



Australian Government

Department of Climate Change, Energy,  
the Environment and Water

## **GUIDELINES FOR THE CONTENT OF A DRAFT PUBLIC ENVIRONMENT REPORT**

**Duplication of Midway Point and Sorell Causeways, Tasmania**

***Environment Protection and Biodiversity Conservation Act 1999***

**(Reference: EPBC 2024/10059)**

<b>GUIDELINES FOR A DRAFT PUBLIC ENVIRONMENT REPORT FOR DUPLICATION OF MIDWAY POINT AND SORELL CAUSEWAYS, TASMANIA (EPBC 2024/10059)</b>	<b>4</b>
<b>1 PREAMBLE</b>	<b>4</b>
<b>2 GENERAL ADVICE ON GUIDELINES FOR THE PUBLIC ENVIRONMENT REPORT</b>	<b>4</b>
2.1 General content	4
2.2 Format and style	5
<b>3 SPECIFIC CONTENT</b>	<b>6</b>
3.1 General information	6
3.2 Description of the action	6
3.3 Feasible alternatives	8
3.4 Description of the environment	8
<b>4 DESCRIPTION OF THE PROTECTED MATTERS</b>	<b>9</b>
4.1 Listed threatened species and communities (sections 18 and 18A) and listed migratory species (sections 20 and 20A)	10
4.2 Ramsar Wetlands (sections 16 and 17B)	12
<b>5 RELEVANT IMPACTS</b>	<b>13</b>
5.1 General impact assessment	14
5.2 Impacts to listed threatened species and migratory species - Terrestrial impacts	16
5.3 Impacts to listed threatened species and migratory species - Marine environment impacts	16
5.4 Impacts to the PWOL	18
5.5 Cumulative impacts	18
<b>6 PROPOSED AVOIDANCE, MITIGATION AND MANAGEMENT MEASURES</b>	<b>19</b>
6.1 Avoidance, mitigation and management measures	19
6.2 Management plans	22
6.3 Residual Significant Impacts and Offsets	24
<b>7 OTHER APPROVALS AND CONDITIONS</b>	<b>25</b>
<b>8 CONSULTATION</b>	<b>26</b>
8.1 General consultation information	26
8.2 Indigenous engagement	26
<b>9 ENVIRONMENTAL RECORD OF PERSON(S) PROPOSING TO TAKE THE ACTION</b>	<b>27</b>
<b>10 ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)</b>	<b>27</b>
<b>11 ECONOMIC AND SOCIAL MATTERS</b>	<b>28</b>
<b>12 INFORMATION SOURCES PROVIDED IN THE PUBLIC ENVIRONMENT REPORT</b>	<b>28</b>
<b>13 CONCLUSION</b>	<b>28</b>
<b>Attachment A</b>	<b>29</b>

Attachment B.....30

Attachment C.....33

# GUIDELINES FOR A DRAFT PUBLIC ENVIRONMENT REPORT FOR DUPLICATION OF MIDWAY POINT AND SORELL CAUSEWAYS, TASMANIA (EPBC 2024/10059)

## 1 PREAMBLE

Department of State Growth Tasmania (**DSG**) proposes to widen and raise the Midway Point and Sorell Causeways, duplicate the highway from two to four lanes, construct a new bridge north of McGees Bridge and conduct other ancillary activities, approximately 20km east of Hobart, Tasmania.

The proposal was referred under the *Environment Protection and Biodiversity Conservation Act 1999* (**the EPBC Act**) to the Minister for the Environment, with a valid referral received on 3 January 2025. The Minister determined on 3 February 2025 that approval is required as the action has the potential to have a significant impact on the following matters of national environmental significance (**MNES**) that are protected under Part 3 of the EPBC Act:

- Ramsar wetlands (sections 16 and 17B)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A)

Following the provision of preliminary information, the delegate of the Minister determined, on 3 February 2025, that the proposed activity be assessed by a Public Environment Report (**PER**).

Information about the action and its relevant impacts, as outlined below, is to be provided in the PER. 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.

## 2 GENERAL ADVICE ON GUIDELINES FOR THE PUBLIC ENVIRONMENT REPORT

### 2.1 General content

The PER should be a stand-alone document that primarily focuses on the MNES listed above. It should contain sufficient information to avoid the need to search out previous or supplementary reports. The PER should take into consideration the EPBC Act Significant Impact Guidelines that can be downloaded from the following web site: <http://www.environment.gov.au/epbc/guidelines-policies.html>.

The PER should enable interested stakeholders and the Minister to understand the environmental consequences of the proposed development. Information provided in the PER should be objective, clear, and succinct and, where appropriate, be supported by maps, plans, diagrams or other descriptive detail. The body of the PER 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 PER. 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 PER.

After receiving the Minister's approval to publish the report, the proponent is required to make the draft PER available for a period of public comment. Specific instructions regarding publication requirements will be provided as part of the Minister's direction to publish.

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

The level of analysis and detail in the PER 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.

The proponent should ensure that the PER assesses compliance of the action with principles of Ecological Sustainable Development as set out in the EPBC Act, and the objects of the Act at Attachment A. A copy of Schedule 4 of the EPBC Regulations, *Matters to be addressed by draft public environment report and environmental impact statement* is at Attachment B.

## **2.2 Format and style**

The PER should comprise three elements, namely:

- 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 PER. 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 PER 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 PER should include a list of abbreviations, a glossary of terms and appendices containing:

- a copy of these guidelines;
- a list of persons and agencies consulted during the PER;
- contact details for the proponent; and

- the names of the persons involved in preparing the PER and work done by each of these persons.

Maps, diagrams and other illustrative material should be included in the PER. The PER 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. Maps should be produced in accordance with the Department's mapping policies, which can be accessed at

<https://www.dcceew.gov.au/environment/environmental-information-data/information-policy/maps-and-boundary-data-for-epbc-act-projects>.

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.

### **3 SPECIFIC CONTENT**

#### **3.1 General information**

This should provide the background and context of the action including:

- the title of the action;
- the full name and postal address of the designated proponent;
- a clear outline of the objective of the action;
- the location of the action;
- the background to the development of the action;
- 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;
- the current status of the action;
- the consequences of not proceeding with the action;
- the specific EPBC Act MNES affected by the action; and
- identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.

#### **3.2 Description of the action**

All construction, operational and decommissioning components of the action should be described in detail. This should include the precise location (including coordinates) of all works to be undertaken, structures to be built or elements of the action that may have impacts on MNES. All revisions to the project since the referral was submitted need to be outlined.

The description of the action must include the information required in Table 3.2.

