

Terms of reference for an environmental impact statement

Capricorn Integrated Resort

May 2014

The Department State Development, Infrastructure and Planning is responsible for driving the economic development of Queensland.

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Part A. About these terms of reference

1. Statutory basis

- 1.1. The Coordinator-General has declared the Capricorn Integrated Resort project to be a 'coordinated project for which an environmental impact statement (EIS) is required' under section 26(1)(a) of the *State Development and Public Works Organisation Act 1971* (SDPWO Act). This declaration initiates the statutory environmental impact assessment procedure of Part 4 of the SDPWO Act, which requires a proponent to prepare an EIS for the project.
- 1.2. These terms of reference (TOR) set out the matters the proponent must address in an EIS for the project and are approved by the Coordinator-General under section 30 of the SDPWO Act.
- 1.3. The proponents referred the project to the Commonwealth Minister for the Environment in accordance with the provisions of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) on 14 March 2014. A delegate of the Commonwealth Minister decided on 11 April 2014, that the project constituted a controlled action under Section 75 of the EPBC Act and on the 13 May 2014 the delegate decided that the assessment would be undertaken through an accredited assessment under the SDPWO Act.

2. EIS guidelines

- 2.1. This TOR should be read in conjunction with *Preparing an environmental impact statement: Guideline for proponents*, which explains the following:
 - participants in the EIS process
 - consultation requirements
 - EIS format and copy requirements.
- 2.2. In addition, subject-specific guidelines are referenced throughout this TOR; refer to Appendix 1 for a list of these policies and guidelines.

3. More information

- 3.1. For information about the project or the EIS process conducted under the SDPWO Act, visit www.dsdip.qld.gov.au/cg

Part B. Content of the EIS

4. General approach

- 4.1. For the purposes of the EIS process, 'environment' is defined in Schedule 2 of the SDPWO Act and includes social and economic matters.
- 4.2. The EIS should give priority to the critical matters associated with the project (specified in section 10 of this TOR).
- 4.3. The detail at which the EIS deals with matters relevant to the project should be proportional to the scale of the impacts on environmental values. When determining the scale of an impact, consider its intensity, duration, cumulative effect, irreversibility, the risk of environmental harm, management strategies and offsets provisions.

5. Mandatory requirements of an EIS

- 5.1. For all the relevant matters, the EIS must identify and describe the environmental values and ecological characteristics that must be protected. Environmental values are specified in the *Environmental Protection Act 1994* (EP Act),¹ the *Environmental Protection Regulation 2008* (EP Regulation), environmental protection policies (EPPs) and relevant guidelines.²
- 5.2. The assessment should cover both the short and long terms and state whether any relevant impacts are likely to be irreversible. Also discuss scenarios of unknown, unpredictable impacts.
- 5.3. Provide all available baseline information relevant to the environmental risks of the project. Provide details about the *quality* of the information provided, in particular: the source of the information; how recent the information is; how the reliability of the information was tested; and any uncertainties in the information.
- 5.4. Provide detailed strategies in regard to all critical matters for the protection, or enhancement as desirable, of all relevant environmental values and ecological characteristics in terms of outcomes and possible conditions that can be measured and audited. In general, the preferred hierarchy for managing likely impacts is: (a) to avoid; (b) to minimise/mitigate; and (c) if necessary and possible, to offset.
- 5.5. Impact minimisation measures should include ongoing monitoring and proposals for an adaptive management approach, as relevant, based on monitoring. The proposed measures should give confidence that, based on current technologies, the impacts can be effectively minimised over the long-term.
- 5.6. Present feasible alternatives of the project's configuration (including individual elements) that may improve environmental outcomes. Discuss the consequences of not proceeding with the project.
- 5.7. Demonstrate how the construction and operation (to the extent known) of the project would meet all statutory and regulatory requirements of the State and Commonwealth and that the intended outcomes are consistent with current state and Commonwealth policies and guidelines.

6. Further requirements of an EIS

- 6.1. The assessment and supporting information should be sufficient for the administering authorities to decide whether an approval should be granted. Where applicable, sufficient information should be included to enable approval conditions.
- 6.2. To the extent of the information available, the assessment should endeavour to predict the *cumulative impact*³ of the project on environmental values over time and in combination with impacts created by the activities of other adjacent and upstream and downstream developments and landholders—as detected by baseline monitoring. This will inform the decision on the EIS and the setting of conditions. The EIS should also outline ways in which the cumulative impact assessment and management could subsequently be progressed further.

¹ Part 3, Division 2, Subdivision 1, section 9

² For example, the *Queensland Water Quality Guidelines* and the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (refer to Appendix 1 for details).

³ Cumulative impact is defined as 'combined impacts from all relevant sources (developments and other activities in the area)'.

- 6.3. Include a consolidated description of all the proponent's commitments to implement management measures (including monitoring programs). Should the project proceed, these should be able to be carried over into the approval conditions as relevant.
- 6.4. Provide all geographical coordinates throughout the EIS in latitude and longitude against the Geocentric Datum of Australia 1994 (GDA94) and make spatial datasets for EIS mapping available to government agencies where required for assessment purposes.
- 6.5. An EIS should also describe the expected benefits and opportunities associated with the project.
- 6.6. An appropriate public consultation program is essential to the impact assessment process. The proponent should consult with Local, State and Commonwealth government agencies, and potentially affected local communities.
- 6.7. The EIS should describe the consultation that has taken place and how the responses from the community and agencies have been incorporated into the design and outcomes of the project.
- 6.8. Include, as an appendix, a public consultation report detailing how the public consultation plan was implemented, and the results.

7. Executive summary

- 7.1. The executive summary should describe the project and convey the most important and preferred aspects and environmental management options relating to the project in a concise and readable form. It should use plain English, avoid jargon, be written as a stand-alone document and be structured to follow the EIS. It should be easy to reproduce and distribute on request to those who may not wish to read or purchase the whole EIS.

