



**Australian Government**

**Department of the Environment, Water, Heritage and the Arts**

**GUIDELINES FOR THE CONTENT OF A DRAFT  
ENVIRONMENTAL IMPACT STATEMENT**

Development of a Multi Cargo Facility at Abbot Point, Qld

***Environment Protection and Biodiversity Conservation Act 1999***  
**(Reference: 2009/4837)**

## PREAMBLE

North Queensland Bulk Ports Corporation Limited (hereafter referred to as NQBP) proposes to develop a Multi Cargo Facility (MCF) at Abbot Point approximately 25 kms northwest of Bowen in Queensland. The MCF involves the dredging of a shipping access channel, swing basin and berth pockets, reclamation of land to construct a protected harbour, and construction of a haul road, port access road and services corridor. The MCF development is proposed to be undertaken in at least three stages; however approval is sought for the entire project. The MCF is intended to provide port facilities for industries that will establish in the adjacent Abbot Point State Development Area.

The key components of the onshore developments will include:

- Construction of a transport access corridor, approximately 18 kms long, to accommodate a construction haul road and permanent access road to the MCF;
- Associated construction facilities such as construction laydown areas, expected to be approximately 60 hectares.

The key components of the offshore dredging and reclamation will include:

- Dredging of approximately 25 million cubic metres to create a channel, vessel manoeuvring area and approach apron;
- Development of a bunded reclamation area comprising approximately 300 hectares;
- Infrastructure to accommodate up to 12 vessel berths to be constructed in stages. Construction of Stage One, to include four to six berths, is currently expected to commence once sufficient commercial demand is in place;
- Tug berths and facilities to accommodate requirements for the Port; and
- Bunded maintenance pond comprising approximately 80 hectares, for ongoing disposal of maintenance dredge material.

Operational activities of the MCF include maintenance dredging of the new port berths and channel, and the port management of loading of multiple cargoes onto vessels and shipping activities.

The proposal was referred under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) to the Minister for the Environment, Heritage and the Arts on 7 April 2009. On 12 May 2009 a delegate for the Minister determined that approval is required under the EPBC Act and on 29 May 2009 the delegate determined that the action will be assessed by Environmental Impact Statement (EIS).

The proposed action has the potential to have a significant impact on the following matters of national environmental significance (NES) that are protected under Part 3 of the EPBC Act:

- World Heritage properties (section 12 & 15A)
- National Heritage places (section 15B & 15C)
- Listed threatened species and communities (section 18 & 18A)
- Listed migratory species (section 20 & 20A)
- Commonwealth marine areas (section 23 & 24A)

Information about the action and its relevant impacts, as outlined below, is to be provided in the EIS. This information should be sufficient to allow the Minister to make an informed decision on whether or not to approve, under Part 9 of the EPBC Act, the taking of the action for the purposes of each controlling provision.

## **INFORMATION AND ADVICE RELATED TO THE PREPARATION OF THE ENVIRONMENTAL IMPACT STATEMENT**

### **PURPOSE OF EIS GUIDELINES**

The purpose of the EIS Guidelines is to:

- communicate to the relevant stakeholders the Government's guidelines for the preparation of an EIS;
- obtain input on issues relating to the proposed development;
- enable the Commonwealth to consider that input when developing the Final Guidelines.

This document is intended to set the scope of environmental, social, and economic studies required in the EIS to allow for an assessment and decision on the appropriateness of the Multi Cargo Facility and the associated land based developments.

### **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 at a local, regional and national level. 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 significant ecological monitoring will have to be undertaken to provide sufficient information for the EIS. The nature and level of investigations should be related to the likely extent and gravity of potential impacts (including worse case scenarios). All potentially significant impacts of the proposal on the environment are to be investigated and analysed, and commitments to mitigate any adverse impacts are to be detailed in the EIS.

This document provides guidelines for the drafting of the EIS based on the formal requirements for the contents of an EIS provided in Section 97 of the EPBC Act and Schedule 4 of the EPBC Act Regulations 2000 (**Attachment 1**).