**Table 3.2 – Description of the action – Information required**

<b>Information required</b>	
3.2.1	Details on how the works are to be undertaken (including stages of development and their timing) and design parameters for those aspects of the structures or elements of the proposed action that may have relevant impacts.
3.2.2	Confirmation of the scope of the proposed action and final design. In doing so, clarify: <ul style="list-style-type: none"> <li>• whether the existing causeways will be removed as a part of the proposed action;</li> <li>• details about the culverts to be added the new causeways (include a clear description of the number of culverts, distribution and dimensions of culverts); and</li> <li>• how the final design has minimised loss of the Pitt Water-Orielton Lagoon (PWOL) Ramsar site to the greatest extent possible.</li> </ul>
3.2.3	The total size (in hectares) of the proposed action area and the total size (in hectares) of the disturbance area. Provide a final construction footprint, noting a maximum development footprint of 36.2 ha was provided in the referral.
3.2.4	The various elements of the project must be described in the text and illustrated with maps, diagrams, plans and other information as required to provide sufficient context and basis for the identification and assessment of impacts. Include an indicative layout plan for the proposed action area, including the location and, where relevant, the design of: <ul style="list-style-type: none"> <li>• the new causeways along the Midway Point and Sorell Causeways;</li> <li>• the second bridge structure;</li> <li>• the shared use path;</li> <li>• any vegetation clearing;</li> <li>• the proposed land reclamation;</li> <li>• any lighting associated with the action;</li> <li>• tree protection zones (TPZs);</li> <li>• stormwater discharge locations;</li> <li>• vehicle parking; and</li> <li>• other ancillary infrastructure.</li> </ul>
3.2.5	Clearly depict how the proposed action area overlaps with any neighbouring properties.

3.2.6	The expected maximum life of the action (including future maintenance activities) and expected timeframes for all stages of the proposed action. Provide an estimated daily schedule for the proposed action and confirm whether nighttime construction will occur.
3.2.7	Further description of all works and operational requirements of the proposed action including, vessel movements, maintenance activities, stormwater discharge, transport requirements and decommissioning activities. In this description, include details of timing, design and frequency.
3.2.8	Updated information if any changes have been made to the proposed action since the referral documentation was submitted.

### 3.3 Feasible alternatives

The PER must contain a detailed description of any feasible alternatives to the action to the extent reasonably practicable, including:

- clearly defining the problem the proposed action is aiming to address, including clarification on whether the intention of the proposed action is to alleviate traffic congestion or to address deteriorating seawalls. In doing so, provide baseline data on the traffic congestion issue (including quantifying the severity and regularity of the queuing and delays) and the expected improvement to traffic congestion following the proposed action;
- the alternative of taking no action, including alternatives to addressing the deteriorating seawalls that do not attempt to alleviate traffic congestion;
- a comparative description of the impacts of each alternative on the MNES protected by controlling provisions of Part 3 of the EPBC Act for the action;
- sufficient detail to make clear why any alternative is preferred to another; and
- discussion of the short, medium and long-term advantages and disadvantages of the options.

### 3.4 Description of the environment

The PER must contain a description of the existing environment of the proposed action area and the surrounding areas that may be affected by the action (this may include outside the project site). The description should also include information on the importance and value of potentially impacted environmental features at the local and regional scale. The description must be sufficiently detailed to inform the assessment of impacts with greater detail provided for the species, habitats, and environmental features with greatest potential for impact. It is recommended that this includes, but is not limited to, the following information:



**Table 3.4 – Description of the environment – Information required**

Information required	
3.4.1	A description of the hydrology within and surrounding the proposed action area. The description must include an assessment of the interface between the project infrastructure and all relevant watercourses.
3.4.2	A description of the ecological character of the Ramsar Wetland relevant to the proposed action.
3.4.3	Listed threatened and migratory species and ecological communities that are likely to be present in the vicinity of the site, including the following details of the scope, timing (survey season/s) and methodology for studies or surveys used to provide information on the listed species/community/habitat at the site (and in areas that may be impacted by the project).
3.4.4	An acid sulfate soil (ASS) assessment within the proposed action area, specifically areas that may become exposed to air as a result of the proposed action.
3.4.5	A detailed account of vegetation types within and surrounding the proposed action area.

#### 4 DESCRIPTION OF THE PROTECTED MATTERS

The PER must include a detailed assessment of the presence, or likelihood of presence, of MNES in the proposed action area and its vicinity.

The description and assessment of protected matters should focus on the following controlling provisions (as follows and as listed in the preamble of this document):

- Ramsar wetlands (sections 16 and 17B);
- Listed threatened species and communities (sections 18 and 18A); and
- Listed migratory species (sections 20 and 20A).

Additional specific requirements for listed threatened species are provided in Sections 4.1 to 4.3.

It is the proponent's responsibility to be aware of any changes to the distribution of listed threatened species, migratory species, ecological communities and information available in the Species Profile and Threats (SPRAT) Database. The proponent must ensure that a recent Protected Matters Search Tool (PMST) report has been generated and included as an appendix. This can be accessed at the following website: <https://www.dcceew.gov.au/environment/epbc/protected-matters-search-tool>.

Habitat assessments must be informed by desktop searches (such as Atlas of Living Australia, iNaturalist, aerial imagery, etc.) and field surveys (in accordance with departmental guidelines or as supported by evidence-based best practice). Habitat assessments must refer to relevant departmental documents (e.g. approved Conservation Advices, recovery plans, referral guidelines and Listing Advices, and the SPRAT Database), including published research and other relevant

sources. Where habitat assessments depart from departmental information, adequate justification must be provided to substantiate the suitability to the assessment.

#### 4.1 Listed threatened species and communities (sections 18 and 18A) and listed migratory species (sections 20 and 20A)

The PER must provide a description of MNES identified as potentially being significantly impacted by the proposed action including, but not limited to, the following protected matters:

Species	Threatened Listing	Migratory
Tasmanian Live-bearing Seastar ( <i>Parvulastra vivipara</i> , also known as <i>Patriella vivipara</i> )	Vulnerable	No
Australian grayling ( <i>Prototroctes maraena</i> )	Vulnerable	No
Red Handfish ( <i>Thymichthys politus</i> )	Critically endangered	No
Spotted Handfish ( <i>Brachionichthys hirsutus</i> )	Critically endangered	No
Tailed spider-orchid ( <i>Caladenia caudata</i> )	Vulnerable	No
Sagg spider-orchid ( <i>Caladenia saggicola</i> )	Critically Endangered	No
Milford leek-orchid ( <i>Prasophyllum milfordense</i> )	Critically endangered	No
Red Knot ( <i>Calidris canutus</i> )	Vulnerable	Yes
Eastern Curlew ( <i>Numenius madagascariensis</i> )	Critically endangered	Yes
Curlew Sandpiper ( <i>Calidris ferruginea</i> )	Critically endangered	Yes
Latham's Snipe ( <i>Gallinago hardwickii</i> )	Vulnerable	Yes
Bar-tailed Godwit ( <i>Limosa lapponica baueri</i> )	N/A	Yes
Common Greenshank ( <i>Tringa nebularia</i> )	N/A	Yes
Red-necked Stint ( <i>Calidris ruficollis</i> )	N/A	Yes
Pacific Golden Plover ( <i>Pluvialis fulva</i> )	N/A	Yes
Ruddy Turnstone ( <i>Arenaria interpres</i> )	N/A	Yes
Double-banded plover ( <i>Charadrius bicinctus</i> )	N/A	Yes
Whimbrel ( <i>Numenius phaeopus</i> )	N/A	Yes
Sharp-tailed sandpiper ( <i>Calidris acuminata</i> )	N/A	Yes

It is recommended that the description of the listed threatened species and listed migratory species includes, but is not limited to, the following information:

**Table 4.1.1 – Description of listed threatened species and listed migratory species – General information required**

Information required	
4.1.1.1	<p>Details of the scope, methodology, timing and effort of field surveys to identify protected matters in the project area and surrounds, including:</p> <ul style="list-style-type: none"> <li>how surveys were undertaken in accordance with relevant Commonwealth, State and/or best practice survey guidelines, including departmental survey guidelines: <a href="https://www.dcceew.gov.au/environment/epbc/advice/surveys-and-data">https://www.dcceew.gov.au/environment/epbc/advice/surveys-and-data</a>;</li> <li>evidence that surveys were undertaken over a sufficient scale and period to adequately determine the likely presence or absence of the targeted species or</li> </ul>

	<p>value, or confirmation that a precautionary approach was taken where this was not possible (i.e. assumed presence);</p> <ul style="list-style-type: none"> <li>• if relevant, the justification for divergence from relevant Commonwealth, State and/or best practice survey guidelines; and</li> <li>• any limitations associated with the surveys which may have impacted on the results, including but not limited to, resource limitations (time, equipment failure), inadequate sampling and/or effort.</li> </ul>
4.1.1.2	<p>A habitat assessment for the relevant protected matters in the project area, including protected matters outside the project area where they have the potential to be impacted. The habitat assessment must include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• the habitat area (in hectares), quality, location; and</li> <li>• use specifications of known and potential suitable habitat in relation to the project disturbance area.</li> </ul>
4.1.1.3	<p>Detailed mapping of suitable habitat (within and surrounding the proposed action area, where relevant) for all listed threatened species and migratory species, which:</p> <ul style="list-style-type: none"> <li>• includes an overlay of the project disturbance footprint;</li> <li>• includes an overlay of the survey effort undertaken;</li> <li>• includes known records of individuals derived from desktop analysis and field surveys;</li> <li>• includes a legend listing mapped features sized in hectares; and</li> <li>• is of a suitable scale to allow interpretation and representation of mapped features.</li> </ul>
4.1.1.4	<p>Usage of the project area by listed species in regional context including, but not limited to migratory pathways, breeding and foraging behaviours.</p>
4.1.1.5	<p>Predicted temporal and spatial variability in occurrence of listed species, with details of the timing and duration of important behaviours and life stages of listed species relevant to the potential impacts of proposed action.</p>
4.1.1.6	<p>Relevant identified threats to the survival, habitat utilisation, site fidelity and essential life functions of listed species, including foraging, breeding or migratory behaviours, and past and projected trends and existing threats to the condition of habitat.</p>
4.1.1.7	<p>Details of how the surface water hydrology and quality associated with the project site relate to protected matters and their habitat.</p>

**Table 4.1.2– Description of listed threatened species and listed migratory species – Specific information required**

Information required	
<i>Listed migratory species</i>	
4.1.2.1	<p>Provide a thorough assessment of the behaviour of migratory bird species within and surrounding the proposed action area (including the entire PWOL wetland), ensuring the breeding and migratory behaviours of specific species are accurate. This discussion should include:</p> <ul style="list-style-type: none"> <li>• the seasons particular migratory bird species migrate to Australia;</li> <li>• consideration of the Curlew Sandpiper (<i>Calidris ferruginea</i>);</li> <li>• the times of year particular migratory bird species are present at PWOL;</li> <li>• clear distinction between migratory and resident shorebirds at PWOL;</li> <li>• clear distinction between breeding and non-breeding shorebirds at PWOL; and</li> <li>• a determination whether the PWOL populations of migratory bird species are important populations as defined under the EPBC Act.</li> </ul> <p>Seek external review of the description of migratory bird species by a migratory bird species expert if required.</p>
<i>Red Handfish (Thymichthys politus) and Spotted Handfish (Brachionichthys hirsutus)</i>	
4.1.2.2	Conduct underwater visual census (UVC) for the red handfish and spotted handfish within and surrounding the proposed action area.
<i>Threatened orchid species</i>	
4.1.2.3	Conduct targeted surveys for habitat critical to the survival of threatened orchid species, Tailed spider-orchid ( <i>Caladenia caudata</i> ), Sagg spider-orchid ( <i>Caladenia saggicola</i> ) and Milford leek-orchid ( <i>Prasophyllum milfordense</i> ), within and surrounding the proposed action area and in accordance with relevant conservation advice and the <i>Threatened Tasmanian Orchids Flora Recovery Plan</i> (DPIPWE, 2017).

#### 4.2 Ramsar Wetlands (sections 16 and 17B)

The PER must provide a description of the PWOL Ramsar site, which has been identified as being significantly impacted by the proposed action. It is recommended that this description includes, but is not limited to, the following information:

**Table 4.2 – Description of the PWOL Ramsar site – Information required**

Information required
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4.2.1	The current status and condition of the PWOL, including the past and projected trends and existing threats, at both the scale of the impacts from the proposed action and the whole of the Ramsar Wetland scale.
4.2.2	<p>Ramsar values (identified in the listing criteria in the <i>Pitt Water-Orielton Lagoon Ramsar Information Sheet</i>) and critical components, processes and services of the PWOL (identified in the <i>Pitt Water – Orielton Lagoon Tasmania - Ecological Character Description</i>). This includes:</p> <ul style="list-style-type: none"> <li>• extent and types of wetland habitats at the proposed action site and in areas that may be impacted by the proposed action;</li> <li>• listed threatened species, migratory birds and waterbird (including non-listed waterbirds) numbers, distribution and site fidelity at the proposed action site and in areas that may be impacted by the proposed action;</li> <li>• the role of the Ramsar sites in maintaining populations of EPBC listed species, and species that are critical components of the ecological character of the Ramsar sites;</li> <li>• locations of feeding and roosting habitats and numbers of listed migratory birds and waterbirds that contribute to the ecological character, the behavioural ecology which links these habitats, their site fidelity and their usage of the area in regional context;</li> <li>• locations of habitat and numbers of individuals of the Tasmanian Live-bearing Sea Star that contribute to the ecological character;</li> <li>• water quality; and</li> <li>• soils and sediments, including ASS and potential acid sulphate soils (PASS).</li> </ul>
4.2.3	The scope, timing (survey season/s) and methodology for studies or surveys used to provide the above baseline information at the site and in areas that may be impacted by the project.
4.2.4	How surveys were undertaken in accordance with relevant Commonwealth, State guidelines or best practice survey guidelines at the time of the surveys, or if relevant, the justification for divergence from relevant Commonwealth, State guidelines or best practice survey guidelines at the time of the surveys.