8. Introduction

- 8.1. Clearly explain the function of the EIS, why it has been prepared and what it sets out to achieve. Include an overview of the structure of the document.

Project proponent

- 8.2. Describe the proponent's experience, including:
 - a) the designated proponent's full name, postal address and ABN, if relevant (including details of any joint venture partners)
 - b) the nature and extent of business activities
 - c) experience
 - d) environmental record, including a list of any breach of relevant environmental laws during the previous ten years
 - e) the proponent's environmental, health, safety and community policies.

The environmental impact assessment process

- 8.3. Provide an outline of the environmental impact assessment process, including the role of the EIS in the Coordinator-General's decision making process. The information in this section is required to ensure readers are informed of the process to be followed and are aware of any opportunities for input and participation.
- 8.4. Inform the reader how and when properly made public submissions on the EIS will be addressed and taken into account in the decision-making process.

Project approvals process

- 8.5. Provide an outline of the approvals required to enable the project to be constructed and operated, and for the site to be accessed for construction or operational purposes. Explain how the environmental impact assessment process (and the EIS itself) informs the issue of the leases/licences/permits/consents required by the proponent before construction can commence. Provide a flow chart indicating the key approvals.

9. Project description

Proposed development

- 9.1. The EIS must describe and illustrate at least the following specific information about the proposed project:
 - a) the project's title
 - b) the project, its objectives, and expected capital expenditure
 - c) rationale for the project
 - d) the regional and local context of the project's footprint (with maps at suitable scales)
 - e) relationship to other major projects (as an example the proposed Great Keppel Island Resort redevelopment) and/or developments (of which the proponent should reasonably be aware)
 - f) workforce numbers to be employed by the project during its various phases, where personnel would be accommodated and, where relevant, the likely recruitment and rostering arrangements to be adopted the proposed construction staging and likely schedule of works.

Site description

- 9.2. Provide real property descriptions of the project land and adjacent properties; any easements; any underlying tenures; the current use and licensing of extractive resources and identification number of any resource activity lease for the project land that is subject to the application. Key transport, state-controlled roads, rail, air, port/sea and other infrastructure or services in the region and to the site should be described and mapped.
- 9.3. Describe and illustrate the topography of the project site and surrounding area, and highlight any significant features shown on the maps. Maps should include a scale, and have contours at suitable increments relevant to the scale, location, potential impacts and type of project, shown with respect to Australian Height Datum (AHD) and drafted to GDA94.

- 9.4. Describe and illustrate specific information about the proposed project including the precise location of the proposed development in relation to designated and protected areas, including erosion prone areas, coastal hazard areas, the coastal management district, estuarine conservation zones, fish habitat areas, Ramsar and other significant wetlands, Byfield National Park, Corio Bay, Keppel Bay, Great Barrier Reef Coast Marine Park, the Great Barrier Reef Marine Park and World Heritage Areas.
- 9.5. Where relevant, describe and map in plan and cross-sections the geology and landforms, including catchments, of the project area. Show geological structures, such as aquifers, faults and economic resources (such as forestry products) that could have an influence on, or be influenced by, the project's activities.
- 9.6. Where relevant, describe, map and illustrate soil types and profiles of the project area at a scale relevant to the proposed project. Identify soils that would require particular management due to wetness, erosivity, depth, acidity, salinity or other feature.
- 9.7. Plans and drawings provided must be detailed enough to enable the Coordinator-General and advisory agencies to adequately assess the application.

Climate

- 9.8. Describe the site's climate patterns that are relevant to the environmental assessment, with particular regard to discharges to water and air and the propagation of noise. Climate information should be presented in a statistical form including long-term averages and extreme values, as necessary.

Proposed construction and operations

- 9.9. Describe the following information about the proposal:
 - a) all pre-construction activities (e.g. vegetation clearing, site access, filling, interference with watercourses and floodplain areas, including wetlands)
 - b) existing infrastructure and easements on the potentially affected land
 - c) the proposed construction methods, associated equipment and techniques
 - d) location, design and capacity of water supply, telecommunications, power generation and transmission infrastructure
 - e) any infrastructure alternatives, justified in terms of ecological sustainable development (including energy and water conservation)
 - f) all energy requirements, including electricity, natural gas, and/or solid and liquid fuel
 - g) the sequencing and staging of activities
 - h) hours of operation for proposed construction works, including night time works
 - i) the capacity of high-impact plant and equipment, their chemical and physical processes, and chemicals or hazardous materials to be used
 - j) the known locations of new or altered works and structures and infrastructure necessary to enable the construction and operation of the development
 - k) any activity that is a prescribed ERA
 - l) location of quarry operations the project may source materials from
 - m) the range of land uses and site layout

- n) built form and design specifics
- o) operation detail (e.g. hours of operation for project components).

Infrastructure requirements

- 9.10. This section should detail, with concept and layout plans, requirements for new infrastructure, or the upgrading and/or relocating of existing infrastructure to service the project. Infrastructure to be considered should include water supply, energy supply, telecommunications, stormwater, waste disposal and sewerage. Consider likely peak utilisation of water and wastewater facilities, demand management strategies and when/if additional capacity is required.
- 9.11. This section should discuss key approvals external providers will require for the proposed development to be constructed and operated.

10. Assessment of critical matters

- 10.1. This section sets out the scope of critical matters that should be given detailed treatment in the EIS. A critical matter is an aspect of the proposal that has one or more of the following characteristics:
- a) a high or medium probability of causing serious or material environmental harm or a high probability of causing an environmental nuisance⁴
 - b) considered contentious in the public domain, for example, has been the subject of extensive media coverage and/or there is a public perception that an activity has the potential to cause serious or material environmental harm or an environmental nuisance (regardless of the likelihood of occurrence).
- 10.2. The final scope of critical matters will be determined by the Coordinator-General when finalising the TOR. In the course of preparing the EIS, information may become available that warrants a change of scope.