In preparing the EIS the proponent should bear in mind 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 proposed activity, the alternatives, the environment which it could potentially affect, the impacts that may occur and the measures proposed to 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 in parallel with economic, technical and other factors.

The proponent should ensure that the EIS discusses compliance with the objectives of the Act and the principles of Ecologically Sustainable Development as set out in the EPBC Act (**Attachment 2**).

The draft EIS prepared by the proponent must be approved for publication by the Minister prior to it being published in accordance with the Regulations. An invitation for anyone to give the proponent 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. An assessment report is then prepared by the Department of the Environment, Water, Heritage and the Arts. 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.

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 and not solely limited to matters of National Environmental Significance.

The EIS should provide a description of the existing environment in the area and of the operations proposed for this proposal. All potentially significant impacts on the environment are to be investigated and analysed. The EIS should present an evaluation of the potential environmental impacts and describe proposed measures to avoid or minimise the expected, likely, or potential impacts to as low as reasonably practicable. Particular attention should be paid to potential impacts on listed threatened and migratory species and communities, the Commonwealth Marine Area and on World Heritage and National Heritage values under the EPBC Act. Any prudent and feasible alternatives should be discussed in detail and the reasons for selection of the preferred option should be clearly given.

These guidelines are not necessarily exhaustive and should not be interpreted as excluding from consideration matters deemed to be significant, but not incorporated in them, or matters (currently unforeseen) 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 outlined under Specific Content. It is on these requirements that public comment is sought.

#### **OPPORTUNITIES FOR PUBLIC INPUT**

There are a number of opportunities for public input throughout the environmental impact assessment process.

The following are statutory requirements for public input:

- when the EPBC Act Referral was lodged on 7 April 2009 to the Commonwealth Department of the Environment, Water, Heritage and the Arts (DEWHA) and placed on the DEWHA web site;
- Draft EIS Guidelines;
- during the period for public comment when the Draft EIS has been completed and submitted to the Commonwealth Government.

In addition to the above statutory requirements, the proponent may seek to engage the community in consultation throughout the development of the EIS. The nature and level of this engagement is at the discretion of the proponent.

## **GENERAL ADVICE ON GUIDELINES**

### **1. GENERAL CONTENT**

The EIS should be a stand-alone document. It should contain sufficient information to avoid the need to search out previous or supplementary reports.

The EIS should enable interested stakeholders and the Minister for the Environment, Heritage and the Arts to understand the environmental consequences of the proposed development. Information provided in the EIS should be objective, clear, and 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 clear and concise style that is easily understood by the general reader. Technical jargon should be avoided wherever possible. Cross-referencing should be used to avoid unnecessary duplication of text.

Detailed technical information, studies or investigations necessary to support the main text should be included as appendices to the EIS. It is recommended that any additional supporting documentation and studies, reports or literature not normally available to the public from which information has been extracted be made available at appropriate locations during the period of public display of the EIS. The proponent should make the EIS available on the Internet.

If it is necessary to make use of material that is considered to be of a confidential nature, the Proponent should consult with Department of the Environment, Water, Heritage and the Arts on the preferred presentation of that material, before submission to the Minister for approval for publication.

The level of analysis and detail in the EIS should reflect the level of significance of the expected impacts on the environment. Any and all unknown variables or assumptions made in the assessment must be clearly stated and discussed. The extent to which the limitations, if any, of available information may influence the conclusions of the environmental assessment should be discussed.

### **2. FORMAT AND STYLE**

The EIS should comprise the following elements:

- the executive summary;
- the main text of the document, and
- appendices containing detailed technical information and other information that can be made publicly available.

The guidelines have 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, each of the elements must be addressed to meet the requirements of the EPBC Act and Regulations.

The EIS should be written so that any conclusions reached can be independently assessed. To this end all sources must be appropriately referenced using the Harvard standard. The reference list should include the address of any Internet "web" pages used as data sources.

The main text of the EIS should include a list of abbreviations, a glossary of terms and appendices containing:

- a copy of the final guidelines issued by DEWHA;
- a list of persons and agencies consulted during the EIS;
- contact details for the Proponent; and
- the names of, and work done by the persons involved in preparing the EIS.