## 5 RELEVANT IMPACTS

The PER must include a description of all of the relevant impacts of the action. Relevant impacts are impacts that the action will have or is likely to have on a matter protected by a controlling provision (as listed in the preamble of this document). Impacts during both the construction, operational and (if relevant) the decommissioning phases of the project should be addressed,

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

Scientific uncertainty in predictions of impacts and the effectiveness of management must be addressed through appropriate monitoring and management measures during implementation.

### 5.1 General impact assessment

It is recommended that the general impact assessment includes, but is not limited to, the following information:

**Table 5.1– General impact assessment – Information required**

Information required	
5.1.1	A detailed assessment of the nature and extent of the likely short-term and long-term relevant impacts.
5.1.2	A statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible.
5.1.3	An assessment of the likely duration of impacts to MNES.
5.1.4	Discussion of whether the impacts are likely to be repeated, for example as part of maintenance.
5.1.5	An analysis of the significance of the relevant impact, taking into account relevant context such as species recovery plans and plans of management
5.1.6	<p>Technical data and other information used or needed to make a detailed assessment of the relevant impacts, including but not limited to:</p> <ul style="list-style-type: none"> <li>• baseline data to assess sediment suspension and deposition during the construction stages of the proposed action;</li> <li>• baseline data related to sediment quality to inform predictions of the potential for the release of contaminants into the receiving environment from the disturbance of sediments during the proposed action;</li> <li>• prediction of the extent of noise and light pollution from relevant parts of the proposed action on the PWOL and species that rely on the PWOL;</li> <li>• the presence, extent, and nature of any underwater cultural heritage (European and indigenous) that may be disturbed by the proposed action; and</li> <li>• baseline information on the timing, intensity and location of uses of the proposed action area sufficient to understand how they may be affected by the proposed action.</li> </ul>

5.1.7	<p>A summary table containing the following information:</p> <ul style="list-style-type: none"> <li>• species or ecological community;</li> <li>• habitat description;</li> <li>• likelihood of occurrence;</li> <li>• direct and indirect impacts; and</li> <li>• significance conclusion.</li> </ul>
5.1.8	<p>A clear description of the following:</p> <ul style="list-style-type: none"> <li>• the project footprint (including the total extent of habitat – including habitat critical to survival – that is present for each relevant protected matter)</li> <li>• direct and indirect impact areas (including the total extent of habitat – including habitat critical to survival – for each relevant protected matter to be impacted)</li> <li>• total areas proposed to be retained/avoided (including the total extent of habitat – including habitat critical to survival – present for each relevant protected matter to be avoided). Please describe how any retention areas will still provide ecological value and be considered functionally viable to MNES.</li> </ul>
5.1.9	<p>The direct and indirect loss and/or disturbance of protected matters and their habitat – including habitat critical to survival – as a result of the proposed action. This must include the area (in hectares) for each category of habitat, the quality of the habitat to be impacted, and quantification of the individuals to be impacted (where applicable).</p>
5.1.10	<p>An assessment of potential impacts to MNES from the proposed action (during all project phases) within the project area and surrounds, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• habitat loss, degradation and individual mortality from waterbody alteration and/or vegetation clearing;</li> <li>• habitat fragmentation and patch isolation (with consideration of species' movement patterns and site utilisation), including site alienation resulting in fauna avoiding the project area, including consideration of, at a minimum;</li> <li>• increased anthropogenic activities, including disturbance from dogs and other animals, illegal rubbish dumping and littering; and</li> <li>• disturbance from environmental pollution, including sedimentation and other impacts to waterbodies, increased noise, artificial light, sediment/dust generation and other relevant stressors during construction and operation.</li> </ul> <p>Describe which component/s and stage/s of the action and/or consequential actions are of relevance to impacts on each MNES.</p>

5.1.11	Where potential project impacts are in addition to the existing impacts of other activities (including known potential future expansions or developments by the proponent and other proponents in the region and vicinity), cumulative impacts should be considered over appropriate temporal and geographical scales. Consider the proposed action's location and the cumulative effect of surrounding development, where relevant to MNES.
5.1.12	Consider any facilitated impacts that may result from further actions (including actions by third parties) which are made possible by the proposed action.

In addition to the above requirements for general impact assessment, it is recommended that the following, specific information be provided:

## 5.2 Impacts to listed threatened species and migratory species - Terrestrial impacts

**Table 5.2– Relevant impacts – Impacts to listed threatened species and migratory species - Terrestrial impacts – Specific information required**

Information required	
5.2.1	An assessment of potential impacts to threatened orchid species or habitat critical to the survival of threatened orchid species as a result of the proposed action, including direct, indirect and facilitated impacts.
5.2.2	Clearly articulate which vegetation within and surrounding the proposed action area will be directly or indirectly impacted by the proposed action. Provide an assessment of the impact of any vegetation removal on the listed threatened species or migratory species, outlined at section 4.1 above, and their habitat.
5.2.3	An assessment of the potential for the proposed action to directly or indirectly result in an invasive species, or any diseases associated with invasive species becoming established. This includes but is not limited to: <ul style="list-style-type: none"> <li>the spread or introduction of terrestrial weeds from construction; and</li> <li>consideration of other invasive species that may be harmful to migratory bird species, including cats and rats.</li> </ul>

## 5.3 Impacts to listed threatened species and migratory species - Marine environment impacts

**Table 5.3– Relevant impacts – Impacts to listed threatened species and migratory species – Marine environment impacts – Specific information required**