Land use

Objectives

Development should be designed and operated to:

- (a) improve environmental outcomes
- (b) contribute to community wellbeing
- (c) attract employment and investment
- (d) contribute to social, economic and environmental sustainability.

Information requirements

- 10.3. Provide a copy of the proposed plan of development (or local area plan), in the preferred planning scheme format, explaining how the plan may vary the Livingstone Shire planning scheme.
- 10.4. Discuss the compatibility of the project with the surrounding area and the Yeppoon region, taking into consideration the proposed measures that would be used to avoid or minimise impacts. The discussion should include:

⁴ 'Material environmental harm', 'serious environmental harm' and 'environmental nuisance' are defined in Part 3, sections 15, 16 and 17 of the *Environmental Protection Act 1994*.

- a) existing and proposed land uses, in and around the project area, referring to regional plans and the local government planning scheme
 - b) how the proposal will integrate with existing community facilities and infrastructure
 - c) any tenures overlying and adjacent to the project site, and any to be applied for as part of this project
 - d) state interests identified in the State Planning Policy (SPP)
 - e) factors influencing the location of elements within the site
 - f) consideration of existing supply of urban land catered for in the current planning scheme, as well as impacts from the development on other residential growth corridors
 - g) forecasting to demonstrate the need and scale for the proposed retail and residential components of the project.
- 10.5. Discuss the proposal in the context of the Central Queensland statutory regional plan.
- 10.6. Describe and illustrate the visual impact of the construction and operation of the project. Include major views, view sheds, outlooks, and features contributing to the amenity of the area, including assessment from private residences and the coast (including views from the ocean).
- 10.7. Present feasible alternatives of the project's configuration (including individual elements) that may improve environmental outcomes.
- 10.8. Describe how the project may affect the outstanding universal value and integrity of the Great Barrier Reef World Heritage Area.
- 10.9. Outline how the project will maintain or enhance general public access to or along the foreshore, unless this is contrary to the protection of coastal resources or public safety.
- 10.10. Detail any known or potential sources of contaminated land. Describe how any proposed land use may result in land becoming contaminated.
- 10.11. Identify existing and potential native title rights and interests possibly impacted by the project and the potential for managing those impacts by an Indigenous Land Use Agreement or other measure.

Hazards

Objectives

The risk of, and the adverse impacts from, natural hazards are avoided, minimised or mitigated to protect people and property and enhance the community's resilience to natural hazards.

Information requirements

General

- 10.12. Describe the potential risks to people and property that may be associated with the project in the form of a preliminary risk assessment for all components of the project and in accordance with relevant standards. The assessment should include:

-
- a) potential hazards, accidents, spillages, fire and abnormal events that may occur during all stages of the project, including estimated probabilities of occurrence
 - b) identifying all hazardous substances to be used, stored, processed or produced and the rate of usage
 - c) potential wildlife hazards, natural events (for example, cyclone, storm tide inundation, flooding, bushfire, landslide, shoreline erosion) and implications related to climate change
 - d) how the project may potentially affect hazards away from the project site (for example, changing flooding characteristics).
- 10.13. Outline measures required to ensure that the proposed project avoids the release of hazardous materials as a result of a natural hazard event.
- 10.14. Provide details on the safeguards that would reduce the likelihood and severity of hazards, consequences and risks to persons, within and adjacent to the project area(s). Identify the residual risk following application of mitigation measures. Present an assessment of the overall acceptability of the impacts of the project in light of the residual uncertainties and risk profile.
- 10.15. Provide an outline of the proposed integrated emergency management planning procedures (including evacuation plans, if required) for the range of situations identified in the risk assessment developed in this section.
- 10.16. Outline any consultation undertaken with the relevant emergency management authorities (QPS, QAS and QFRS), including the Local Disaster Management Group and local Hospital and Health Services, particularly in relation to planning for natural disasters.

Erosion prone areas

- 10.17. If the project proposes permanent buildings or structures in a coastal management district, detail how development will be consistent with the State Planning Policy in relation to development within an erosion prone area.

Storm tide inundation and flooding

- 10.18. Describe storm tide inundation risk for a range of annual exceedance probabilities for the site, and assess (through hydrodynamic modelling) how the project may affect storm tide hazard vulnerability of nearby premises. Take into consideration potential sea-level rise scenarios.
- 10.19. The assessment should consider all infrastructure associated with the project including levees, roads and linear infrastructure and all proposed measures to avoid or minimise risks to life, property, community (including damage to other properties) and the environment during storm tide events and flood events. Include an outline of alternative access routes in the event roads (such as Farnborough Road) are closed due to inundation or other natural hazards).
- 10.20. Describe flood risk for a range of annual exceedance probabilities (including Probable Maximum Flood) for the site, and assess how the project may change flooding characteristics. Take into consideration potential sea-level rise scenarios. Include a discussion of historical events.

Flora and fauna

Objective

Matters of environmental significance (both State and Commonwealth) are valued and appropriately safeguarded to support healthy and resilient ecosystems and ensure the sustainable, long-term conservation of biodiversity and the social, economic, cultural and environmental benefits it provides.