Maps, diagrams and other illustrative material should be included in the EIS. The EIS should be produced on A4 size paper capable of being photocopied, with maps and diagrams on A4 or A3 size and in colour where possible.

The proponent should consider the format and style of the document appropriate for publication on the Internet. The capacity of the website to store data and display the material may have some bearing on how the document is constructed.

Information about species listed under the EPBC Act should be provided in electronic format to DEWHA. The provision of this information will help facilitate decision making under the EPBC Act and assist in the protection and recovery of species and communities.

## **SPECIFIC CONTENT**

Schedule 4 of the EPBC Act Regulations 2000 sets out the matters that must be addressed in an EIS. The following content requirements are based on these matters with the addition of directions specific to the proposed action and the receiving environment; and additional advice on presentation and consultation that have proven valuable in communicating with members of the public and specific interest groups.

### **1. EXECUTIVE SUMMARY**

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

- a) State the background and the need for the proposal;
- b) Discuss alternatives to the proposal and the reasons for selecting the preferred option and rejecting the alternatives;
- c) Summarise the pre-operational, operational and post-operational activities associated with putting the proposal into practice;
- d) State the proposed schedule for key activities and the expected duration of the proposal;
- e) Provide an overview of the existing regional and local environments, summarising the features of the physical, biological, social and economic environment relating to the proposal and associated activities;
- f) Describe the expected, likely and potential impacts of the proposal on the environment during construction, operation and post-operation phases;
- g) Summarise the environmental protection measures and safeguards, monitoring and reporting procedures to be implemented for the proposal;
- h) Provide an outline of the environmental record of NQBP.

### **2. GENERAL INFORMATION**

This should provide the background and context 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) legislative background for the proposal, including the NES matters protected under Part 3 of the EPBC Act and any other requirements and approvals needed under the EPBC Act;
- e) the location of the action;
- f) the background to the development of the action;
- g) 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;
- h) the current status of the action; and
- i) the consequences of not proceeding with the action.

### **3. DESCRIPTION OF THE ACTION**

All construction components of the action should be described in detail. This should include the precise location of all works to be undertaken, structures to be built or elements of the action that may have impacts on matters of national environmental significance. The description should include the use of aerial photographs, maps (at suitable scales), figures and diagrams, where appropriate.

The above information must include details on how the works are to be undertaken (including stages of development and timing) and design parameters for those aspects of the structures or elements of the action that may have relevant impacts. Information about maintenance dredging needs over the life of the project, for example the access and departure channels and vessel berths associated with the MCF, must be provided. Details about the ongoing operation of the dredge maintenance pond must also be provided, including information on how reclaimed material will be managed over the life of the project. A summary of how the proposal is consistent with the National Assessment Guidelines for Dredging (NAGD) 2009 should be provided.

The information should include a description of the type and volume of wastes expected to be produced during the construction and operation phases of the MCF, including wastes from increased shipping and vehicle movements at the MCF, and as far as possible, proposals for waste reduction, treatment, reuse and disposal. Information on other potentially hazardous material to be used throughout the construction and operational phases, including methods of transport, storage and disposal should be provided.

#### **4. FEASIBLE ALTERNATIVES**

Any feasible alternatives to the action to the extent reasonably practicable, including:

- a) if relevant, the alternative of taking no action;
- b) a comparative description of the impacts of each alternative on the NES matters protected by Part 3 of the EPBC Act; and
- c) sufficient detail to make clear why any alternative is preferred to another.

Short, medium and long-term advantages and disadvantages of the options should be discussed.

#### **5. DESCRIPTION OF THE ENVIRONMENT**

A description of the physical (terrestrial and marine) environment of the proposal area and the surrounding areas that may be affected by the action must be provided. This should include listed threatened and migratory species (flora and fauna) and ecological communities that are likely to be present in the vicinity of the proposal. It should also include listed marine species and descriptions of the World and National Heritage values likely to be impacted by the proposal.

