



Port Expansion Project EIS

Appendix A2

Commonwealth Government Guidelines for an EIS



Australian Government

**Department of Sustainability, Environment, Water, Population and Communities
Great Barrier Reef Marine Park Authority**

Environment Protection and Biodiversity Conservation Act 1999

Great Barrier Reef Marine Park Act 1975

**GUIDELINES FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR THE PORT OF TOWNSVILLE
PORT EXPANSION PROJECT, QUEENSLAND**

**PORT OF TOWNSVILLE LTD
(EPBC 2011/5979 / GBRMPA G34429.1)**

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1 PREAMBLE

Port of Townsville Ltd (hereafter referred to as the proponent) proposes to expand the Port of Townsville in Cleveland Bay, Queensland. The proposal is a staged development expected to take approximately 20 years to complete.

The main components of the proposed development include:

- The construction of a new outer harbour formed by the construction of a new breakwater approximately one kilometre seaward of the existing northern breakwater and deepening of the harbour area;
- Potential construction of a new western breakwater;
- The construction of up to six additional vessel berths in the new harbour;
- Deepening of the existing approach channels;
- Widening of the approach channel near the outer harbour entrance;
- Creation of approximately 100 hectares of reclaimed land backing the new berths to provide for bulk cargo storage and rail loop, all formed from material reclaimed from the harbour deepening. This will include external and internal bunds to facilitate land reclamation;
- Placement of unsuitable and excess dredge materials at sea in the existing dredge material placement area in Cleveland Bay;
- Installation of new navigation aids;
- Construction of new road and rail infrastructure within the project footprint and connection to the Eastern Access Corridor currently under construction;
- Installation of new service utilities infrastructure;
- The project involves ten million cubic metres of dredging: five million cubic metres is proposed for offshore disposal and five million cubic metres is proposed for disposal in the reclamation; and
- Other project components described in the referral EPBC 2011/5979.

The proposal was referred for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 26 May 2011. The assessment process commenced following a determination on 1 July 2011 by a delegate of the Minister for Sustainability, Environment, Water, Population and Communities that the proposed development was a controlled action under the provisions of the EPBC Act. The controlling provisions for the proposal under the EPBC Act are:

- a) World Heritage properties (sections 12 & 15A);
- b) National Heritage places (sections 15B & 15C);
- c) Wetlands of international importance (sections 16 & 17B);
- d) Listed threatened species and communities (sections 18 & 18A);
- e) Listed migratory species (sections 20 & 20A);
- f) Commonwealth marine areas (sections 23 & 24A); and
- g) Great Barrier Reef Marine Park (sections 24B & 24C).

On 21 July 2011, a delegate of the Minister for Sustainability, Environment, Water, Population and Communities, determined that an Environmental Impact Statement (EIS) would be required for the proposal. The EIS Guidelines identify the issues that the Australian Government requires the proponent to address in the EIS.

As a component of the proposal involves an activity that requires a permission under the *Great Barrier Reef Marine Park Regulations 1983* (GBRMP Regulations) the referral under the EPBC Act is taken to be an application under the GBRMP Regulations. A single integrated assessment will be undertaken to support decisions under both the EPBC Act and *Great Barrier Reef Marine Park Act 1975* (GBRMP Act).

2 ENVIRONMENTAL ASSESSMENT AND APPROVAL PROCESS

2.1 PURPOSE OF GUIDELINES

This document is intended to set the scope of environmental, social, cultural, heritage and economic studies required in the EIS to allow for an assessment and decision on the appropriateness of the construction and operation of the Port of Townsville Port Expansion Project. These Guidelines have been jointly developed by the Department of Sustainability, Environment, Water, Population and Communities (DSEWPAC) and the Great Barrier Reef Marine Park Authority (GBRMPA) to address assessment requirements specified in Section 97 of the EPBC Act and Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations) (refer to Attachment 1) and GBRMP Regulations 88Q and 88R (refer to Attachment 2).

3 DESCRIPTION OF THE PROJECT

3.1 THE PROPOSED PROJECT AREA

The proposed development is located in Cleveland Bay at the Port of Townsville in Townsville, Queensland. The project footprint is located wholly within the Great Barrier Reef World Heritage Area, the Great Barrier Reef National Heritage place, and partially in the Great Barrier Reef Marine Park. Magnetic Island is a continental island, eight kilometres off shore from the city of Townsville and is in close proximity to the proposal.

3.2 DESCRIPTION OF PROPOSED ACTIVITIES AND TIMEFRAMES

The proponent intends to construct the project components (described in the preamble) over a 20 year period. The proponent proposes to commence construction in 2014 subject to the receipt of all necessary approvals. Construction will be staged, with Stage 1 expected to comprise construction of a breakwater and reclamation bunding, first stage channel deepening, partial harbour dredging and reclamation filling, and construction of two berths. Stage 2 is expected to comprise additional harbour dredging, reclamation filling and the construction of one berth. Stages 3, 4 and 5 are expected to comprise the final channel deepening, complete harbour dredging, reclamation filling and berth construction.

4 INFORMATION AND ADVICE RELATED TO THE PREPARATION OF THE ENVIRONMENTAL IMPACT STATEMENT

4.1 THE OBJECTIVES OF AN ENVIRONMENTAL IMPACT STATEMENT

Environmental impact assessment depends on adequately defining those elements of the environment that may be affected by a proposed development, and on identifying the significance, risks and consequences of the potential impacts of the proposal. The EIS will be a significant source of information on which the public and government decision-makers will assess the potential environmental impacts of the proposal.

It is expected that additional ecological and socio-economic investigations will be required to be undertaken to provide sufficient information for the EIS. The nature and level of investigations must be related to the likely extent and gravity of the potential impacts (likelihood, consequence, magnitude, extent and scale of impacts, including worst case scenarios). All potential impacts of the proposal on social, cultural, heritage and environmental values are to be investigated and analysed, and commitments to avoid, mitigate and offset any adverse impacts are to be detailed in the EIS.

This document provides Guidelines (or terms of reference) for the drafting of the EIS based on the formal requirements for the contents of an EIS provided in: Section 102 of the EPBC Act and Schedule 4 of the EPBC Regulations; and Sections 88Q and 88R of the GBRMP Regulations.

In preparing the EIS the proponent must consider the following aims of the EIS and public review process: To provide a source of information from which interested individuals and groups may gain an understanding of the proposal, the need for the proposal, the alternatives, the environment¹ which it could potentially affect, the impacts that may occur and the measures proposed to be taken to avoid and minimise these impacts; to provide a forum for public consultation and informed comment on the proposal; and to provide a framework in which decision-makers can consider the environmental aspects of the proposal including biophysical, cultural, social, heritage, economic, technical and other factors.

The proponent must ensure that the EIS discusses compliance with the objectives of the EPBC Act and GBRMP Act, and the principles of ecologically sustainable development as set out in the EPBC Act and GBRMP Act (Attachment 3).

The draft EIS prepared by the proponent must be approved for publication by the Minister prior to it being published in accordance with the EPBC Regulations. An invitation for anyone to provide comments relating to the draft report within the period specified must also be published. After the period for comment, the proponent must take account of the comments received in finalising the EIS, which is then provided to the Minister. A recommendation report for the controlled action is then prepared by DSEWPAC. GBRMPA will also prepare an assessment report for components of the proposal requiring a permission under the GBRMP Regulations. Following this, in accordance with Part 9, Division 1 of the EPBC Act, the Minister will decide whether to approve the proposal and attach any conditions required. GBRMPA cannot grant a permission for actions requiring a permission under the GBRMP Regulations if the Minister has not decided to approve the taking of that component of the proposal under the EPBC Act.

¹ The definition for 'environment' is as stipulated under section 528 of the EPBC Act and should be considered when any reference to the 'environment' is made in the EIS.

It is the responsibility of the proponent preparing the EIS to identify and address, as fully as possible, all matters relevant to this proposal and its potential impacts.