Information required	
5.3.1	Undertake an underwater noise assessment once construction methodology is confirmed to identify extent and level of noise to be generated. Provide an assessment of how



	underwater noise may impact any MNES (including the PWOL and species that inhabit the PWOL).
5.3.2	Provide further detail around how nearby red handfish populations will or will not be impacted by the proposed action. Use the results of hydrodynamic modelling to inform this detail.
5.3.3	Provide further detail about the impact of the proposed action on the Australian grayling, specifically the statement in the referral that there will be no reduction in the availability of fish passage for the Australian grayling.
5.3.4	Provide further detail on how the proposed action may alter fish passages.
5.3.5	<p>Provide further detail about the indirect impacts of the proposed action on the Tasmanian Live-bearing Sea Star, including:</p> <ul style="list-style-type: none"> <li>• how shading from offshore structures will impact the Tasmanian Live-bearing Sea Star;</li> <li>• the expected extent of sediment disturbance from machinery and land reclamation works;</li> <li>• how the stabilisation of causeway faces will impact the habitat of the Tasmanian Live-bearing Sea Star;</li> <li>• the expected water quality impacts from temporary stormwater discharge points; and</li> <li>• the impact of culvert modifications on the Tasmanian Live-bearing Sea Star.</li> </ul>
5.3.6	<p>An assessment of light and noise pollution impacts to migratory birds including but not limited to:</p> <ul style="list-style-type: none"> <li>• disorientation due to noise and light pollution during migration; and</li> <li>• changes in roosting and foraging behaviour.</li> </ul>
5.3.7	<p>Provide justification, with supporting evidence, as to how the proposed action will not be inconsistent with Australia's obligations under:</p> <ul style="list-style-type: none"> <li>• the Bonn Convention;</li> <li>• China-Australia Migratory Bird Agreement;</li> <li>• Japan-Australia Migratory Bird Agreement;</li> <li>• the Republic of Korea-Australia Migratory Bird Agreement; and</li> <li>• any international agreement approved under subsection 209(4) of the EPBC Act.</li> </ul>

## 5.4 Impacts to the PWOL

**Table 5.4– Relevant impacts – Impacts to the PWOL– Specific information required**

Information required	
5.4.1	<p>A hydrological assessment including hydrological modelling to determine the impact of the proposed action on the hydrological regime of Pitt Water-Orielton Lagoon. In doing so provide further details on:</p> <ul style="list-style-type: none"> <li>the impact of increased tidal flushing between Orielton Lagoon and Pitt Water on the PWOL and species that inhabit the PWOL;</li> <li>potential hydrological impacts on migratory birds species or their habitat; and</li> <li>any hydrological impacts to other parts of the wetland or surrounding marine environment.</li> </ul>
5.4.2	<p>Include a detailed map of the PWOL before the commencement of the action alongside a detailed map of the expected state of the PWOL after the action, to clearly depict the extent of the land reclamation involved in the proposed action.</p>
5.4.3	<p>Undertake an ASS assessment within and surrounding the proposed action area and, in accordance with the department’s Significant Impact Guidelines, provide a fulsome assessment of the nature of the impact of the proposed action on the PWOL.</p>
5.4.4	<p>An assessment of the potential for the proposed action to directly or indirectly result in an invasive species, or any diseases associated with invasive species, that is harmful to the ecological character of the wetland becoming established or encouraged by the proposed action. This includes but is not limited to:</p> <ul style="list-style-type: none"> <li>potential facilitated impacts from increased vessel movements in the PWOL, introducing marine invasive species thorough ballast water or contaminated hulls; and</li> <li>consideration of all relevant government requirements, including but not limited to, the <i>Australian Biofouling Management Requirements</i> (DAFF, 2023) and the <i>Australian Ballast Water Management Requirements</i> (DAWE, 2020).</li> </ul>

## 5.5 Cumulative impacts

The PER should identify and address cumulative impacts, where potential project impacts are in addition to existing impacts of other activities (including known potential future expansions or developments by the proponent and other proponents in the region and vicinity). Cumulative impacts should be considered in terms of the potential overall consequence or magnitude of impacts on each of the MNES. The assessment of cumulative impacts should include:

- review and analysis of residual impacts of the proposed development and of other known proposals where there may be a spatial or temporal overlap;
- specific attention paid to threatened orchid species, likely to be impacted by related proposed action to be undertaken by the same proponent, the Tasman Highway Upgrade - Hobart Airport to Sorell Causeway (EPBC 2020/8805);
- consideration of the potential for cumulative impacts on the resilience of any important populations of listed marine species, migratory species, threatened species and ecological communities and on overall habitat quality and availability; and
- discussion of the potential for existing pressures and threats to be exacerbated by the proposed development.

The PER should also address the potential cumulative impact of the proposed action on ecosystem resilience. The cumulative effects of climate change impacts on the environment must also be considered in the assessment of ecosystem resilience and listed species attributes only where scientific information on the effects of climate change on ecosystem resilience is available.

The discussion must include an evaluation of the likely short term and long-term cumulative impacts on the general environment and ecosystem function where relevant to MNES. In this regard consideration must be given to the potential magnitude of effects and the duration and reversibility of effects.

## 6 PROPOSED AVOIDANCE, MITIGATION AND MANAGEMENT MEASURES

Avoidance and mitigation measures are the primary methods of eliminating and reducing impacts on MNES. Where possible and practicable, it is best to avoid impacts. Even if it is not possible to completely avoid a protected matter there may be ways to reduce the impact. If impacts cannot be avoided, then they should be minimised or mitigated as much as possible. Residual impacts should then be managed. Avoidance, minimisation and mitigation measures must be investigated thoroughly as a part of the assessment and be supported by evidence to demonstrate likely success.

The PER must demonstrate how the mitigation hierarchy has been applied and all options exhausted to avoid and mitigate harm to protected matters, before resorting to environmental offsets.

The department encourages the proponent to establish, test, and monitor novel methods for avoiding, minimising and mitigating impacts of the proposed action on protected matters. The department also encourages the development of scientifically rigorous monitoring programs to measure impacts and assess the effectiveness of mitigation.

### 6.1 Avoidance, mitigation and management measures

Specific details on avoidance, minimisation, mitigation and management measures, along with relevant monitoring, must be provided for all stages of the project.