A description of the socio-economic and cultural environment should also be provided.

- a) Threatened and Migratory Species
  - i. baseline data on listed threatened and migratory species that may be present in the vicinity of the proposal including regional status, population size, spatial and temporal distributions in relation to breeding, nesting, roosting or feeding as well as migration routes within the project site and adjacent habitat that may be impacted by the project;
  - ii. details of the scope, timing (survey season/s) and methodology for studies or surveys undertaken to provide information and baseline data on the listed threatened and migratory species and their habitat in and surrounding the site. These details must be determined in consultation with recognised experts for the listed threatened and migratory species. The use of peer review for studies and surveys should also be considered;
  - iii. baseline data and details as mentioned above regarding any additional listed threatened and migratory species which may be impacted by the proposal and which were listed after the making of these draft EIS Guidelines;
  - iv. oceanographic conditions, particularly those which may have a bearing on the proposal. Include information on seasonal variation, waves, tides, currents, water salinity, clarity, temperature and depths. This should include a discussion of the frequency and severity of extreme weather conditions, such as storms and cyclones and associated storm surges.
- b) World Heritage Values, National Heritage Values and Commonwealth Marine Area
  - i. identification of World and National Heritage values and aspects of the Commonwealth Marine Area potentially affected by the proposal;
  - ii. baseline data on listed threatened migratory and marine species and any other species of conservation significance, including cetaceans;
  - iii. information on the ecological significance of the area of the reclamation, including details of the area of any inter-tidal mudflats or migratory bird habitat and details of any similar habitat remaining in the area outside the reclamation;
  - iv. baseline data and description of erosion and depositional processes along the coastline;
  - v. hydrodynamic modelling of turbid plumes must include tide, wind and wave parameters and consideration of the immediate and broader impacts to the Abbot Bay area, including the World and National Heritage values. The modelling should also include the long shore drift of sediment arising from the establishment of the proposed reclamation area, such as the capture of sand between the MCF and the mainland over time, and any other potential impacts on erosion and depositional processes along the coastline;
  - vi. baseline data on the nature, extent and value of benthic communities likely to be impacted by the proposal, including seagrass beds, and information on their regional significance, including as habitat for flora and fauna;

- vii. geomorphological and ecological characteristics of Clark Shoal and its significance to the surrounding region and to endemic flora and fauna;
  - viii. oceanographic conditions, particularly those which may be affected by the proposal. Include information on seasonal variation, waves, tides, currents, water salinity, clarity, temperature and depths. Discuss frequency and severity of extreme weather conditions, such as storms and cyclones and associated storm surges;
  - ix. baseline water quality information;
  - x. baseline information on surface and groundwater hydrology;
- c) Socio-economic and cultural environment:
- I. discussion of all existing uses and users of the proposal area, including but not limited to: scientific research, tourism, commercial, traditional and recreational activities (where relevant), military areas and shipping routes;
  - II. any places with known or anticipated heritage, social or cultural values, such that they have been recognised with listing or recording under relevant Commonwealth legislation or are anticipated to be listed under such legislation;
  - III. a description of the regional setting of the proposal area, including studies and/or other information to describe the social environment/public amenity likely to be influenced by the development;
  - IV. a description of any historic shipwrecks within the proposal area pursuant to the *Historic Shipwrecks Act 1976*, including locations.
- d) Sediment analysis of the proposed dredge spoil must be undertaken to determine its suitability for use in the proposed receiving environment. This should include analysis for potential Acid Sulphate Soils (ASS).
- e) Description of the existing road corridors in the proposal area and the surrounding areas that may be affected by the action.
- f) Surveys of existing air quality and noise levels in the proposal area and surrounding areas that may be affected by the action;
- g) Current shipping data for the port and adjacent shipping channels (e.g. vessel types, capacities, number of movements, routes, etc).