The EIS must provide a description of the existing environment in the area affected by the proposal and any decommissioning of existing infrastructure, construction and operations proposed. All potential impacts on the environment are to be investigated and analysed. The EIS must present an evaluation of the potential environmental impacts using an accepted risk-based methodology and describe proposed measures to avoid, minimise or offset the expected, likely, or potential impacts. Particular attention must be given to potential impacts on the environment and listed values of the Great Barrier Reef World Heritage Area and National Heritage place, the Great Barrier Reef Marine Park, listed threatened species and communities, listed migratory species, Wetlands of international importance and the Commonwealth marine environment under the EPBC Act. Any prudent and feasible alternatives must be discussed in detail and the reasons for selection of the preferred option must be clearly given.

These EIS Guidelines are not necessarily exhaustive and should not be interpreted as excluding from consideration currently unforeseen matters that emerge as important from environmental studies or otherwise during the course of the preparation of the EIS.

The specific requirements to be addressed in the EIS are provided in Section 5. It is on these requirements that public comment is sought, with the earlier sections of this document providing the context.

4.2 GENERAL ADVICE

The EIS must be a stand-alone document. It must contain sufficient information from any studies or investigations undertaken to avoid the need to refer to previous or supplementary reports. The EIS is to address both the Australian Government Guidelines and the Queensland Government Terms of Reference. A cross referencing table should be provided in an Appendix to enable cross referencing of information provided in the EIS with Australian and State Government requirements. Headers and/or footers should be used on every page to denote which section the page relates to (i.e. based on the table of contents).

The EIS must enable interested stakeholders and the assessing agencies to understand the environmental consequences of the proposed development. Information provided in the EIS must be objective, clear, succinct and, where appropriate, be supported by maps, plans, diagrams or other descriptive detail. The body of the EIS is to be written in a style that is easily understood by the general reader. Technical jargon must be avoided wherever possible and a full glossary included. Cross-referencing should be used to avoid unnecessary duplication of text.

If it is necessary to make use of material that is considered to be of a confidential nature, the proponent should consult with the Department on the preferred presentation of that material, before submitting it to the Minister for approval for publication.

Detailed technical information, studies or investigations necessary to support the main text must be included as appendices issued with the EIS. Any additional supporting documentation and relevant studies, reports or literature not normally available to the public from which information has been extracted must be made available at appropriate locations during the period of public display of the EIS.

An executive summary must be provided in the EIS and made available as a stand-alone document for public information.

The EIS must state the criteria adopted in assessing the proposal and its potential impacts, such as: compliance with relevant legislation, policies, standards and best practice; community acceptance; maximisation of environmental benefits (if any); and minimisation of risks and harm.

Any and all unknown variables or assumptions made in the assessment must be clearly stated and qualified. The extent to which the limitations, if any, of available information may influence the conclusions of the environmental assessment must be discussed.

The proponent must ensure that the personnel providing information to address this EIS have the relevant qualifications and experience in their relevant fields.

The EIS must comprise three elements:

- a) The executive summary;
- b) The main text of the document, written in a clear and concise manner so as to be readily understood by general readers; and
- c) Appendices containing:
 - i. a table cross referencing Australian Government and State EIS requirements (by section number and page number(s)) with an EIS table of contents;
 - ii. a copy of these Guidelines; and
 - iii. detailed technical information.

Part 5 of these Guidelines details the Australian Government requirements for the EIS and has been set out in a manner that may be adopted as the format for the EIS. This format need not be followed where the required information can be more effectively presented in an alternative way. However, all requirements set out in the EPBC Act and Regulations and GBRMP Act and Regulations must still be addressed.

The EIS must be written so that any conclusions reached can be independently assessed. To this end all sources must be appropriately referenced.

5 SPECIFIC CONTENT REQUIREMENTS

An extract of Schedule 4 of the EPBC Regulations 2000, which sets out the matters that must be addressed in an EIS, is provided at Attachment 1. An extract of the GBRMP Regulations 88Q and 88R, which set out considerations for deciding whether or not to grant a permission, is provided at Attachment 2. The following content requirements are based on these matters and considerations, with the addition of directions specific to the proposed action and the receiving environment. Requirements on presentation and consultation, that have proven valuable in communicating with members of the public and specific interest groups, are also included.

5.1 EXECUTIVE SUMMARY

An executive summary that outlines the key findings of the EIS must be provided. The executive summary must briefly:

- a) State the background and the need for the proposal;
- b) Discuss alternatives and the reasons for selecting the preferred option and rejecting the alternatives;
- c) Summarise the pre-construction, construction and operational activities associated with putting the proposal into practice;
- d) State the proposed schedule for each key component of the proposal, the relationships and interdependencies between each stage, the expected duration of each stage and the proposal as a whole;
- e) Provide an overview of the existing regional and local environments, summarising the features of the physical, biological, social, cultural and economic environment relating to the proposal and associated activities;
- f) Summarise stakeholder consultation undertaken in preparing the EIS;
- g) Describe the expected, likely and potential impacts of the proposal on matters of National Environmental Significance, the physical, biological, social, cultural and economic environment during pre-construction activities, construction, operational and post-operational phases;
- h) Summarise the environmental protection measures and safeguards, mitigation measures, offsets and monitoring to be implemented for the proposal; and
- i) Provide an outline of the environmental record of the proponent.

5.2 OBJECTIVE

The objectives of the EIS must be clearly stated and include specific reference to EPBC Act and GBRMP Act legislative requirements.

5.3 GENERAL INFORMATION

The EIS is to provide the background of the proposed development. This is to include:

- a) The title of the proposal;
- b) The full name and postal address of the designated proponent;
- c) A clear outline of the proposal;
- d) The location of the proposal;
- e) The background to the development of the proposal;
- f) How the proposal relates to any other developments (of which the proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region;
- g) The current status of the proposal;
- h) Prudent and feasible alternatives to the proposed action, including scale, configuration and staging options;
- i) The consequences of not proceeding with the proposal or components of the proposal and/or the consequences of other projects (that this action relies upon) not proceeding;
- j) A brief explanation of the scope, structure and legislative basis of the EIS;

- k) The specific EPBC Act and GBRMP Act matters affected by the proposal; and
- l) A description of government planning policies, statutory controls and agreements which will influence the proposal. All applicable jurisdictions and areas of responsible authorities within the area (both terrestrial and marine) must be listed and shown on maps at appropriate scales.

5.4 THE PROPOSAL DESCRIPTION

This section must describe the proposal in sufficient detail to allow an understanding of all stages (including interdependencies between stages) and components of the proposal, and determine potential environmental impacts associated with the proposal. Those elements with potential implications for matters protected under Part 3 of the EPBC Act must be highlighted.

All pre-operational construction, operational and decommissioning components of the action (short and long term) must be described in detail. This includes, but is not limited to, the date or time period over which construction will take place, details of the locations of each component of the proposal (i.e. preferably the precise location (including coordinates) of all works to be undertaken and/or the footprint area(s)), dimensions of structures/vessels to be built and materials, equipment to be used as well as construction access requirements, lay down/set down areas and elements of the action that may have impacts on matters of National Environmental Significance.

A discussion of the assumptions underlying the predicted operation of the proposal and associated changes in the activities undertaken in the surrounding environment must be provided.

Details of proposed monitoring and enforcement programs to help limit the impacts of the ongoing operations, including but not limited to dredging and increased vessel activity in the area, on matters of National Environmental Significance, must also be addressed.

