 of the EPBC Act.

This means that actions with significant environmental impacts that form part of a major airport development also require separate consideration under the EPBC Act.

The department may refer a proposal to take an action to the environment minister for consideration under the EPBC Act

Section 71 of the EPBC Act also provides that the department may refer a proposal to take an action to the environment minister for consideration of whether or not a proposed action is a controlled action under Part 7 of the EPBC Act (and therefore would require approval under the EPBC Act).

Minister may still seek advice

The new section 160 of the EPBC Act sets out that the transport minister may request the advice of the environment minister in relation to an authorisation relating to the adoption or implementation of a MDP, including a variation or renewal of such an authorisation.

The environment minister must either:

- provide the requested advice; or
- advise that the requested advice is not required.

The Airports Act continues to provide that the statutory clock for a MDP or variation of a MDP submitted to the transport minister under the Airports Act does not commence until this advice is received. The transport minister may consider this advice to inform their decision under the Airports Act.

Separate EPBC Act approvals may be required

Whether or not the transport minister seeks advice from the environment minister on an MDP, actions with significant environmental impacts require separate consideration under the EPBC Act.

Consideration must be given to:

- the [Significant Impact Guidelines 1.1 - Matters of National Environmental Significance | National EPA](#)
- the [Significant impact guidelines 1.2 - Actions on, or impacting upon, Commonwealth land and Actions by Commonwealth Agencies | National EPA](#)

Further information is available at: [Referrals and environmental assessments under the EPBC Act](#).

Consequential amendments to the *Airports Act 1996*

The Reform Act also includes a necessary consequential amendment to the Airports Act, relating to the airport plan for Sydney West Airport.

Section 96D of the Airports Act deals with variations to an airport plan for the Sydney West Airport.

Subsection 96D(7) of the Airports Act provides that the EPBC Act has effect as if a variation of an airport plan for Sydney West Airport were an authorisation of an action described in subsection 160(2) of that Act.

Subsection 96D(7) is intended to ensure that a variation for an airport plan for Sydney West Airport is treated in the same manner as a major development plan (or variation of a major development plan) for the purposes of the current EPBC Act (in that it may be referred for advice under the special assessment process outlined in Subdivision A of Division 4 of Part 11 of the EPBC Act, and is not subject to the regular assessment process under that Act).

The Reform Act repeals subsection 96D(7) of the Airports Act. This is necessary because the current subsection 160(2) in the EPBC Act will be repealed, and as such subsection 96D(7) of the Airports Act will no longer have any effect once the proposed EPBC reforms come into effect.

No changes to MDP stop the clock provisions

Statutory clock provisions relating to a MDP or variation of a MDP included in subsection 94(6A) and subsection 95(3A) of the Airports Act remains as outlined in the current Act. This means that if advice is sought by the transport minister under the new section 160 of the EPBC Act, the statutory clock under the Airports Act will commence the day after this advice is received.

Transitional arrangements

Between now and 1 December 2026, any exposure draft or draft MDP referred to the environment minister will be assessed under the current section 160 process. After commencement, the new rules apply and any action that is likely to have significant impact on the environment or a Matter of National Environmental Significance (MNES) will need separate EPBC Act consideration and referral. This includes MDPs.

Was the MDP proposal referred under section 160 of the EPBC Act <u>before</u> 1 December 2026?	
Yes It will be assessed under the current section 160 process – the transport minister seeks the environment minister’s advice but can choose not to act on it. The MDP and subsequent development are exempt from Part 3 EPBC Act offence provisions.	No If the MDP impacts on MNES or is likely to have a significant impact on the environment, a separate EPBC Act referral is required. There is no automatic exemption from Part 3.