## 6. RELEVANT IMPACTS

The EIS must include a description of all the potential relevant impacts of the action on the ecology, hydrology and geomorphology of the project area as it relates to the NES matters protected under Part 3 of the EPBC Act, including but not restricted to:

- a) a detailed assessment, developed in consultation with appropriate recognised experts, of the nature and extent of the likely short-term, long-term and consequential relevant impacts on all relevant NES matters, including habitat for threatened and migratory species (e.g. seagrass meadows and wetlands);
- b) the GBRWHA and Commonwealth marine environment such as:
  - i. potential direct, indirect and consequential impacts on habitat for threatened and migratory species or sensitive habitats;
  - ii. potential direct, indirect and consequential impacts on World and National Heritage values and the Commonwealth Marine environment;
  - iii. impacts on other users of the area;
  - iv. potential impacts on important amenities, navigation, culturally and historically significant sites, including but not limited to the impacts from increased vegetation clearing, increased lighting, increased noise and vessel activity associated with dredging (including for maintenance purposes), the consequential impacts from increased vessel activity following construction and operation of the MCF; and the impacts of habitat modification affecting food availability or other resources used by threatened and migratory species;
  - v. potential impact on listed marine species;
  - vi. potential risk of pest species becoming established in the GBRWHA and/or Commonwealth marine area;
  - vii. changes in water and air quality, including dust and emissions;
  - viii. hydrodynamic modelling to demonstrate the impacts of land based earthworks and construction, and the dredging and reclamation components of the proposal, including consideration of the immediate and broader impacts to the Abbot Bay area and any consequential impacts to inter-tidal areas. Consideration should also be given to changes to

- coastal geomorphology and water circulation processes and to seagrass and invertebrate communities from the proposal;
- ix. consideration of the potential impacts of ASS, and controls for minimisation of any impacts;
  - x. potential impacts of runoff and spillage of port products and pollutants throughout the construction and ongoing operational stages of the proposal. Modelling of spills, if required, should take into account seasonal variations and also proximity to sensitive marine areas, in particular the GBRMP;
  - xi. the direct and indirect impacts of the proposal on the connectivity and hydrology of the wetlands;
  - xii. any direct, indirect or consequential ecological impacts on wetlands, including but not limited to transportation and stockpiling of coal and other materials, and other port related developments (e.g. pipes, conveyor belts, cables etc);
  - xiii. potential impacts from increased shipping (e.g. vessel strike, spills, groundings and collisions). Information obtained through shipping data should be used to undertake a risk assessment for shipping related incidents;
- c) economic, social and cultural impacts, including but not limited to economic assessment, public utilities, local skills, impacts on areas or resources of indigenous cultural significance used by indigenous people (including impacts to amenity), fishing (commercial and recreational), including loss of fish habitat and resources, other recreation and tourism activities, population projections, management of traffic impacts and public health impact assessment;
  - d) estimate of direct greenhouse gas emissions from the port construction and ongoing port operations (e.g. port vehicles, ship loading etc).
  - e) potential impacts on the MCF infrastructure and consequential impacts on the surrounding environment due to climatic factors, including an assessment of the potential for impact from climate change, including extreme weather and sea level rise over the life of the project;
  - f) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
  - g) analysis of the significance of the relevant impacts. Consideration should be given to the local, regional and national scales;
  - h) any technical data and other information used or needed to make a detailed assessment of the relevant impacts;
  - i) potential impacts of the operations of potential port users, including management of stockpiles (if appropriate under EPBC Act provisions);
  - j) contextual information for the proposed action, including, but not limited to related actions (actual and proposed), which may interact with the impacts, mitigation measures and offsets of the proposed action;
  - k) estimate of the potential increase in shipping to the Port of Abbot Point for the stages of the project.

## 7. PROPOSED SAFEGUARDS AND MITIGATION MEASURES

The EIS must provide information on mitigation measures, with a particular focus on matters protected under Part 3 of the EPBC Act. Specific and detailed measures must be provided and substantiated, based on best available practices and must include the following elements.