***Table 6.1.1 – Avoidance, mitigation and management measures – General information required***

Information required
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6.1.1.1	<p>Include a detailed summary of all measures proposed to be undertaken by the proponent to avoid, mitigate and manage relevant impacts of the proposed action on MNES, for all stages of the proposed action.</p> <p>Include details of any relevant measures to avoid, mitigate and manage impacts required through other Commonwealth, State and local government approvals.</p>
6.1.1.2	<p>All measures must be developed to meet the 'S.M.A.R.T' principle:</p> <ul style="list-style-type: none"> <li>• S – Specific (what and how)</li> <li>• M – Measurable (supported by baseline information, number/value, quantifiable, auditable)</li> <li>• A – Achievable (with consideration of e.g., timeframe, money, personnel)</li> <li>• R – Relevant (consistent with conservation advices, recovery plans, threat abatement plans, scientific literature)</li> <li>• T – Time-bound (specific timeframe to complete, include timeframe and frequency)</li> </ul>
6.1.1.3	<p>Proposed measures must be based on best available practices, appropriate standards, evidence of success for other similar actions and supported by published scientific evidence.</p> <p>The SPRAT Database, conservation advice, recovery plans and associated statutory and policy documents may provide a starting point for relevant mitigation and management measures.</p>
6.1.1.4	<p>Include details of specific and measurable environmental outcomes to be achieved for relevant MNES. All commitments must be drafted using committal language (e.g. 'will' and 'must') when describing the proposed measures.</p> <p>Any commitments by the person proposing to take the action must be clearly distinguished from recommendations or statements of best practice made by the document author or other technical expert.</p>
6.1.1.5	<p>Include an assessment of the expected or predicted effectiveness of the proposed measures.</p>
6.1.1.6	<p>Include any statutory or policy basis for the proposed measures, including reference to the SPRAT Database and relevant approved conservation advice, recovery plan or threat abatement plan, and a discussion on how the proposed measures are not inconsistent with relevant plans.</p>

6.1.1.7	Details of tangible, on-ground corrective actions that will be implemented in the event the monitoring programs indicate that the environmental outcomes have not or will not be achieved, and when these corrective actions would be triggered.
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**Table 6.1.2 – Avoidance, mitigation and management measures – Specific information required**

Information required	
6.1.2.1	<p>Discussion of the measures employed to avoid, minimise and mitigate impacts to the Tasmanian Live-bearing Sea Star, PWOL Ramsar site, migratory bird species that inhabit the PWOL and any other protected matters, as a result of the proposed action, including but not limited to:</p> <ul style="list-style-type: none"> <li>• project design</li> <li>• construction methodology</li> <li>• causeway placement</li> <li>• scheduling of activities</li> </ul>
6.1.2.2	Details about how the proposed action will avoid light pollution impacts to migratory shorebirds by avoiding construction during migration season, and by following the National Light Pollution Guidelines for Wildlife.
6.1.2.3	Further detail about the water quality protection measures that will avoid dispersion of sediment, pollutants or other waste and how water sensitive urban design will reduce water quality impacts. Explain how the measures have been developed in accordance with best practice industry standards.
6.1.2.4	Further detail around the applicability of management measures for the PWOL as management measures for migratory shorebirds. Provide an assessment of the effectiveness of the measures on protecting the PWOL and protecting migratory shorebirds. If relevant, provide additional avoidance and mitigation measures to protect migratory shorebirds.
6.1.2.5	Further detail on DSG's industry standard specifications for construction, and the requirements for water quality, erosion and sediment control, contaminated soils and materials, fuels and chemicals, noise, flora and fauna, weed, pest and diseases, cultural heritage and reporting. Explain how implementation of these requirements will avoid or mitigate impacts to MNES.
6.1.2.6	An explanation of how impacts to fish passage will be avoided or minimised through the planning, design, construction or other aspect of the proposed action.

6.1.2.7	Further detail around how the modifications to culverts will be optimised through hydrological modelling and exclusion zones and explain how this will avoid or minimise impacts to MNES.
6.1.2.8	Further detail around the protocol and procedures for vessel speed limits and marine fauna observers onboard vessels in the proposed action area.
6.1.2.9	Further detail on the location of the diversion drains and silt curtains within the proposed action area, and how this will avoid or minimise impacts to MNES.
6.1.2.10	<p>Further details around:</p> <ul style="list-style-type: none"> <li>the measures that will 'future proof' habitat for the Tasmanian Live-bearing Sea Star;</li> <li>the construction of new seawalls inshore of Tasmanian Live-bearing Sea Star habitat and how this will avoid or minimise impacts to the Tasmanian Live-bearing Sea Star. Include a map showing the areas of habitat that will be avoided to assist in clarifying the extent of avoidance; and</li> <li>how artificial structures that constitute important habitat for the Tasmanian Live-bearing Sea Star and shorebirds will be rectified as new structures develop into habitat over time.</li> </ul>

## 6.2 Management plans

Management plans named in the referral include:

- Tasmanian Live-bearing Sea Star Management Plan;
- Acid Sulfate Soil (ASS) Management Plan;
- Invasive Species Management Strategy;
- Erosion and Sediment Control Plan;
- Construction Environmental Management Plan (CEMP);
- Weed and Hygiene Management Plan; and
- Monitoring Program.

Combining management plans to simplify management arrangements should be considered, where appropriate.

Management plans describe how an action might impact on the natural environment in which it occurs and set out clear commitments from the person taking the action on how those impacts will be avoided, minimised and managed so that they are environmentally acceptable. Management plans should be designed to achieve the best possible environmental outcome for the relevant MNES.

Any management plans relevant to the mitigation and management of impacts to protected matters should be provided either as separate documents attached to the PER or provided as subsections in the PER. Relevant plans should be included prior to publication of the draft PER. A final version of each plan is likely to require approval prior to commencement of the action, should it be approved.

The table below includes likely requirements for management plans. Consideration should be given to outcomes-based commitments and management plans.

**Table 6.2 – Management plans – Information required**

The PER must include a detailed outline of any Environmental Management Plans (EMPs) that sets out the framework for management, mitigation and monitoring of relevant impacts of the proposed action, including any provisions for independent environmental auditing.

Specific Information required	
6.2.1	<u>Tasmanian Live-bearing Sea Star Management Plan:</u> <ul style="list-style-type: none"> <li>Include measures for conducting pre-clearance surveys and translocation procedures, in accordance with the Department's <i>EPBC Act Policy Statement - Translocation of Listed Threatened Species - Assessment under Chapter 4 of the EPBC Act</i>.</li> </ul>
6.2.2	<u>Acid Sulfate Soil (ASS) Management Plan:</u> <ul style="list-style-type: none"> <li>Plan must be in accordance with the <i>Tasmanian Acid Sulfate Soil Management Guidelines</i> (DPIPWE, 2009).</li> </ul>
6.2.3	<u>Invasive Species Management Strategy:</u> <ul style="list-style-type: none"> <li>Details around the best practice management measures that will avoid the introduction and spread of invasive species.</li> </ul>
6.2.4	<u>Erosion and Sediment Control Plan:</u> <ul style="list-style-type: none"> <li>Prepare in accordance with International Erosion Control Association (IECA) guidelines and including: <ul style="list-style-type: none"> <li>further details regarding sediment and erosion controls, and any other mitigation measures to avoid impacts to water quality in the PWOL;</li> <li>explanation of how the Erosion and Sediment Control Plan will ensure sedimentation of the PWOL is avoided; and</li> <li>clear triggers and limits for unacceptable levels of erosion and sedimentation.</li> </ul> </li> </ul>
6.2.5	<u>Construction Environmental Management Plan (CEMP):</u> <ul style="list-style-type: none"> <li>Describe and justify construction environmental management procedures and protocols in line with best practice principles.</li> </ul>