Information requirements

- 10.21. Describe the likely impacts on the biodiversity, natural environmental values, ecological characteristics, listed threatened species and ecological communities, and migratory species of affected areas arising from the construction and operation of the project. Take into account any proposed avoidance and/or mitigation measures. The assessment should include, but not be limited to, the following key elements:
- a) matters of state environmental significance and national environmental significance
 - b) terrestrial and aquatic ecosystems (including groundwater-dependent ecosystems) and their interaction
 - c) biological diversity including listed flora and fauna species and regional ecosystems, having regard to relevant State and Commonwealth government guidelines and relevant to matters protected under part 3 of the EPBC Act
 - d) the existing integrity of ecological processes, including habitats of threatened, near-threatened or special least-concern species
 - e) the integrity of landscapes and places, including wilderness and similar natural places
 - f) actions of the project that require an authority under the *Nature Conservation Act 1992*, *Marine Parks Act 2004*, *Forestry Act 1959* and *Water Act 2000* (for example, riverine protection permits) and/or would be assessable development for the purposes of the *Vegetation Management Act 1999* (VMA), the *Fisheries Act 1994* or the *Coastal Protection and Management Act 1995*
 - g) chronic, low-level exposure to contaminants or the bio-accumulation of contaminants
 - h) impacts on native fauna due to proximity to the site and site impacts (e.g. lighting, noise, waste, increased aircraft movements, domestic animals, recreational access and fire management regimes).
- 10.22. Field survey methodologies and efforts undertaken to detect threatened fauna and flora should be in accordance with State and Commonwealth survey guidelines.
- 10.23. Propose practical measures for protecting or enhancing natural values, and assess how the nominated quantitative indicators and standards may be achieved for nature conservation management. In particular, address measures to protect or preserve any threatened or near-threatened species.
- 10.24. Describe potential impacts on Ramsar and other significant wetlands; and discuss any obligations imposed by state or Commonwealth legislation or policy.

- 10.25. Discuss the proposal's potential impacts on migratory species and identify if any important populations of migratory shorebird species would be affected.
- 10.26. Assess the need for buffer zones and the retention, rehabilitation or planting of movement corridors, and propose measures that would avoid the need for waterway barriers, or propose measures to mitigate the impacts of their construction and operation.
- 10.27. Describe how the achievement of the objectives would be monitored and audited, and how corrective actions would be managed.
- 10.28. Outline the tenure and management arrangements for environment and conservation areas including consideration of lands being dedicated to the State for National Park.

Offsets

- 10.29. Where Queensland legislation or policy requires an offset for a significant residual impact on a particular natural environmental value, the offset proposal(s) shall be presented in a form consistent with relevant legislation and policy.

Water quality

Objective

Development is planned, designed, constructed and operated to protect environmental values of Queensland waters and supports the achievement of water quality objectives.

Information requirements

- 10.30. Detail the chemical and physical characteristics of surface waters and groundwater within the area that may be affected by the project. Include a description of water quality variability associated with climatic and seasonal factors, variability of freshwater flows and extreme events.
- 10.31. Identify the quantity, quality and location of all potential discharges of water and waste water by the project, whether as point sources (such as controlled discharges) or diffuse sources (such as irrigation to land of treated sewage effluent).
- 10.32. Assess the potential impacts of any discharges on the quality and quantity of receiving waters. Consider the assimilative capacity of the receiving environment and the practices and procedures that would be used to avoid or minimise impacts.
- 10.33. Identify potential and actual areas of acid sulfate soils within and adjacent to the project area based on existing State government mapping. Where potential areas are identified, further investigations including field surveys should be undertaken in accordance with the latest version of Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland, to support measures to achieve the relevant outcomes of the State Planning Policy code for water quality.
- 10.34. Describe how the achievement of the objectives would be monitored and audited, and how corrective actions would be managed, particularly considering proximity to the Marine Parks (State and Commonwealth), the Corio Bay Fish Habitat Area and Ramsar and other significant wetlands. Describe mitigation strategies and contingency plans for:

- a) potential accidental discharges of contaminants and sediments during construction and operation
- b) stormwater run-off from the project facilities and associated infrastructure
- c) flooding of relevant river systems, the effects of tropical cyclones and other extreme events
- d) management of acid sulfate soils.

Transport

Objectives

The construction and operation of the project should aim to:

- (a) maintain the safety and efficiency of all affected transport modes for the project workforce and other transport system users
- (b) avoid or mitigate impacts on the condition of transport infrastructure
- (c) ensure any required works are compatible with existing infrastructure and future transport corridors.

Information requirements

- 10.35. The EIS should include a clear summary of the total transport task for the project, including workforce, inputs and outputs, during the construction and operational phases.
- 10.36. Present the transport assessment in separate sections for each project-affected mode (road, rail, air and sea) as appropriate for each phase of the project.
- 10.37. Provide sufficient information to allow an independent assessment of how existing transport infrastructure will be affected by project transport at the local and regional level (e.g. local roads and state-controlled roads), with particular attention to the proposed provision of a multi-purpose airstrip and trips between the proposed development, Rockhampton and the Yeppoon town centre.
- 10.38. Include details of the adopted assessment methodology for impacts on roads within the road impact assessment report in accordance with the Guidelines for Assessment of Road Impacts of Development.
- 10.39. Discuss and recommend how identified impacts will be mitigated. Mitigation strategies and are to be prepared in close consultation with relevant transport authorities (including Local Government and QPS).
- 10.40. Provide detail regarding the dedication and ownership of road and transport routes internal to the site.

Social and economic

Objectives

The construction and operation of the project should aim to:

- (a) avoid or mitigate adverse social and economic impacts arising from the project
- (b) capitalise on opportunities potentially available to affected communities.

Information requirements

- 10.41. Describe the likely social impacts (positive and negative) on affected communities taking into account proposed mitigation measures.
- 10.42. Describe the likely impacts (positive and negative) of the project on the economies materially impacted by the project. The analysis should describe both the potential and direct economic impacts including estimated costs, if material, on industry and the community.
- 10.43. Discuss and recommend how identified impacts will be mitigated. Mitigation strategies and are to be prepared in close consultation with relevant agencies (including Local Government).
- 10.44. Prepare an Indigenous Participation plan.