5.5 PROJECT DETAILS

The description of the proposal must cover:

- a) The environmental principles on which the development will be managed;
- b) All the components of the proposal including:
 - i. site selection including the choice of region for the project and site within that region, an analysis of prudent and feasible alternative sites and why this site is likely to have the least impact on matters of National Environmental Significance;
 - ii. describe all feasible, economic alternative site options for the proposal (e.g. through a multi-criteria analysis);
 - iii. development options, including an explanation of prudent and feasible alternatives;
 - iv. associated infrastructure, including transport networks/corridors (both land, estuarine and marine);
 - v. construction, including dredging and dredged material disposal requirements and mooring and anchoring requirements;
 - vi. commissioning;

- vii. operation, including details of the expected vessel numbers for each stage of the proposed development; and
 - viii. related maintenance activities, both long and short term including but not limited to dredging and dredged material disposal requirements.
- c) Describe the local and regional economic, social and built context, including historical and future trends (e.g. Australian Bureau of Statistics and *Great Barrier Reef Outlook Report 2009*) in which this project is proposed;
 - d) Future development areas that are currently “greenfield” in the region and the likely nature and timing of development, (including but not limited to strategic port development lands, state development areas);
 - e) Describe the overall planning context in which proponents’ decisions for this project have been made (including the overarching plan in which this project sits within);
 - f) A detailed description of social and economic impacts and drivers for the proposal;
 - g) The precise location of works to be undertaken (including specific footprint area(s)), structures to be built or other elements of the proposal that may have impacts on the environment. Aerial photographs, maps, figures and diagrams must be incorporated where appropriate;
 - h) A general location map that includes the location of other known or potential future developments occurring at the Port of Townsville;
 - i) The following maps and figures must be provided in relation to the Great Barrier Reef Marine Park and Great Barrier Reef World Heritage Area:
 - i. a detailed map showing the boundary of the Great Barrier Reef Marine Park, in relation to the proposed development footprint of the project, including the dredge footprint, offshore dredged material disposal ground, breakwaters, reclamation area; berths and other components of the project;
 - ii. a detailed map showing the Great Barrier Reef Zoning adjacent to the project footprint This map or figure must include an explanation of the basis for the zoning in this area²;
 - iii. a map showing the location of the proposal in relation to the Great Barrier Reef World Heritage Area and National Heritage place;
 - iv. a map showing the boundary of the Bowling Green Bay Ramsar Site;
 - v. a map showing shipping lanes within the Great Barrier Reef Marine Park and Great Barrier Reef World Heritage Area in relation to the project footprint as described in (i); and
 - vi. simulated viewfields of the proposal showing its visual impact from the adjacent coastline, nearby inhabited islands and the Great Barrier Reef World Heritage Area.
 - j) Reference must be made to detailed technical information in appendices where relevant;

² http://www.gbrmpa.gov.au/_data/assets/pdf_file/0016/6172/gbrmpa_report_on_zoning.pdf

- k) How the works are to be undertaken and design parameters for all aspects of the structures or elements of the proposal. This must include:
- i. an explanation of the anticipated timetable for pre-construction, construction and operation;
 - ii. details of construction and operational equipment to be used;
 - iii. details of the environmental parameters (incorporating predictions of climate change and 'worst case scenarios') the structures are designed to withstand, based on the expected life of asset; and
 - iv. a summary of the design aspects that will be employed to minimise impacts on environmental, social, cultural and heritage values.

5.6 MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE

In relation to matters of National Environmental Significance listed as controlling provisions for the proposal an inventory of surveys, whether office-based or field-based, must be provided. These may be provided as appendices, but must at least be fully referenced and must be made publicly available unless DSEWPAC is furnished with compelling reasons not to do so. Any anticipated future surveys to be conducted in relation to matters of National Environmental Significance, whether office-based or field-based, must also be discussed.

Output from the protected matters search tool (accessible from DSEWPAC's website) must be also included as an appendix. The results, indicating the presence of matters of National Environmental Significance, must also be provided. Any species or values considered likely or known to occur in areas impacted by the controlled action must be addressed. The description of matters of National Environmental Significance should focus on, but not be limited to the following controlling provisions:

- a) World Heritage properties (sections 12 & 15A);
- b) National Heritage places (sections 15B & 15C);
- c) Wetlands of international importance (sections 16 & 17B);
- d) Listed threatened species and ecological communities (sections 18 & 18A);
- e) Listed migratory species (sections 20 & 20A);
- f) Commonwealth marine areas (sections 23 & 24A); and
- g) Great Barrier Reef Marine Park (sections 24B & 24C).

5.7 ALTERNATIVES TO THE PROPOSAL

This section must describe, to the extent reasonably practicable, any prudent and feasible alternatives to the proposal. For each alternative listed the proponent should provide the project details, impacts (positive and negative), location, scale, configuration and staging options. Sufficient detail must be provided to make clear why any alternative is preferred to another. This section must describe, but not be limited to the following:

- a) The alternative of taking no action or not proceeding with components of the proposal;
- b) Potential alternative locations for different components of the proposal;
- c) Potential alternative configuration or scale options for key components of the proposal;

- d) Describe options for integrating operations with existing infrastructure where they exist to mitigate impacts on the general environment, ecosystems and matters of National Environmental Significance;
- e) A comparative description of the adverse and beneficial impacts of the development as a whole, each component of the development, and location on the matters protected by the controlling provisions for the proposal;
- f) A description of how each stage would be affected if one or more of the stages does not occur or is significantly modified;
- g) The reasons for choosing the preferred location and option for the development as a whole, and each key component of the proposal, must be explained. The explanation must include a comparison of the adverse and beneficial effects used for selecting the preferred location and option, and compliance with the objectives of the EPBC Act and GBRMP Act (including the principles of ecologically sustainable development and use);
- h) The advantages and disadvantages of alternatives when considered against relevant matters protected under the EPBC Act and GBRMP Act, including critical issues identified in the *Great Barrier Reef Outlook Report 2009*, must be specifically addressed; and
- i) Short, medium and long-term advantages and disadvantages of the options must be considered.

5.8 CONSULTATION

The proponent is required to consult with all stakeholders, with a particular focus on individuals/sectors that may be affected by the proposal (affected parties), as part of the EIS process. Details of any consultation about the action must be provided. This is to include:

- a) Any consultation that has already taken place including details on the frequency, forum and timeframes provided for consultation;
- b) Proposed consultation about relevant impacts of the action;
- c) If there has been consultation about the proposed action, details of the issues discussed, including the views of the affected and any documented response to, or result of, the consultation;
- d) Identification of affected parties, including a statement mentioning any communities that may be affected and describing their views;
- e) Details on how affected parties comments received during consultations have been addressed in the EIS; and
- f) Any further proposed consultation about potential impacts of the action.

5.9 THE EXISTING ENVIRONMENT

This section must provide a description of the project area including baseline condition and trends of Cleveland Bay's coastal and marine environments, including hydrology, sediment flows, geography, flora and fauna, cultural and heritage values, and all relevant socio-economic considerations. This section must link to the proposal description, potential impacts, and proposed avoidance, mitigation, adaptive management measures and/or offset measures throughout the life of the project including pre-construction, construction and operation. This section is to also identify and reference any relevant (published and unpublished) studies undertaken in the area which will assist in describing patterns and trends in the environment.

A description of the environment of the proposal site and the surrounding areas that may be affected by the action. It is recommended that this include the following information:

- a) Listed migratory species and listed threatened species and ecological communities that are likely to be present in the vicinity of the site, including but not limited to marine turtles, inshore dolphins, cetaceans, dugong and migratory birds including shorebirds;
- b) At a minimum the following details must be included:
 - i. details of the scope, timing (survey season/s) and methodology for studies or surveys used to provide information on the listed species/community/habitat at the site (and in areas that may be impacted by the project).
 - ii. include a summary of the location, size and breeding status of threatened and migratory species listed under the EPBC Act which are likely to occur in the area affected by the proposal.
- c) Information on listed threatened and migratory species, including foraging, roosting, resting and nesting habitats, must include but not be limited to:
 - i. describe and map critical habitat for threatened species, ecological communities and migratory species;
 - ii. the importance of habitat in a local, regional, national and international context;
 - iii. the status of the population (e.g. abundance) in the area likely to be affected by the proposed development relative to other areas outside the area likely to be affected;
 - iv. genetic diversity;
 - v. the viability of the local, regional and overall populations;
 - vi. local and regional representation;
 - vii. conservation and biodiversity values;
 - viii. economic, social and cultural values of species;
 - ix. the extent (in hectares) of any areas of important or unique habitat; and
 - x. seasonality influences.
- d) Identify the desired conservation outcomes that the project has for matters of National Environmental Significance;
- e) Describe the biophysical/regional conditions that are required for matters of National Environmental Significance to be maintained and that are required to reach articulated conservation objectives for matters of National Environmental Significance;
- f) Identify factors that influence matters of National Environmental Significance including human-induced and natural factors e.g. climate change and flooding;
- g) Describe and quantify natural variability of matters of National Environmental Significance where adequate data is available or can be sourced;