	<ul style="list-style-type: none"> <li>The CEMP may include other operational protocols or procedures to avoid impacts to MNES. For example, it is stated in the referral that vessel impacts can be prevented through stringent operational plans and procedures to avoid interference with habitats wherever possible.</li> </ul>
6.2.6	<p><u>Weed and Hygiene Management Plan:</u></p> <ul style="list-style-type: none"> <li>Measures to manage existing declared weeds and mitigate the spread of weeds and pathogens.</li> </ul>
6.2.7	<p>A <u>Monitoring Program/s</u>, or monitoring commitments included in the above management plans, that includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>measures to monitor and record changes in hydrological flow during the proposed action, with clear trigger limits for unacceptable changes;</li> <li>measures to monitor the Tasmanian Live-bearing Sea Star habitat following the completion of works, with clear triggers for when it is appropriate for the Tasmanian Live-bearing Sea Star to re-seed the causeway habitat; and</li> <li>measures to assess the impact of the construction works on any sea stars remaining on the causeways.</li> </ul> <p>Clearly articulate the relevance of the commitments to minimising, avoiding or managing impacts to MNES.</p>

### 6.3 Residual Significant Impacts and Offsets

Environmental offsets are measures that compensate for the residual significant impacts of an action on protected matters. Offsets are not intended to replace avoidance and mitigation which are expected to be the primary strategies for managing the potential impacts of development proposals. Offsets provide environmental benefits to counterbalance the impacts that remain after consideration of avoidance and mitigation measures. Please note, offsets do not reduce the impacts of an action, and are not intended to make proposals with unacceptable impacts acceptable.

It is important to consider environmental offsets early in the assessment process. Correspondence with the department regarding offsetting is highly encouraged. The department's EPBC Act Environmental Offsets Policy (2012) (Offsets Policy) is available at: <https://www.dcceew.gov.au/environment/epbc/publications/epbc-act-environmental-offsets-policy>.

Any proposed offsets must meet the key principles of the Offsets Policy.

The PER must include an assessment of the likelihood of residual significant impacts occurring on MNES for each controlling provision after avoidance, mitigation and management measures have been applied. If a residual significant impact is likely, then environmental offsets will be required.



If relevant, include a draft Offset Management Strategy (OMS) or a draft Offset Area Management Plan (OAMP) as an appendix in the preliminary documentation for assessment and approval. If an offset area has been nominated, then provide an OAMP. If not, provide an OMS. Further, the department is likely to recommend to the Minister (or delegate) that the conditions of approval require the environmental offset/s or the OAMP be approved and implemented prior to the commencement of the proposed action.

**Table 6.3 – Offsets – Information required**

Information required	
6.3.1	<p>An assessment of residual significant impacts on MNES that are likely to occur after the proposed activities to avoid and mitigate all impacts are taken into account.</p> <p>Where residual significant impacts are likely to occur, the reasons why the avoidance or mitigation of these significant impacts is not expected to be achieved</p>
6.3.2	<p>For MNES where a residual significant impact A summary of the proposed environmental offset and key commitments to achieve a conservation gain for each protected matter.</p> <p><b>Note:</b> <i>Offset proposals must engage specifically with the ecological requirements of the protected matter.</i></p>
6.3.3	The environmental offset/s proposed for the project must meet the core principles of the Offset Policy.
6.3.4	<p>Include the OMP or OMS as an appendix to the PER. The draft OMP or OMS must meet the information requirements set out in <u>Attachment C</u>, and must be prepared by a suitably qualified ecologist and in accordance with the department’s Environmental Management Plan Guidelines (2014) (available here: <a href="https://www.dcceew.gov.au/environment/epbc/publications/environmental-management-plan-guidelines">https://www.dcceew.gov.au/environment/epbc/publications/environmental-management-plan-guidelines</a>).</p>
Additional information requirements for EPBC Act Offset Proposals can be found at <u>Attachment C</u> to this document.	

## 7 OTHER APPROVALS AND CONDITIONS

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

- 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;
- 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 proposed action;
- a statement identifying any additional approval that is required; and
- a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the proposed action.

Attach relevant Commonwealth, State or Territory, and local government approvals and permits as supporting documents to the PER.

## **8 CONSULTATION**

### **8.1 General consultation information**

Discuss any consultation undertaken in relation to the proposed action, including:

- identification of affected parties, including a statement mentioning any communities that may be affected and describing their views;
- any consultation that has already taken place, including any documented response to, or result of, the consultation;
- specifically, a summary of consultation with any local landholders likely to be impacted by the proposed action; and
- any consultation proposed to take place.

Discuss any collaboration with NRM South about the 3-year, Urban Rivers and Catchments Program in Orielson Lagoon, with the purpose of protecting and managing the MNES of PWOL.

### **8.2 Indigenous engagement**

Identify existing or potential native title rights and interests that may be impacted by the proposed action, including any areas and objects that are of particular significance to Indigenous peoples and communities. Include information on how these impacts will be managed.

Describe any Indigenous consultation that has been undertaken, or will be undertaken, in relation to the proposed action and their outcomes. This should include details regarding the specific Indigenous groups and Traditional Owners consulted and an indication of the areas, both tangible and intangible, of cultural significance across the action area.

The department considers that best practice consultation, in accordance with *The Interim Engaging with First Nations People and Communities on Assessments and Approvals under Environment Protection and Biodiversity Conservation Act 1999 (interim guidance)* - DCCEW (2023) (available

here: <https://www.dcceew.gov.au/environment/epbc/advice/engagement-first-nations-people-referrals-under-epbc-act>) includes:

- ensuring cultural safety;
- building and maintaining trust;
- engaging early and often;
- negotiating suitable timeframes; and
- negotiating suitable submission formats.

Describe any state requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action with regards to Indigenous peoples and communities.

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

The information provided must include details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

- the person proposing to take the action; and
- 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, details of the corporation's environmental policy and planning framework must also be included.