11. Assessment of routine matters

- 11.1. The following subsections list the routine matters for coordinated projects, with (where applicable) a reference to the objectives defined in the EP Regulation. In some cases, not all the matters may be relevant, while in others the list may not be exhaustive. Where applicable, refer to the objective of the EP Regulation (Schedule 5, Part 3) to ensure ecologically sustainable development is achieved.
- 11.2. The proponent is not required to list every conceivable impact, but instead focus research and primary studies on impacts that were identified in the IAS and/or scoping meetings with the Office of the Coordinator-General.
- 11.3. For each routine matter identified below, the level of detail should be proportional to the risk or magnitude of impacts. As a minimum, the proponent should supply sufficient information that confirms the risks/impacts are not significant.

Air

Objective

Development is planned, designed, constructed and operated to protect the environmental values of air.

Information requirements

- 11.4. Fully describe the characteristics of any contaminants or materials that may be released as a result of the construction or operations of the proposal, including point source and fugitive emissions. Emissions (point source and fugitive) during construction, commissioning, operations and upset conditions should be described.
- 11.5. Predict the impacts of the releases from the activity on environmental values of the receiving environment using recognised quality assured methods. The description of impacts should take into consideration the assimilative capacity of the receiving environment and the practices and procedures that would be used to avoid or minimise impacts. The impact prediction must:
 - a) address residual impacts on the environmental values (including appropriate indicators and air quality objectives) of the air receiving environment, with reference to sensitive receptors. This should include all relevant values

- potentially impacted by the activity, under the EP Act, EP Regulation and Environmental Protection (Air) Policy 2008 (EPP (Air))
- b) address the cumulative impact of the release with other known releases of contaminants, materials or wastes associated with existing development and possible future development (as described by approved plans and existing project approvals)
 - c) quantify the human health risk and amenity impacts associated with emissions from the project for all contaminants whether or not they are covered by the National Environmental Protection (Ambient Air Quality) Measure or the EPP (Air).
- 11.6. Describe the proposed mitigation measures and how the proposed activity will be consistent with best practice environmental management. Where a government plan is relevant to the activity or site where the activity is proposed, describe the activity's consistency with that plan.
- 11.7. Describe how the achievement of the objectives would be monitored, audited and reported, and how corrective actions would be managed.

Noise and vibration

Objective

Development is planned, designed, constructed and operated to protect the environmental values of the acoustic environment.

Information requirements

- 11.8. Fully describe the characteristics of the noise and vibration sources that would be emitted when carrying out the activity (point source and general emissions). Noise and vibration emissions (including fugitive sources) that may occur during construction, commissioning, upset conditions, and operation should be described.
- 11.9. Predict the impacts of the noise emissions from the construction and operation of the project on the environmental values of the receiving environment, with reference to sensitive receptors, using recognised quality assured methods. Discuss separately the key project components likely to present an impact on noise and vibration for the construction and operation phases of the project.
- 11.10. Taking into account the practices and procedures that would be used to avoid or minimise impacts, the impact prediction must address the:
- a) activity's consistency with the objectives
 - b) cumulative impact of the noise with other known emissions of noise associated with existing development and possible future development (as described by approved plans)
 - c) potential impacts of any low-frequency (<200 Hz) noise emissions.
- 11.11. Describe how the proposed activity, and in particular, the key project components described above, would be managed to be consistent with best practice environmental management for the activity. Where a government plan is relevant to the activity, or the site where the activity is proposed, describe the activity's consistency with that plan.

- 11.12. Describe how the achievement of the objectives would be monitored and audited, and how corrective actions would be managed.

Water resources

Objectives

The construction and operation of the project should aim to meet the following objectives:

- (a) equitable, sustainable and efficient use of water resources
- (b) environmental flows, water quality, in-stream habitat diversity, and naturally occurring inputs from riparian zones support the long-term maintenance of the ecology of aquatic biotic communities
- (c) the condition and natural functions of water bodies, lakes, springs and watercourses are maintained—including the stability of beds and banks of watercourses
- (d) volumes and quality of groundwater are maintained and current lawful users of water (such as entitlement holders and stock and domestic users) and other beneficial uses of water (such as spring flows and groundwater-dependent ecosystems) are not adversely impacted by the development.

Information requirements

- 11.13. Provide details of any proposed impoundment, extraction, discharge, injection, use or loss of surface water or groundwater. Identify any approval or allocation that would be needed under the *Water Act 2000*.
- 11.14. Detail any significant diversion or interception of overland flow. Include maps of suitable scale showing the location of diversions and other water-related infrastructure.
- 11.15. Develop hydrological models as necessary to describe the inputs, movements, exchanges and outputs of all significant quantities and resources of surface water and groundwater that may be affected by the project. The models should address the range of climatic conditions that may be experienced at the site, and adequately assess the potential impacts of the project on water resources. The models should include a site water balance. This should enable a description of the project's impacts at the local scale and in a regional context including proposed:
- changes in flow regimes from structures and water take
 - alterations to riparian vegetation and bank and channel morphology
 - direct and indirect impacts arising from the development.
- 11.16. Describe proposed sources of water supply given the implication of any approvals required under the *Water Act 2000*. Describe the water demands over time during construction and operational phases and describe the associated impacts on the water supply reliability of existing users and approved developments. Estimated rates of supply from each source (average and maximum rates) must be given and proposed water conservation and management measures must be described.
- 11.17. Describe how the development will impact or alter the Central Queensland Regional Water Supply Strategy (CQRWSS) and the Livingstone Shire Council's *Standards of Service for Infrastructure*.

Biosecurity

Objectives

The construction and operation of the project should aim to ensure:

- (a) the spread of weeds and pest animals is minimised
- (b) existing weeds and pests are controlled.

Information requirements

- 11.18. Propose detailed measures to control and limit the spread of pests and weeds on the project site and adjacent areas, particularly declared plants under the *Plant Protection Act 1989* and the Land Protection (Pest and Stock Route Management) Regulation 2003 and weeds of national significance. The measures should also demonstrate how weeds and pest animals that are harmful to threatened species or ecological communities will be managed.
- 11.19. Describe how weed and pest animal management plans align with the Local Government's pest management plan.