- h) Describe the extent to which the general environment, ecosystems and matters of National Environmental Significance are already stressed by natural and anthropogenic effects;
- i) Identification of the World Heritage and National Heritage values expressed in the vicinity of the proposed development, including an evaluation of the contribution that the values expressed at this location make to the overall values for the Great Barrier Reef World Heritage Area and National Heritage place;
- j) A description of the ecological character of the Bowling Green Bay Ramsar site;
- k) A description of the Commonwealth marine environment and identification of those aspects of the Commonwealth marine area potentially affected by the proposal, including but not limited to baseline data on listed threatened species, migratory and marine species and any other species of conservation significance, including cetaceans;
- l) Provide a description of biota/biotic habitats, including a map of marine/intertidal habitats (including information on seasonal fluctuations e.g. seagrass prevalence), likely to be affected by the proposed development;
- m) Identify, describe and map environments important to the health of the Great Barrier Reef Marine Park, including terrestrial and intertidal habitats, that are likely to be affected by the proposed development;
- n) Identify, describe and map reef communities³ and those species supported by reef communities in areas likely to be affected by the proposed development, including information on species diversity and abundance;
- o) Identify, describe and map seagrass communities in areas likely to be affected by the proposed development, including information on species diversity, seasonality and abundance;
- p) Identify, describe and map soft sediment fauna communities (e.g. infauna, benthic invertebrates) in areas likely to be affected by the proposed development, including information on species diversity, seasonality and abundance;
- q) Describe oceanographic conditions in the region, especially those which may have a bearing on the proposal. Include information on seasonal variation, waves, tides, currents, water salinity, clarity, temperature and depths. Discuss the frequency and severity of weather conditions such as storms and cyclones, for two, ten and 100 year conditions; and
- r) Identify and describe the existing uses of the area and nearby areas that may be affected by the proposed action (for example; tourism, commercial and recreational fishing, research and traditional use activities).

All habitat maps must be produced at a sufficiently fine scale and as accurately as possible, considering their primary purpose and end use. (for example: to evaluate habitat loss and inform locations of monitoring and reference sites).

³ A reference to reef communities includes all Great Barrier Reef ecosystem components including corals, algae, mangroves, soft sediment habitats etc (as per the Great Barrier Reef Outlook Report 2009).

5.10 RELEVANT IMPACTS

The EIS must include a description of all of the relevant impacts⁴ of the action. Relevant impacts (both direct and indirect) are impacts that the action will have or is likely to have on a matter protected by a controlling provision (as listed in the preamble of this document). This section must provide clear linkages with the existing environmental values described in section 5.9 and proposed avoidance, safeguards, management and mitigation measures described in section 5.11. Impacts during both the pre-operational construction, operational and (if relevant) the decommissioning phases of the project must be addressed. This section must include:

- a) A description of the framework used to assess impacts, including risk assessment processes, based on an approved standard;
- b) A detailed assessment of the nature, extent, likelihood and consequence of the likely short-term and long-term impacts including but not limited to: description of the risks and potential impacts (acute and chronic) from the release of cargo material (such as dust from the handling of mineral ores) from the proposed action to the environment; description of the risks and potential impacts of related activities including blasting and pile driving and the impacts of increased marine underwater noise on marine species including the impacts from noise at varying distances from each project component (considering the environmental variables e.g. depth, wave height and bottom profile); impacts of the proposal on air quality; specific guidance is provided for dredging and dredged material disposal impacts and impacts from increased shipping;
- c) A statement whether any relevant impacts are likely to be unknown, unpredictable, irreversible or sub-lethal (reversible over time) and what confidence level is placed on the predictions of relevant impacts;
- d) Analysis of the significance of the relevant impacts;
- e) Any technical data, including modelling, and other information used or needed to make a detailed assessment of the relevant impacts;
- f) A risk assessment of changing climate patterns that may affect the proposal and surrounding environment and a description of the preferred and alternative adaptation strategies to be implemented;
- g) In discussing potential impacts, consider how the interaction of extreme environmental events (e.g. cyclones, coral bleaching, flood events) and any related cumulative impacts may impact on the proposal and the environment (both independently and cumulatively);
- h) Consideration of potential impacts throughout the life of the proposal – from pre construction, construction through to operation;
- i) Downstream impacts of the proposed action on water quality and adjacent reef communities and island communities;
- j) Impacts to the sea floor through anchoring and/or direct placement of material/infrastructure, sediment disturbance. The GBRMP zone of likely seabed disturbance must be identified;
- k) Impacts of anticipated light illumination on marine fauna particularly seabirds, marine turtles and other migratory species, including impacts on nesting and disorientation;
- l) Impacts on the existing use of the area and nearby areas that may be affected by the proposed action;

⁴ Please refer to section 527E of the EPBC Act for the meaning of impact.

- m) Impacts on amenity (including from the mainland, air, vessels and surrounding islands); and
- n) A description of anticipated positive and negative social, cultural and/or economic impacts of the proposal on key stakeholder groups and individuals. This should include a consideration of anticipated changes in the social, cultural and heritage values of the Marine Park.

5.10.1 IMPACTS TO LISTED MIGRATORY SPECIES, THREATENED SPECIES AND ECOLOGICAL COMMUNITIES

The EIS must provide an assessment of all potential and likely impacts to listed migratory species, threatened species and ecological communities from the construction and on-going operation of the development.

5.10.2 IMPACTS TO LISTED VALUES OF THE GREAT BARRIER REEF WORLD HERITAGE PROPERTY

Provide an assessment of all potential and likely impacts to the World Heritage values of the Great Barrier Reef World Heritage property that have been identified as being expressed in the vicinity of the proposal during construction, operation and (if applicable) decommissioning of the proposal. This assessment must include an analysis of the impact of the proposal on the expression of the values at this location and how this in turn impacts on the overall values of the Great Barrier Reef World Heritage property.

Provide an analysis of direct, indirect and relevant impacts of the proposal on the integrity and Outstanding Universal Value of the Great Barrier Reef World Heritage Area.

5.10.3 IMPACTS TO LISTED VALUES OF THE GREAT BARRIER REEF NATIONAL HERITAGE PLACE

Provide an assessment of all potential and likely impacts to the National Heritage values of the Great Barrier Reef National Heritage place that have been identified as being expressed in the vicinity of the proposal during construction, operation and (if applicable) decommissioning of the proposal. This assessment must include an analysis of the impact of the action on the expression of the values at this location and how this in turn impacts on the overall values of the Great Barrier Reef National Heritage place.

5.10.4 IMPACTS TO THE BOWLING GREEN BAY RAMSAR SITE

Provide an assessment of all potential and likely impacts to the ecological character of the Bowling Green Bay Ramsar site during construction, operation and (if applicable) decommissioning of the proposal.

5.10.5 IMPACTS TO THE COMMONWEALTH MARINE ENVIRONMENT

Provide an assessment and discussion of the potential direct, indirect and consequential impacts of the proposed development on the Commonwealth marine environment.

5.10.6 IMPACTS TO THE GREAT BARRIER REEF MARINE PARK

Provide an assessment and discussion of the potential direct, indirect and consequential impacts of the proposed development on the environment and values of the Great Barrier Reef Marine Park.

5.10.7 CUMULATIVE IMPACTS OF THE PROPOSED DEVELOPMENT

The EIS should identify and address cumulative impacts⁵, where potential project impacts are in addition to existing impacts of other activities (including known current and future expansions or developments by the proponent and other proponents in the region and vicinity).