- (a) A consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including:
  - a description of proposed safeguards and mitigation measures to deal with relevant impacts of the action including mitigation measures proposed to be taken by State governments, local governments or the proponent;
  - assessment of the expected or predicted effectiveness of the mitigation measures;
  - any statutory or policy basis for the mitigation measures; and
  - the cost of the mitigation measures.
- (b) A detailed Environmental Management Plan (EMP) that sets out the framework for management, mitigation and monitoring of relevant impacts of the action, including any provisions for independent environmental auditing.
 

The EMP needs to address the construction and operation phase, in particular the capital and maintenance dredging works. It must state the environmental objectives, performance criteria, monitoring, reporting, corrective action, responsibility and timing for each environmental issue. The EMP should also describe contingencies for events that may impact on the proposal.
- (c) The name of the agency/s responsible for endorsing or approving each mitigation measure or monitoring program.

## **8. OFFSETS**

Environmental offsets are broadly understood to mean actions taken by developers to compensate for the adverse impacts of their developments. The Australian Government defines environmental offsets as 'actions taken outside a development site that compensate for the impacts of that development - including direct, indirect or consequential impacts'. Environmental offsets provide an opportunity to achieve long-term conservation outcomes whilst providing flexibility for proponents seeking to undertake development which will have environmental impacts.

This section should outline plans to offset the potential impacts of the action. Environmental offsets may be appropriate when they:

- are necessary or convenient to protect or repair impacts to a protected matter – i.e. a matter of national environmental significance or the environment more broadly;
- relate specifically to the matter being impacted, for example, attach a covenant to an area of suitable wetland habitat which is to be set aside as migratory waterbird habitat; and
- seek to ensure that the health, diversity and productivity of the environment are maintained or enhanced.

## **9. OTHER APPROVALS AND CONDITIONS**

Information given on any other requirements for approval or conditions that apply, or that the Proponent reasonably believes are likely to apply, to the proposed action 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:
  - what environmental assessment of the proposed action has been, or is being, carried out under the scheme, plan or policy; and
  - 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.

## **10. CONSULTATION**

Any consultation about the action, including:

- (a) any consultation that has already taken place;
- (b) proposed consultation about relevant impacts of the action;
- (c) if there has been consultation about the proposed action, any documented response to, or result of, the consultation; and
- (d) identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.

## **11. INFORMATION SOURCES PROVIDED IN THE EIS**

For information given in a draft Environmental Impact Statement, the draft must state:

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

## **12. REFERENCE LIST AND BIBLIOGRAPHY**

This should be accurate and concise and include the address of any internet pages used as data sources. Literature cited should indicate whether they have been peer-reviewed.

## **13. 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 should be included as appendices; for example, detailed technical or statistical information, maps, risk assessment, baseline data, supplementary reports etc. A copy of the Guidelines should also be included. A glossary defining technical terms and abbreviations used in the text should be included to assist the general reader.

#### **14. ENVIRONMENTAL RECORD OF PERSON(S) PROPOSING TO TAKE THE ACTION**

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.

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

#### **15. CONCLUSION**

An overall conclusion as to the environmental acceptability of the proposal should be provided, including discussion on compliance with principles of ESD and the objects and requirements of the EPBC Act (**Attachment 2**). Reasons justifying undertaking the proposal in the manner proposed should also be outlined.

Measures proposed or required by way of offset for any unavoidable impacts on NES matters, and the relative degree of compensation, should be highlighted.

#### **ADDITIONAL SOCIAL AND ECONOMIC MATTERS**

Section 136(1)(b) of the EPBC Act requires the Minister for the Environment, Heritage and the Arts 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 broad range of matters that may be considered than those addressed during the assessment of the potential impacts of a controlled action. Accordingly, information should be provided 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.

## ATTACHMENT 1

### MATTERS THAT MUST BE ADDRESSED IN A EIS (SCHEDULE 4 OF THE EPBC ACT 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; and
  - (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; and
  - (iii) if there has been consultation about the proposed action — any documented response to, or result of, the consultation; and
- (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(d) 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(e) 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(f) 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 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 ERMP/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  
THE OBJECTS OF THE ENVIRONMENT PROTECTION AND BIODIVERSITY  
CONSERVATION ACT 1999 ACT**

**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.