Waste management

Objective

Any waste transported, generated, or received as part of carrying out the activity is managed in a way that protects all environmental values.

Information requirements

- 11.20. For wastes besides wastewater (which is addressed in paragraph 10.29), describe all the expected significant waste streams from the proposed project activities during the construction and operational phases of the project.
- 11.21. Define and describe the objectives and practical measures for protecting or enhancing environmental values from impacts by wastes. Take into account best practice waste management strategies (including means for reduction, reuse, recycling and recovery of waste and the Environmental Protection (Waste) Policy 2000 and the Environmental Protection (Waste) Regulation 2000.
- 11.22. Assess the proposed management measures against the preferred waste management hierarchy, namely: avoid waste generation; cleaner production; recycle; reuse; reprocess and reclaim; waste to energy; treatment; disposal. This includes the generation and storage of waste.
- 11.23. Describe how nominated quantitative standards and indicators may be achieved for waste management, and how the achievement of the objectives would be monitored, audited and managed.
- 11.24. Provide details on natural resource use efficiency (such as energy and water), integrated processing design, and any co-generation of power and by-product reuse as shown in a material/energy flow analysis.

Health and safety

Objective

Developments are to be appropriately located, designed and constructed to minimise health and safety risks to communities and individuals and adverse effects on the environment.

- 11.25. Describe the proposed mitigation measures and how the proposed activity will be consistent with best practice environmental management. Where a government plan is relevant to the activity or site where the activity is proposed, describe the activity's consistency with that plan.
- 11.26. Describe how the achievement of the objectives would be monitored, audited and reported, and how corrective actions would be managed.

Cultural heritage

Objective

The construction and operation of the project should aim to ensure that the nature and scale of the project does not compromise the cultural heritage significance of a heritage place or heritage area.

Information requirements

- 11.27. Undertake research/studies as required under the *Aboriginal Cultural Heritage Act 2003 (ACH Act)* and develop a Cultural Heritage Management Plan in accordance with the requirements of Part 7 of the ACH Act.
- 11.28. For non-Indigenous historical heritage, including South Sea Islander sites, undertake a study of, and describe, the known and potential historical cultural and landscape heritage values of the area potentially affected by the project. Any such study should be conducted by an appropriately qualified cultural heritage practitioner. Provide strategies to mitigate and manage any negative impacts on non-Indigenous cultural heritage values and enhance any positive impacts.

Project infrastructure

Objectives

The project should provide the necessary infrastructure to service the development that:

- (a) maintains or enhances services to existing users
- (b) ensures any required works are compatible with existing infrastructure.

Information requirements

- 11.29. (duplication) Assess and identify any trunk infrastructure, existing or proposed, that would be impacted by the development and describe any upgrading that may be required to cater for the development. Identify all proposed connection points to council's networks.

12. Matters of National Environmental Significance

- 12.1. The EIS should provide a stand-alone report that exclusively and fully addresses the issues relevant to the matters of national environmental significance that were identified in the 'controlling provisions' when the project was declared a controlled action under Part 3, Division 1 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
- 12.2. A report generated from the protected matters search tool should inform the matters of National Environmental Significance addressed in the EIS. This report must be current at the time of submission of the relevant draft or final EIS.
- 12.3. The controlling provisions under the EPBC Act are:
- World Heritage properties (sections 12 and 15A)
 - National Heritage places (sections 15B and 15C)
 - Wetlands of international importance (sections 16 and 17B)
 - listed threatened species and communities (sections 18 and 18A)
 - listed migratory species (sections 20 and 20A)
 - Great Barrier Reef Marine Park (section 24B and 24C).
- 12.4. Consideration should be given to any relevant policy statements available from www.environment.gov.au, including:
- *Matters of National Environmental Significance: Significant impact guidelines 1.1*
 - *Environment Protection and Biodiversity Conservation Act 1999* Environmental Offsets Policy.
- 12.5. The EIS must:
- assess all the relevant impacts that the action has, will or is likely to have, including direct, indirect, facilitated and cumulative impacts
 - provide enough information about the action and its relevant impacts to allow the Commonwealth Minister for the Environment to make an informed decision whether or not to approve the action
 - address the matters set out in Division 5.2 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth).
- 12.6. The EIS must address the matters mentioned in Schedule 1 of the State Development and Public Works Organisation Regulation 2010.

World Heritage properties

Great Barrier Reef World Heritage Area

- 12.7. Identify and describe the characteristics and values of the Great Barrier Reef World Heritage Area that are likely to be impacted by the project.
- 12.8. Values include, but are not restricted to: water quality, exceptional natural beauty and aesthetic importance of the area, species of conservation significance and the significant regional habitat for listed threatened and migratory species.
- 12.9. Provide an assessment of the relevant impacts of the proposed development on the characteristics and values, and how this in turn impacts on the overall values of the Great Barrier Reef World Heritage Area. Include and refer to the statement of outstanding universal value for the Great Barrier Reef World Heritage Area (<http://whc.unesco.org/en/list/154/>).

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- 12.10. Describe the relevant impacts of the proposal on the integrity and outstanding universal value of the Great Barrier Reef World Heritage Area, including, but not limited to, impacts as a result of changes to coastal processes and water quality, and visual amenity impacts.
 - 12.11. Assess the impacts of the proposed development against relevant reports and documents published as part of the Great Barrier Reef and Great Barrier Reef Coast strategic assessments.
 - 12.12. Describe the residual impacts of the proposed development after all proposed avoidance and mitigation measures are taken into account. Where residual impacts to the outstanding universal value of the Great Barrier Reef World Heritage Area are likely to be significant, include proposed offsets consistent with the EPBC Act Environmental Offsets Policy.
 - 12.13. Demonstrate that the project will not be inconsistent with:
 - a) Australia's obligations under the World Heritage Convention; or
 - b) the Australian World Heritage management principles; or
 - c) a plan that has been prepared for the management of a declared World Heritage property under section 316 or as described in section 321 of the *Environmental Protection Biodiversity Conservation Act 1999* (EPBC Act).