The EIS should also address the potential cumulative impact of the proposal on ecosystem resilience. The cumulative effects of climate change impacts on the environment should also be considered in the assessment of ecosystem resilience. Where relevant to the potential impact, a risk assessment should be conducted and documented.

The risk assessment should include known future expansions or developments by the proponent and other proponents and known impacts on ecosystem resilience and matters of National Environmental Significance. Information on cumulative impacts may include as appropriate, but not be limited to:

- a) Description of existing, planned or potential developments (including construction status) of a similar type and scale to the proposed development, that have been approved within the last five years or are still under assessment with emphasis on those in the region that have, will have or are likely to have impacts on the same matters of National Environmental Significance;
- b) Description of existing, planned or potential developments (including construction status) of a similar type and scale to the proposed development, that have been approved within the last five years that have, will have or are likely to have impacts on the same matters of National Environmental Significance;
- c) Description of any current or likely development precincts or zones in the region, their relationship to the proposed development and the likely cumulative impacts on the general environment, ecosystems and matters of National Environmental Significance as all projects are developed to capacity;
- d) Discussion of the impacts of other tourism, residential, industrial and infrastructure projects both directly and indirectly related to the proposal in a regional context;
- e) Discussion of the range of developments which will be facilitated or impacted (either positively or negatively) by the proposal and if the project will result in an intensification of development in the region;
- f) Discussion and analysis of the cumulative impacts of this proposal on the integrity and Outstanding Universal Value of the Great Barrier Reef World Heritage Area;
- g) Discussion of known impacts on ecosystem resilience, including reference to issues identified in the *Great Barrier Reef Outlook Report 2009*;
- h) Discussion of any potential future changes to the development which are likely to change the nature or scale of environmental impacts;
- i) Outline if existing impacts on the environment in general and matters of National Environmental Significance will be amplified by the action in combination with impacts of other projects;
- j) Discussion of the developments and activities which are likely to be facilitated by the proposal;

⁵ Please refer to section 527E of the EPBC Act for the meaning of impact.

- k) Identify if the resulting impacts on the general environment, ecosystems and matters of National Environmental Significance could be unacceptable;
- l) Identify if these impacts on the general environment, ecosystems and matters of National Environmental Significance could be permanent. If the impacts on matters of National Environmental Significance are not permanent, describe how long it will take before recovery from the effect;
- m) Describe how the proposed project will impact on the reproductive capacity and/or survival of listed threatened and migratory species;
- n) Explain how much recovery of a matters of National Environmental Significance population, habitat, ecosystems and the environment in general could occur, with and without mitigation (e.g. complete, partial, none);
- o) Describe how soon restoration of habitat could be achieved to reinstate ecosystem function for matters of National Environmental Significance;
- p) Where possible, identify how much likely change to matters of National Environmental Significance exceeds natural variability in the region;
- q) Describe how this project will contribute to the desired conservation objectives for matters of National Environmental Significance; and
- r) In conducting the risk assessment, key information sources and indicators for assessing change and impact must be described.

5.10.8 CONSEQUENTIAL IMPACTS

Provide a detailed assessment of any likely impacts that this development may facilitate on the following (at the local, regional, state, national and international scale)⁶:

- a) The World Heritage values of the Great Barrier Reef World Heritage Area;
- b) The National Heritage values of the Great Barrier Reef National Heritage place;
- c) Wetlands of international importance;
- d) The environment of the Great Barrier Reef Marine Park;
- e) Listed threatened species and ecological communities;
- f) Listed migratory species; and
- g) The Commonwealth marine environment.

5.10.9 DREDGING AND DREDGED MATERIAL DISPOSAL RELATED IMPACTS

The EIS must provide an assessment of the dredging and dredged material disposal related elements of the project and its impacts, including but not limited to the following:

- a) Review of the historical use of the dredge disposal ground/s used by the Proponent, including but not limited to;
 - i. location, volume, timing, nature of material and equipment used;
 - ii. identification of direct and indirect impacts of dredge material disposal over time; and

⁶ Please refer to section 527E of the EPBC Act for the meaning of impact.

- iii. an assessment of alternatives to the current dredge disposal ground.
- b) Detailed evaluation of all potential disposal options in accordance with the *National Assessment Guidelines for Dredging 2009* (NAGD 2009) and Annex 2 of the *1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972* (as amended in 2006) (London Protocol), identification of the preferred disposal option(s) and explanation of how the preferred option was selected;
- c) The amount to be dredged and a map of the dredge footprint and locations for proposed disposal. The map should also indicate the proposed staging of dredging activities;
- d) The type and method of dredging proposed with the expected length and timing of the dredging activities;
- e) Discussion of proposed dredging equipment and methodology;
- f) Other uses of the dredged material including any re-use, recycling or possible future use;
- g) Assessment of sediment according to the NAGD 2009 this must include an assessment of the suitability of this material for land deposition and reclamation and offshore disposal at any proposed dredged material disposal ground;
- h) Assessment of the risk and potential impacts of acid sulfate soils (ASS) and potential acid sulfate soils (PASS);
- i) Consideration of potential impacts of mobilised sediments (e.g. metal or contaminant release);
- j) Details of future maintenance dredging requirements over the life of the project;
- k) Details of any previous sea dumping permits applied for including dates and volumes and whether the permit was for capital dredging or maintenance dredging;
- l) Detailed descriptions of potential impacts on the marine habitats and species within the proposed dredge footprint and disposal areas, including but not limited to assessment of seagrass and species that depend on it, including any marine flora and fauna protection measures proposed;
- m) The characteristics of the dredged material disposal area(s) proposed including the history of the site and the predicted fate of the material after disposal and over time and the potential zone of impact;
- n) Detailed descriptions of both the direct and indirect impacts along with an assessment of the reversibility of those impacts are to be included in predictions of impacts associated with the activity of dredging and disposal on marine habitats and species⁷;
- o) Predictive, fully three dimensional modelling of indirect impacts of dredge generated sediments must include:
 - i. hydrodynamic modelling;
 - ii. sediment transport modelling where the range of particle fractions (sand, silt and clay) are all modelled;

⁷ The Environmental Assessment Guideline for Marine Dredging Proposals, September 2011, prepared by the Environmental Protection Authority, Western Australia, is an example of a document that presents guidance on predicted impacts of dredging activities on benthic communities and habitats.

- iii. modelling must include all types of resuspension possibilities including currents and wave-induced bottom shear stresses as well as wave induced mud fluidisation. If not modelled a justification as to why this phenomena was not relevant for that site.
 - iv. ecological impact predictions. Lethal and sub lethal thresholds used for the ecological impact predictions must be clearly indicated and substantiated with relevant scientific peer reviewed articles;
 - v. testing the sensitivity of ecological impact predictions to different pressure thresholds and considering seasonal effects must also be undertaken to understand the likely range of prediction outcomes;
 - vi. proponent to provide results of modelling in a suitable electronic format (i.e.shapefiles); and
 - vii. the modelling must represent the conditions at the time of year in which the dredging will actually occur. If this is not known then modelling must be undertaken for all seasons (i.e. summer conditions, winter conditions, transitional conditions) depending on prevalent oceanographic conditions.
- p) Modelling must include likely dispersion and resuspension from both dredging operations and dredge material disposal during a range of probable hydrodynamic conditions, weather events and expected dredge equipment scenarios;
 - q) Site selection of dredge disposal site (even if a historic site) must be justified and compared to other possible sites with a prediction for resuspension and possible direction and distance of the migration of the dredged material under different current conditions;
 - r) Model outputs must use a spatially based scheme that provides for a clear and consistent way of describing and presenting the extent, severity and duration of predicted impacts of dredging and dredged material disposal and must include likely "best case" and likely "worst case" scenarios;
 - s) Modelling must be independently peer reviewed. Information relating to the peer review, including the Terms of Reference and the peer reviewer's report must be included as part of the EIS documentation;
 - t) Impacts to benthic habitat, in particular benthic primary producer habitat (BPPH), must be described. The benthic habitat must be mapped and the potential impacts must be described, taking into consideration the sediment plume monitoring. Cumulative impacts of the entire dredge operation and likely maintenance dredging requirements must be described; and
 - u) Identify the potential vectors and risks of introducing marine invasive species through vessels involved in dredging operations; and how these risks will be appropriately managed. Must include but not be limited to ballast water, entrainment of mud and sediment and biofouling in dredge equipment and ancillary fitting, niche areas, internal seawater systems, vessel history, previous work locations and maintenance history.