## **10 ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)**

The PER should include a description of how the proposed action meets the principles of ESD, as defined in section 3A of the EPBC Act. The following principles are principles of ecologically sustainable development:

- decision making processes should effectively integrate both long term and short term economic, environmental, social and equitable considerations;
- 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;
- 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;
- the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision making; and

- improved valuation, pricing and incentive mechanisms should be promoted.

## **11 ECONOMIC AND SOCIAL MATTERS**

The economic and social impacts of the proposed action, both positive and negative, must be analysed. Matters of interest may include:

- details of any public consultation activities undertaken, and their outcomes;
- projected economic costs and benefits of the project, including the basis for their estimation through cost/benefit analysis or similar studies; and
- employment opportunities expected to be generated by the project (including construction and operational phases).

Economic and social impacts should be considered at the local, regional and national levels. Details of the relevant cost and benefits of alternative options to the proposed action, as identified in section 3 above, should also be included.

## **12 INFORMATION SOURCES PROVIDED IN THE PUBLIC ENVIRONMENT REPORT**

For information given in a draft PER, the draft must state:

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

## **13 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. 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 MNES, and the relative degree of compensation, should be restated here.

**Attachment A**

***THE OBJECTS AND PRINCIPLES OF THE  
ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999  
SECTIONS 3 AND 3A***

**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.

**Attachment B*****MATTERS THAT MUST BE ADDRESSED IN A PER AND EIS  
(SCHEDULE 4 OF THE EPBC 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

- j) a description of the relevant impacts of the action;

- k) a detailed assessment of the nature and extent of the likely short term and long term relevant impacts;
- l) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
- m) analysis of the significance of the relevant impacts; and
- n) 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 PER/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 C

**INFORMATION REQUIREMENTS FOR EPBC ACT OFFSET PROPOSALS**

<b>C1. Minimum Requirements for a draft Offset Management Strategy:</b>	
C1.1	Specific details of the nature of the conservation gain to be achieved for relevant MNES, including the creation, restoration and revegetation of habitat in the proposed offset area/s.
C1.2	Details of the environmental offset/s (in hectares) to compensate for the residual significant impacts of the proposed action on relevant MNES.
C1.3	Details of the potential offset area/s (including a map) to compensate for the residual significant impacts of the proposed action on relevant MNES.
C1.4	<p>The methodology, with justification and supporting evidence, used to inform the inputs of the Offsets Assessment Guide in relation to the project site for each relevant MNES, including:</p> <ul style="list-style-type: none"> <li>• total area of habitat (in hectares); and</li> <li>• habitat quality</li> </ul>
C1.5	<p>Details, with supporting evidence, of how the environmental offset/s meets the requirements of the department's EPBC Act Environmental Offsets Policy (2012) (Offsets Policy), available at: <a href="http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy">www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy</a>.</p>
C1.6	<p>The methodology, with justification and supporting evidence, used to inform the inputs of the Offsets Assessment Guide in relation to each potential offset area/s for each relevant MNES, including:</p> <ul style="list-style-type: none"> <li>• time over which loss is averted (max. 20 years);</li> <li>• time until ecological benefit;</li> <li>• risk of loss (%) without offset;</li> <li>• risk of loss (%) with offset; and</li> <li>• confidence in result (%).</li> </ul>
C1.7	Evidence that the relevant MNES, and/or their habitat, can be present in the potential offset area/s.

C1.8	Information about how the potential offset area/s provides connectivity with other relevant habitats and biodiversity corridors.
C1.9	Details and execution timing of the mechanism to legally secure the environmental offset/s (under Tasmanian legislation or equivalent) to provide enduring protection for the potential offset area/s against development incompatible with conservation.
<b>C2. Minimum Requirements for a draft Offset Area Management Plan:</b>	
C2.1	Specific, committal and measurable environmental outcomes which detail the nature of the conservation gain to be achieved for relevant MNES, including the creation, restoration and revegetation of habitat in the proposed offset area/s.
C2.2	<p>Details, with supporting evidence, to demonstrate how the environmental offset/s compensate for residual significant impacts of the proposed action on relevant MNES, and/or their habitat, in accordance with the principles of the Offsets Policy and all requirements of the Offsets Assessment Guide including:</p> <ul style="list-style-type: none"> <li>• time over which loss is averted (max. 20 years);</li> <li>• time until ecological benefit;</li> <li>• risk of loss (%) without offset;</li> <li>• risk of loss (%) with offset; and</li> <li>• confidence in result (%).</li> </ul>
C2.3	A description of the offset area/s, including location, size, condition, environmental values present and surrounding land uses.
C2.4	Baseline data and other supporting evidence that documents the presence of the relevant MNES, and the quality of their habitat within the offset area/s.
C2.5	An assessment of the site habitat quality for the offset area/s
C2.6	Details of how the offset area/s will provide connectivity with other habitats and biodiversity corridors and/or will contribute to a larger strategic offset for the relevant MNES.
C2.7	Maps and shapefiles to clearly define the location and boundaries of the offset area/s, accompanied by the offset attributes (e.g. physical address of the offset area/s, coordinates of the boundary points in decimal degrees, the relevant MNES that the environmental offset/s compensates for, and the size of the environmental offset/s in hectares).

C2.8	Specific offset completion criteria derived from the site habitat quality to demonstrate the improvement in the quality of habitat in the offset area/s over a 20-year period.
C2.9	Details of the management actions, and timeframes for implementation, to be carried out to meet the offset completion criteria.
C2.10	Interim milestones that set targets at 5-yearly intervals for progress towards achieving the offset completion criteria.
C2.11	Details of the nature, timing and frequency of monitoring to inform progress against achieving the 5-yearly interim milestones (the frequency of monitoring must be sufficient to track progress towards each set of milestones, and sufficient to determine whether the offset area/s are likely to achieve those milestones in adequate time to implement all necessary corrective actions).
C2.12	Proposed timing for the submission of monitoring reports which provide evidence demonstrating whether the interim milestones have been achieved.
C2.13	Timing for the implementation of tangible, on-ground corrective actions to be implemented if monitoring activities indicate the interim milestones have not been achieved.
C2.14	Risk analysis and a risk management and mitigation strategy for all risks to the successful implementation of the OAMP and timely achievement of the offset completion criteria, including a rating of all initial and post-mitigation residual risks in accordance with a risk assessment matrix.
C2.15	Evidence of how the management actions and corrective actions take into account relevant approved conservation advices and are consistent with relevant recovery plans and threat abatement plans.
C2.16	Details and execution timing of the mechanism to legally secure the proposed offset area/s, such that legal security remains in force over the offset area/s for at least 20 years to provide enduring protection for the offset area/s against development incompatible with conservation.
C2.17	All proposed management actions, monitoring approach and corrective actions must be written using committed language (e.g. 'will' and 'must').