National Heritage places

Great Barrier Reef National Heritage Place

- 12.14. Identify and describe the characteristics and values of the Great Barrier Reef National Heritage Place likely to be impacted by the project.
- 12.15. Provide an assessment of the relevant impacts of the proposed development on the expression of the values and how this in turn impacts on the overall values of the Great Barrier Reef National Heritage place.
- 12.16. Describe the residual impacts of the proposed development after all proposed avoidance and mitigation measures are taken into account. Where residual impacts to the national heritage values of the Great Barrier Reef National Heritage Place are likely to be significant, include proposed offsets consistent with the EPBC Act Environmental Offsets Policy.
- 12.17. Demonstrate that the project will not be inconsistent with:
 - a) the National Heritage management principles; or
 - b) an agreement to which the Commonwealth is party in relation to a National Heritage place; or
 - c) a plan that has been prepared for the management of a National Heritage place under section 324S or as described in section 324X of the EPBC Act.

Wetlands of international importance

Shoalwater and Corio Bays Area Ramsar site (SWCBA Ramsar site)

- 12.18. Identify and describe the characteristics of the SWCBA Ramsar site that are likely to be impacted by the project.

- 12.19. Provide an assessment of the relevant impacts of the proposed development on the ecological character of the SWCBA Ramsar site. Include and refer to the criteria for identifying wetlands of international importance. The SWCBA Ramsar site was listed in 1996 under six of the possible nine criteria;
1. Contains a representative, rare, or unique example of a natural or near-natural wetland type found within the appropriate biogeographic region.
 2. Supports vulnerable, endangered or critically endangered species or threatened ecological communities.
 3. Supports populations of plant and/or animal species important for maintaining the biological diversity of a particular biogeographic region.
 4. Supports plant and/or animal species at a critical stage in their life cycles, or provides refuge during adverse conditions.
 5. Regularly supports 20,000 or more waterbirds.
Regularly supports 1% of the individuals in a population of one species or subspecies of waterbird.
- 12.20. Describe the residual impacts of the proposed development after all proposed avoidance and mitigation measures are taken into account. Where residual impacts to the Ramsar site are likely to be significant, include proposed offsets consistent with the EPBC Act Environmental Offsets Policy.
- 12.21. Demonstrate that the project will not be inconsistent with:
- a) Ramsar Convention;
 - b) Australian Ramsar management principles; and
 - c) If the wetland is included in the list of Wetlands of International Importance kept under the Ramsar Convention and a plan for managing that property has been described in section 333 of the EPBC Act - that plan.

Great Barrier Reef Marine Park

- 12.22. Identify and describe the aspects of the environment in the Great Barrier Reef Marine Park that are likely to be impacted by the project.
- 12.23. Provide an assessment of the relevant impacts of the proposed development on the environment in the Great Barrier Reef Marine Park with regard to: the object of the EPBC Act; the object of the *Great Barrier Reef Marine Parks Act 1975*; and the Great Barrier Reef Marine Parks Regulations 1983.
- 12.24. Describe the residual impacts of the proposed development after all proposed avoidance and mitigation measures are taken into account. Where residual impacts to the environment in the Great Barrier Reef Marine Park are likely to be significant, include proposed offsets consistent with the EPBC Act Environmental Offsets Policy.

Listed threatened species and communities

- 12.25. Describe the listed threatened species and ecological communities likely to be impacted by the project (including EPBC Act status, distribution, life history and habitat).

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- 12.26. Provide details of the scope, timing/effort (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 which may be impacted by the proposed development). Include details of:
- a) the application of best practice survey guidelines
 - b) how studies or surveys are consistent with (or a justification for divergence from) published Australian Government guidelines and policy statements.
- 12.27. Provide an assessment of the relevant impacts to the listed threatened species and ecological communities that are found to be or may potentially be present in areas that may be impacted by the project, or for which suitable habitat is likely to be impacted. Identify which component of the project is of relevance to each listed threatened species or ecological community or if the threat of impact relates to consequential actions.
- 12.28. Describe the residual impacts of the proposed development after all proposed avoidance and mitigation measures are taken into account. Where residual impacts to listed threatened species and ecological communities are likely to be significant, include proposed offsets consistent with the EPBC Act Environmental Offsets Policy, including detailed justification of any proposed offsets using the Offsets Assessment Guide accompanying the Environmental Offsets Policy (available at: <http://www.environment.gov.au/resource/epbc-act-environmental-offsets-policy>)
- 12.29. Where relevant, demonstrate that the project will not be inconsistent with:
- a) Australia's obligations under:
 - (i) the Biodiversity Convention; or
 - (ii) the Apia Convention; or
 - (iii) CITES; or
 - b) a recovery plan or threat abatement plan.
- 12.30. Discuss how the project would be consistent with approved conservation advice for the species or community.

Impact on a listed migratory species

- 12.31. Describe the listed migratory species identified likely to be impacted by the project (including EPBC Act status, distribution, life history, and habitat).
- 12.32. Provide details of the scope, timing/effort (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 which may be impacted by the proposed development). Include details of:
- a) the application of best practice survey guidelines
 - b) how studies or surveys are consistent with (or a justification for divergence from) published Australian Government guidelines and policy statements.
- 12.33. Provide an assessment of the relevant impacts to the listed migratory species identified (and any species that would potentially be present), or to suitable habitat for listed migratory species in areas that may be impacted by the project. Identify which component of the project is of relevance to each species or if the threat of impact relates to consequential actions.

- 12.34. Describe the residual impacts of the proposed development after all proposed avoidance and mitigation measures are taken into account. Where residual impacts to listed migratory species are likely to be significant, include proposed offsets consistent with the EPBC Act Environmental Offsets Policy.
- 12.35. Demonstrate that the project will not be inconsistent with:
 - a) the Bonn Convention;
 - b) CAMBA;
 - c) JAMBA;
 - d) an international agreement approved under subsection 209(4) of the EPBC Act.