5.10.10 RECLAMATION AND LAND BASED DISPOSAL

- a) Describe any prudent and feasible alternatives to the proposed reclamation (e.g. re-use). For each alternative listed the proponent should detail the impacts (positive and negative), location, scale, and configuration;
- b) describe the impact of the proposed reclamation in Cleveland Bay on seagrass, and on hydrodynamics and coastal processes;
- c) A plan of the proposed land to be reclaimed, drawn to an appropriate scale, showing the following information:
 - i. the boundary of the land to be reclaimed, tied to real property boundaries;
 - ii. the location of the line of mean high water spring tide and highest astronomical tide in relation to the area of reclamation;
 - iii. existing levels of the land and proposed final levels of reclamation in relation to the lowest astronomical tide (LAT) or Australian Height Datum (AHD);
 - iv. location of marine plants and species habitat within the land to be reclaimed and existing and proposed bund area;
 - v. typical cross section across the land to be reclaimed showing the proposed finished levels and method of protecting the seaward boundary of the reclamation from erosion;
 - vi. discussion of how the land reclamation may affect the current erosion and deposition patterns in terms of changes to the low water mark of the World Heritage Area boundary;
 - vii. discussion of the impacts to the roosting sites (sand bars) at the mouth of the Ross River due to potential hydrological changes from dredging and land reclamation; and
 - viii. three dimensional modelling of the impacts of the land reclamation on the current sediment transport and hydrodynamic patterns within Cleveland Bay.
- d) The method, location and issues associated with the disposal of dredged material must be described including:
 - i. for land-based dredged material disposal, a detailed description of potential methods, location issues/risks must be presented.

Consideration must be given to:

- i. quantities and quality of tail water likely to be generated from dredging activities and the rate of their discharge;
- ii. the settling rate of fine sediments from all dredge material types;
- iii. the residence time within settling ponds prior to discharge (related to dredge pumping rate, ratio of solids to water in the dredged material, settling rates, available capacity of the disposal and settling areas, potential bulking factor, intensity and duration of rainfall events with consideration given to the worst case scenario for these factors);
- iv. source of material for bunds and bund wall stability.

5.10.11 INCREASED SHIPPING

- a) In relation to the projected increase in shipping, at a minimum, details of the following must be discussed:
 - i. describe current vessel numbers and type utilising the port, their speed, their size, shipping movements, anchorages, access to/from the port and navigational arrangements;
 - ii. describe projected total vessel movements at each stage of the project, including at the completion of the project. Include a comparison with total shipping movements through the Great Barrier Reef World Heritage Area and National Heritage place, Great Barrier Reef Marine Park; and
 - iii. shipping routes to be used by vessels beyond the port in Commonwealth marine waters. These should be indicated on a map in relationship to the Great Barrier Reef World Heritage area and National Heritage place, Great Barrier Reef Marine Park and to the main shipping channels and any other navigational arrangements.

- b) In regard to increased shipping volumes, the following should be specifically addressed:
 - i. potential for introduction of marine invasive species from increased shipping rates;
 - ii. potential increase in ship groundings and related impacts;
 - iii. potential increased risk of vessel collisions and related impacts;
 - iv. potential for increased vessel strike to marine species;
 - v. ballast water management arrangements - including Australian Quarantine and Inspection Service (AQIS) mandatory arrangements and agency contingency planning;
 - vi. management of ship waste, in particular quarantine waste, domestic garbage, oil and sewage;
 - vii. potential risk of spills and their management, including stochastic modelling of potential worst case potential spill scenarios;
 - viii. potential impacts on existing shipping activity;
 - ix. the potential use of the Great Barrier Reef World Heritage Area and Great Barrier Reef Marine Park for the offshore anchorage of ships and the associated impacts of anchorages, including impacts on other users of large areas of the Great Barrier Reef Marine Park potentially being set aside (almost exclusively) as designated anchorage areas; and
 - x. additional marine transport issues that should be considered include the potential of the proposal to impact on domestic commercial and recreational vessels.

5.10.12 OTHER USES OF THE AREA AND NEARBY AREAS

The EIS must identify the potential impacts of the proposed action on other uses of the area identified in section 5.9, including but not limited to the following:

- a) Social, cultural and heritage values for each stage of the proposal;
- b) Current and projected commercial, recreational and scientific use, including any changes in visitation patterns;

- c) Heritage and social values, including sites of historic or archaeological significance;
- d) Commercial and recreational fishing; and
- e) Traditional use activities.

5.11 PROPOSED SAFEGUARDS, MANAGEMENT AND MITIGATION MEASURES

The EIS must provide information on avoidance measures, proposed safeguards and mitigation measures to deal with the impacts of the action. Specific and detailed descriptions of proposed measures must be provided and substantiated, based on best available practices / standards and must include the following elements:

- a) Identify the level of risk associated with potential impacts identified in section 5.10 and those that require mitigation, monitoring or management to avoid or reduce impacts to an acceptable level;
- b) A consolidated list of measures proposed to be undertaken to avoid, prevent, minimise or manage the impacts of the action, including:
 - i. a description of proposed avoidance measures, safeguards and mitigation measures to deal with impacts of the action, including measures proposed to be taken by State governments, local governments or the Proponent;
 - ii. assessment of the expected or predicted effectiveness of the measures;
 - iii. any statutory or policy basis for the mitigation measures;
 - iv. the cost of the associated with the implementation of the mitigation measures; and
 - v. the resulting risk level for that impact post- avoidance, mitigation and/or management.
- c) Particular focus must be given to:
 - i. determining factors in the planning of the proposal so as to avoid damage to the environment;
 - ii. measures to avoid or minimise damage to the Great Barrier Reef World Heritage Area and estuary environment;
 - iii. measures to avoid or minimise damage to the National Heritage Values of the Great Barrier Reef;
 - iv. measures to avoid or minimise damage to the environment of the Great Barrier Reef Marine Park;
 - v. articulating conservation objectives for individual matters of National Environmental Significance with a focus on receptors;
 - vi. describing how this project is likely to contribute to protection of matters of National Environmental Significance;
 - vii. outline how any avoidance, safeguards, management and mitigation measures will increase resilience of the environment, ecosystems and matters of National Environmental Significance within the region;
 - viii. demonstrate how impact management and mitigation measures would ensure that matters of National Environmental Significance in the affected region are maintained or improved;

- ix. characterise, quantify and address uncertainties that may affect the effectiveness of management measures and therefore on the confidence that biodiversity values would be maintained (or improved) during and after the project;
 - x. measures to avoid or minimise disturbance to fauna and flora found around and within the proposal area (particularly listed threatened species and communities and listed migratory species);
 - xi. management of the dredged material during the loading of the dredged material;
 - xii. management of the dredged material disposal area(s) during disposal operations;
 - xiii. management strategies for dredging, loading and dredged material disposal, including trigger levels for management actions linked to quantitative measurements of water quality and Benthic Primary Producer Habitat (BPPH) based on baseline data;
 - xiv. proposed monitoring before, during and after dumping including turbidity, water quality parameters that are likely to be affected and BPPH monitoring. Water quality parameters being monitored should include but may not be restricted to dissolved oxygen, nutrients, pH, turbidity, light attenuation, metals and metalloids and toxicants. Baseline water quality data that includes values for these parameters needs to be included in the EIS. This section should also include the likely impacts on turbidity and water quality from dredging and dredge dredged material disposal and establish the triggers for management actions and specify proposed management actions;
 - xv. for reclamation based dredge dredged material disposal proposed management must be presented. This must include how water quality will be monitored and managed to ensure that water quality objectives for this area are achieved and the environmental values of the connected surface water and groundwater are maintained. Reference should be given to the National Water Quality Management Strategy including the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000), Queensland Water Quality Guidelines 2009, Water Quality Guidelines for the Great Barrier Reef 2010 and) the Australian Monitoring and Reporting Guidelines (2000). Any toxicants that may occur in the sediments must be identified and must be managed appropriately;
 - xvi. measures to limit channelling and sediment re-suspension in settling ponds;
 - xvii. measures to limit erosion and sediment re-suspension in discharge channels;
 - xviii. monitoring of water quality and operational performance monitoring;
 - xix. disposal of tail waters or overflow due to climatic conditions (such as rain or flooding) to the receiving environment;
 - xx. contingency measures in the event that discharge limits are exceeded; and
 - xxi. staff training, including training in relation to environmental issues.
- d) An outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the

impacts of the action, including any provisions for independent environmental auditing; and

- e) The name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.

5.12 OFFSETS

Environmental offsets broadly mean measures to compensate for the adverse residual impacts of an action on the environment. More specifically, offsets are measures to compensate for environmental impacts that cannot be adequately reduced through avoidance or mitigation. Offsets do not reduce the impacts of an action. Instead they provide environmental benefits to counterbalance the impacts that remain after avoidance and mitigation measures. These remaining impacts are termed 'residual impacts'⁸.

Offsets are not intended to make proposals with unacceptable impacts acceptable. They simply provide an additional tool that can be used during project design and the Environmental Impact Assessment process.

This section of the EIS must outline plans to offset the remaining residual impacts of the proposal. Environmental offsets may be appropriate when they:

- a) Are necessary to protect or repair impacts to a protected matter – i.e. a matter of national environmental significance or the environment more broadly;
- b) Relate specifically to the matter (for example, species) being impacted; and
- c) Seek to ensure that the health, diversity and productivity of the environment are maintained or enhanced.

5.13 MONITORING AND REPORTING

Appropriate baseline data requirements are to be provided as part of the EIS to form the basis for baseline measurement and ongoing monitoring of environmental parameters. It must be demonstrated that the proposed methods for baseline measurements and subsequent monitoring are based on current best practice, scientifically robust and statistically sound to enable diligent and systematic data collection that will deliver unbiased and sound responses to EIS Guideline requirements. This section must identify parameters to be monitored, the performance indicators to be used to evaluate accuracy of predicted impacts and effectiveness of mitigation measures and offsets, and management response trigger values and response activities.

This section is to also identify and describe monitoring programs, procedural and compliance audit programs and reporting requirements and arrangements which will demonstrate the effectiveness of proposed management measures and monitoring.

The proponent must, in addition to outlining proposed programs, clearly identify what is to be monitored and why. Monitoring programs must be designed to provide objective evidence regarding activities associated with the proposal and if these activities are adversely impacting on the environment in the short, medium and long term. Monitoring programs must demonstrate an understanding and consideration of:

⁸ Further information on offsets can be found in the Australian Government's framework on the use of environmental offsets ('offsets') under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Titled "Consultation Draft, Environmental Offsets Policy August 2011"

- a) Ecosystems and habitats, climatic or seasonal variations, flora and fauna (particularly listed threatened species/ecological communities and listed migratory species), and water quality issues affected by the proposed development;
- b) Measuring the effectiveness of mitigation and/or environmental offset measures;
- c) Documenting the difference between predicted and actual impacts;
- d) Methods for identification of non-predicted impacts and appropriate reporting and remedial measures;
- e) Application and effectiveness of emergency and contingency plans; and
- f) Review of consultation and management arrangements with regulatory authorities and the community.

A diagram showing monitoring and reporting arrangements must be included in the EIS.

5.14 OTHER APPROVALS AND CONDITIONS

The EIS must include information on any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action. This must include:

- a) Details of any local or State Government planning scheme, or plan or policy under any local or State Government planning system that deals with the proposed action, including:
 - i. what environmental assessment of the proposed action has been, or is being, carried out under the scheme, plan or policy; and
 - ii. how the scheme provides for the prevention, minimisation and management of any relevant impacts;
- b) A description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the EPBC Act), including any conditions that apply to the action;
- c) A statement identifying any additional approval that is required; and
- d) A description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

5.15 ENVIRONMENTAL RECORD

The EIS must include the environmental record of the proponent. This must include:

- a) Reference to the GBRMP Regulations 88R(j) which includes the applicant's history in relation to environmental matters (for example compliance with Marine Park permits and environmental management plans) and any outstanding charges; and
- b) Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against the person proposing to take the action. If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework must be provided.

Information relating to the persons' environmental record must also include any accreditations (for example ISO 14001), environmental awards, and other recognition for environmental performance.

5.16 ADDITIONAL SOCIAL AND ECONOMIC MATTERS

Section 136(1)(b) of the EPBC Act requires the Minister to consider economic and social matters when deciding whether to grant approval to the proposed action under Part 9 of the EPBC Act. The requirements under s136(1)(b) encompass a broader range of matters that may be considered than those addressed during the assessment of the potential impacts of a controlled action. Accordingly, information must be provided in the EIS on the broad social and economic impacts (positive or negative) of the proposal for the purposes of the Part 9 decision on approval.

As the matters protected by the controlling provisions for this action include "the environment", there is the potential for an overlap between the information provided in response to this, and the information requested in the main body of the Guidelines in relation to social, economic and cultural aspects within the definition of the environment. The latter set of information need not be repeated if it will be contained in the body of the EIS.

A table cross-referencing information relevant to 5.16 should be provided identifying relevant text in the body of the EIS.

5.17 CONCLUSION

An overall conclusion as to the environmental acceptability of the proposal must be provided, including discussion on compliance with the objectives and requirements of the EPBC Act and the GBRMP Act including the principles of ESD (see Attachment 3). Reasons justifying undertaking the proposal in the manner proposed must also be outlined. The conclusion must highlight measures proposed or required to avoid, mitigate or offset any unavoidable impacts on the environment.

5.18 INFORMATION SOURCES

Information sources used in the formulation of the EIS are to be provided. This section will describe consultations and studies undertaken in the course of proposal formulation and preparation of the draft EIS, and sources of information and technical data. The following details must be provided for information used in developing the EIS:

- a) The source of the information;
- b) How recent the information is;
- c) How the reliability of the information was tested; and
- d) What uncertainties and/or gaps (if any) are in the information.

A copy of all data and the sampling methodologies must be made available to the DSEWPAC and GBRMPA for the purpose of peer review on receipt of a written request from the DSEWPAC or GBRMPA. In making this statement, the sampling methodology (including time samples were collected, replication, size of samples etc) should be specified in the relevant sections where data has been collected.

Any further or ongoing consultations or studies must be outlined here.

5.19 REFERENCE LIST AND BIBLIOGRAPHY

The reference list and bibliography provided in the EIS is to be accurate and concise and include the address of any internet pages used as data sources.

5.20 APPENDICES AND GLOSSARY

Detailed technical information studies or investigations necessary to support the main text of the EIS, but not suitable for inclusion in the main text must be included as appendices; for example, detailed technical or statistical information, maps, risk assessment, baseline data, supplementary reports etc. A copy of the Guidelines must also be included. A glossary defining technical terms and abbreviations used in the text must be included to assist the general reader.

ATTACHMENT 1: Matters that must be addressed in an EIS (Schedule 4 of the ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION Regulations 2000)

1. General information

1.01 The background of the action including:

- (a) the title of the action;
- (b) the full name and postal address of the designated proponent;
- (c) a clear outline of the objective of the action;
- (d) the location of the action;
- (e) the background to the development of the action;
- (f) how the action relates to any other actions (of which the proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action;
- (g) the current status of the action; and
- (h) the consequences of not proceeding with the action.