Conclusion

- 12.36. Include an overall conclusion as to the environmental acceptability of the proposal on each matter of national environmental significance, including:
 - a) a discussion on the consideration with the requirements of the EPBC Act, including the objects of the EPBC Act, the principles of ecologically sustainable development and the precautionary principle
 - b) reasons justifying undertaking the proposal in the manner proposed, including the acceptability of the avoidance and mitigation measures
 - c) if relevant, a discussion of residual impacts and any offsets and compensatory measures proposed or required for significant residual impacts on MNES, and the relative degree of compensation and acceptability.

13. Appendices to the EIS

- 13.1. Appendices should provide the complete technical evidence used to develop assertions and findings in the main text of the EIS.
- 13.2. No significant issue or matter should be mentioned for the first time in an appendix—it must be addressed in the main text of the EIS.
- 13.3. Include a table listing the section of the EIS where each requirement of the TOR is addressed.
- 13.4. Include a glossary of terms and a list of acronyms and abbreviations.

Acronyms and abbreviations

The following acronyms and abbreviations have been used in this document.

Acronym/abbreviation	Definition
ACH Act	<i>Aboriginal Cultural Heritage Act 2003</i>
AHD	Australian Height Datum
EIS	environmental impact statement
EP Act	<i>Environmental Protection Act 1994</i>
EP Regulation	Environmental Protection Regulation 2008
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwlth)
EPP	Environmental Protection Policy (under the EP Act)
GDA94	Geocentric Datum of Australia 1994
MNES	matters of national environmental significance (under the EPBC Act)
SDPWO Act	<i>State Development and Public Works Organisation Act 1971</i>
TOR	terms of reference
UNESCO	United Nations Educational, Scientific and Cultural Organization
VMA	<i>Vegetation Management Act 1999</i>

Appendix 1. Policies and guidelines

Australian and New Zealand Environment and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand 2000, *The Australian and New Zealand Guidelines for Fresh and Marine Water Quality*, Australian Water Association (Artarmon) and NZ Water and Wastes Association (Auckland), viewed 22 November 2013, www.environment.gov.au/water/publications/quality/nwqms-guidelines-4-vol1.html

The Coordinator-General, 2013, *Preparing an environmental impact statement: Guideline for proponents*, Department of State Development, Infrastructure and Planning, Brisbane, viewed 22 November 2013, www.dsdip.qld.gov.au/fact-sheets-and-guidelines/coordinated-projects.html

The Coordinator-General, 2013, *Social impact assessment guideline*, Department of State Development, Infrastructure and Planning, Brisbane, viewed 22 November 2013, <http://www.dsdip.qld.gov.au/resources/guideline/social-impact-assessment-guideline.pdf>

Livingstone Shire Council, 2005, *Planning Scheme 2005 – Living for Lifestyle*, Livingstone Shire Council, Yeppoon, viewed 22 November 2013, http://www.rockhamptonregion.qld.gov.au/Council_Services/Planning_and_Development/Current_Planning_Schemes

Livingstone Shire Council, 2005, *Planning Scheme 2005 – Living for Lifestyle, Schedule 4: Standards of Service for Infrastructure*, Livingstone Shire Council, Yeppoon, viewed 22 November 2013, http://www.rockhamptonregion.qld.gov.au/files/fd5fc37f-384a-4bb9-b78d-9e0700ae9d27/LS_S_4.pdf

Department of Environment and Heritage Protection 2009, *Queensland Water Quality Guidelines, Version 3*, Department of Environment and Heritage Protection, Brisbane, viewed 22 November 2013, <http://www.ehp.qld.gov.au/water/pdf/water-quality-guidelines.pdf>

Department of Main Roads, *Guidelines for Assessment of Road Impacts of Development*, Department of Main Roads, Brisbane, 2006, viewed 22 November 2013, www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Guidelines-for-assessment-of-road-impacts-of-development.aspx

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Department of State Development, Infrastructure and Planning 2013, *State Planning Policy*, Department of State Development, Infrastructure and Planning, Brisbane, viewed 5 December 2013, <http://www.dsdip.qld.gov.au/about-planning/state-planning-policy.html>

Department of the Environment 2012, *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*, Canberra, viewed 16 May 2014, <http://www.environment.gov.au/resource/epbc-act-environmental-offsets-policy>

Department of the Environment 2013, *Matters of National Environmental Significance: Significant impact guidelines 1.1*, Canberra, viewed 16 May 2014, <http://www.environment.gov.au/resource/significant-impact-guidelines-11-matters-national-environmental-significance>

Department of the Environment 2013, *Statement of outstanding universal value for the Great Barrier Reef World Heritage Area*, Canberra, viewed 16 May 2014, <http://www.environment.gov.au/resource/draft-epbc-act-referral-guidelines-outstanding-universal-value-great-barrier-reef-world>

United Nations Educational, Scientific and Cultural Organization (UNESCO), *Statement of outstanding universal value for the Great Barrier Reef World Heritage Area*, UNESCO World Heritage Centre, viewed 16 May 2014, <http://whc.unesco.org/en/list/154/>

The Ramsar Convention on Wetlands, *The Criteria for Identifying Wetlands of International Importance*, Switzerland, viewed 16 May 2014, http://www.ramsar.org/cda/ramsar/display/main/main.jsp?zn=ramsar&cp=1-36-55%5E20740_4000_0__

The Ramsar Convention on Wetlands, Strategic Framework and guidelines for the future development of the List of Wetlands of International Importance of the Convention on Wetlands (third edition), Switzerland, viewed 16 May 2014,
http://www.ramsar.org/cda/ramsar/display/main/main.jsp?zn=ramsar&cp=1-31-105%5E20823_4000_0__

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