2. Description

2.01 A description of the action, including:

- (a) all the components of the action;
- (b) the precise location of any works to be undertaken, structures to be built or elements of the action that may have relevant impacts;
- (c) how the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts;
- (d) relevant impacts of the action;
- (e) proposed safeguards and mitigation measures to deal with relevant impacts of the action;
- (f) any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action;
- (g) to the extent reasonably practicable, any feasible alternatives to the action, including:
 - (i) if relevant, the alternative of taking no action;
 - (ii) a comparative description of the impacts of each alternative on the matters protected by the controlling provisions for the action;
 - (iii) sufficient detail to make clear why any alternative is preferred to another;
- (h) any consultation about the action, including:
 - (i) any consultation that has already taken place;
 - (ii) proposed consultation about relevant impacts of the action;
 - (iii) if there has been consultation about the proposed action — any documented response to, or result of, the consultation;
- (i) identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.

3. Relevant impacts

3.01 Information given under paragraph 2.01 (c) must include:

- (a) a description of the relevant impacts of the action;
- (b) a detailed assessment of the nature and extent of the likely short term and long term relevant impacts;
- (c) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
- (d) analysis of the significance of the relevant impacts; and
- (e) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

4. Proposed safeguards and mitigation measures

4.01 Information given under paragraph 2.01 (d) must include:

- (a) a description, and an assessment of the expected or predicted effectiveness of, the mitigation measures;
- (b) any statutory or policy basis for the mitigation measures;
- (c) the cost of the mitigation measures;
- (d) an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing;
- (e) the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program; and
- (f) a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including mitigation measures proposed to be taken by State governments, local governments or the proponent.

5. Other Approvals and Conditions

5.01 Information given under paragraph 2.01 (e) must include:

- (a) details of any local or State government planning scheme, or plan or policy under any local or State government planning system that deals with the proposed action, including:
 - (i) what environmental assessment of the proposed action has been, or is being, carried out under the scheme, plan or policy;
 - (ii) how the scheme provides for the prevention, minimisation and management of any relevant impacts;
- (b) a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action;
- (c) a statement identifying any additional approval that is required; and
- (d) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

6. Environmental record of person proposing to take the action

6.01 Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

- (a) the person proposing to take the action; and
- (b) for an action for which a person has applied for a permit, the person making the application.

6.02 If the person proposing to take the action is a corporation — details of the corporation's environmental policy and planning framework.

7. Information sources

7.01 For information given the EIS must state:

- (a) the source of the information; and
- (b) how recent the information is; and
- (c) how the reliability of the information was tested; and
- (d) what uncertainties (if any) are in the information.

ATTACHMENT 2: CONSIDERATION OF APPLICATIONS UNDER THE GREAT BARRIER REEF MARINE PARK REGULATIONS 1983

Division 2A.4 Consideration of applications

88Q Consideration of applications — mandatory considerations

In deciding whether or not to grant a permission in relation to an application, and whether or not to impose any conditions on the permission, the Authority must consider the following:

- (a) the potential impacts of the conduct proposed to be permitted by the permission (the **proposed conduct**) on the environment and on the social, cultural and heritage values of the Marine Park or a part of the Marine Park;
- (b) options for monitoring, managing and mitigating the potential impacts of the proposed conduct;
- (c) if the proposed conduct will take place in an area to which a zoning plan applies — the objectives of the zone as set out in the zoning plan;
- (d) if the proposed conduct also requires an approval or permit under the *Environment Protection and Biodiversity Conservation Act 1999*:
 - (i) whether the approval or permit has been, or is likely to be, granted and, if granted, the terms and conditions of it being granted; and
 - (ii) any relevant assessment documentation (within the meaning given by subsection 133 (8) of that Act) in relation to the approval or permit;
- (e) any written comments received about the application in response to the public advertisement published in accordance with regulation 88D;
- (f) any other matters relevant to the orderly and proper management of the Marine Park.

Note Subsection 7 (3) of the *Great Barrier Reef Marine Park Act 1975* provides that the Authority must, in managing the Marine Park and performing its other functions, have regard to, and seek to act in a way that is consistent with, the objects of the Act, the principles of ecologically sustainable use and the protection of the world heritage values of the Great Barrier Reef World Heritage Area.

88R Consideration of applications — discretionary considerations

In deciding whether or not to grant a permission in relation to an application, and whether or not to impose any conditions on the permission, the Authority may consider the following:

- (a) the requirement in section 37AA of the Act for users of the Marine Park to take all reasonable steps to prevent or minimise harm to the environment in the Marine Park that might or will be caused by the user's use or entry;
- (b) the effect that the grant of the permission will have on public appreciation, understanding and enjoyment of the Marine Park;
- (c) the impact of the conduct proposed to be permitted under the permission in the context of other conduct in the relevant area or nearby areas, or in the Marine Park, that is being undertaken, is planned, is in progress, or is reasonably foreseeable at the time of the Authority's consideration of the application, whether or not related to or a consequence of the proposed conduct;

- (d) any policies or guidelines issued by the Authority about the management of the Marine Park or the performance of the Authority's functions under the Act and these Regulations;
- (e) if the application for the permission relates to an undeveloped project the cost of which will be large — the capacity of the applicant to satisfactorily develop and manage the project;
- (f) if the proposed conduct also requires an approval or a permission under a law of Queensland — whether the approval or permission has been, or is likely to be, granted and, if granted, the terms and conditions of it being granted; and
- (g) any international Convention to which Australia is a signatory, or any agreement between the Commonwealth and a State or Territory, that is relevant to the application;
- (h) any relevant law of the Commonwealth, or a relevant law of Queensland as in force from time to time, or a relevant plan made under such a law, relating to the management of the environment, or an area in the Marine Park;
- (i) any relevant recovery plan, wildlife conservation plan, threat abatement plan or approved conservation advice, under the *Environment Protection and Biodiversity Conservation Act 1999*;
- (j) whether the applicant for the permission is a suitable person to hold such a permission, having regard to:
 - (i) the applicant's history in relation to environmental matters; and
 - (ii) if the applicant is a body corporate — the history of its executive officers in relation to environmental matters; and
 - (iii) if the applicant is a company that is a subsidiary of another company (the **parent body**) — the history of the parent body and its executive officers in relation to environmental matters; and
 - (iv) any charge, collected amount or penalty amount that is overdue for payment by the applicant as the holder of a chargeable permission (whether or not the permission is in force); and
 - (v) any late payment penalty that is payable by the applicant as the holder of a chargeable permission (whether or not the permission is in force); and
 - (vi) any unpaid fines or civil penalties required to be paid by the applicant in relation to a contravention of the Act or of these Regulations;
- (k) any other matters relevant to achieving the objects of the Act.

ATTACHMENT 3:

Objects of the *Environment Protection and Biodiversity Conservation Act 1999*

3. Objects of the Act

- (a) to provide for the protection of the environment, especially those aspects of the environment that are matters of National Environmental Significance
- (b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources
- (c) to promote the conservation of biodiversity
- (d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples
- (e) to assist in the co-operative implementation of Australia's international environmental responsibilities
- (f) to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- (g) to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge.

3A. Principles of Ecologically Sustainable Development

The following principles are principles of ecologically sustainable development:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- (c) the principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;
- (e) improved valuation, pricing and incentive mechanisms should be promoted.

Objects of the *Great Barrier Reef Marine Park Act 1975*

2A Objects of this Act

- (1) The main object of this Act is to provide for the long term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef Region.
- (2) The other objects of this Act are to do the following, so far as is consistent with the main object:
 - (a) allow ecologically sustainable use of the Great Barrier Reef Region for purposes including the following:
 - (i) public enjoyment and appreciation;
 - (ii) public education about and understanding of the Region;

- (iii) recreational, economic and cultural activities;
- (iv) research in relation to the natural, social, economic and cultural systems and value of the Great Barrier Reef Region;
- (b) encourage engagement in the protection and management of the Great Barrier Reef Region by interested persons and groups, including Queensland and local governments, communities, Indigenous persons, business and industry;
- (c) assist in meeting Australia's international responsibilities in relation to the environment and protection of world heritage (especially Australia's responsibilities under the World Heritage Convention).