

Keppel and Fitzroy Delta Alliance working to

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Keppel And Fitzroy Delta Alliance
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Great Barrier Reef Strategic Assessment
Public Consultation Manager
GPO Box 668
Brisbane QLD 4001

31st January 2014

Comment on the Draft Great Barrier Reef World Heritage Area Strategic Assessments 2013

Dear Manager,

Keppel And Fitzroy Delta Alliance (KAFDA) is grateful for the opportunity to make a submission to the Great Barrier Reef Strategic Assessments.

KAFDA is a Central Queensland not for profit community alliance supported by thousands of individuals and groups including conservation, fishing, tourism, boating, and local stakeholders. We are committed to protecting the Fitzroy Delta, Keppel Bay, North Curtis Island, and all associated waters flowing into the Great Barrier Reef World Heritage Area (GBR WHA) from any further industrial port developments.

We acknowledge that the Strategic Assessment process - elicited by the World Heritage Committee's concerns - is imperative to improving the management and protection of the GBR WHA. Overall we found the Great Barrier Reef Strategic Assessments and Program Reports failed to identify the strong management actions required to address key threats to the GBR WHA and Fitzroy Delta.

KAFDA fully support the Australian Marine Conservation Society and World Wildlife Fund's submissions and comments on the Great Barrier Reef Region Strategic Assessment, Great Barrier Reef Coastal Zone Strategic Assessment, and the Program Reports prepared by the Great

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Barrier Reef Marine Park Authority (GBRMPA) and the Queensland government. In addition we appreciate the opportunity to provide further comment.

Overview

We are extremely concerned that the outlook for the health of the Great Barrier Reef is poor and declining. Current management practices and planning have not been enough to protect the Reef and the Fitzroy River Delta from human impacts.

The GBR WHA and the Fitzroy Delta are connected and face significant risks of degraded water quality from land-based agricultural practices, flood plumes, and sediment loads (Kroon, et al. 2013). These environments are also threatened with plans for industrial port developments. We are deeply concerned that the Strategic Assessments and Program reports fail to deliver key management actions to prevent impacts from industrial port developments.

The Fitzroy River Delta

The Fitzroy River Delta, which feeds into Keppel bay and the southern Great Barrier Reef, is the most significant estuarine system. It is connected to the largest river catchment on the east coast of Australia and is critical to the health and functionality of the Great Barrier Reef. The Ramsar Convention has developed criteria for the designation of Ramsar wetlands which relate to identifying sites that contain representative, rare or unique wetlands, or wetlands that are important for conserving biological diversity (SEWPAC 2012). The Ramsar guidelines state that a site must meet at least one of the Ramsar criteria to be considered for inclusion on the Ramsar List.

The Fitzroy Delta meets eight of the nine Ramsar criteria making it eligible for nomination (Macintyre, 2013). The following attributes of the Fitzroy Delta demonstrate the eligibility for a Ramsar nomination (Macintyre, 2013):

- Three wetlands in the boundaries of the Fitzroy Delta are already classified as Nationally Important Wetlands

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- Contains endangered animals such as the Capricorn Yellow Chat, and ecological communities such as the Critically Endangered littoral rainforest and coastal vine thickets
- Key habitat for three species of inshore dolphins: the Australian snubfin dolphin *orcaella heinsohni*, the Indo-Pacific humpback dolphin *sousa chinensis*, and the Indo-Pacific bottlenose dolphin *tursiops aduncus*
- Four species of marine turtle occur in the area: Loggerhead turtle *caretta caretta*, Green turtle *chelonia mydas*, Hawksbill turtle *eretmochelys imbricata* and Flatback turtle *chelonia depressa*
- The Fitzroy Delta wetlands form part of the East Asian-Australasian (EAA) Flyway, and therefore support a wide range of migratory shorebird species, such as plovers, sandpipers, stints, curlews and snipes
- Supports 1% of the global population of the Sharp-tailed sandpiper *calidris acuminata*
- Contains a Fish Habitat Area encompassing nine complex and diverse fish habitat types covering 110,000 ha, and is widely recognised by recreational and commercial fishers as a fishery of regional and state significance.

Curtis Island

The Curtis Island industrial development triggered a UNESCO mission, which reviewed the status and management of the GBR World Heritage Area, and subsequent Strategic Assessments and Program Reports (UNESCO 2012). UNESCO identified many concerns regarding the protection and management of Port Curtis and its surrounding environment, including inadequate independent scientific oversight in monitoring water quality. The Strategic Assessments does not adequately address these concerns. Without immediate government action and management plans that stipulate strong actions to achieve objectives, the GBR WHA and the Fitzroy Delta face a bleak outlook.

Future management of these environments must be driven by strong, and specific actions including monitoring and measuring the effectiveness of such actions. We are deeply concerned that failure to do

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this will result in further decline, irreversible impacts, and lowered resilience in these environments.

In lieu of the above concerns, KAFDA recommends the following actions for inclusion in the final Great Barrier Reef Strategic Assessments:

- 1. Prohibiting all industrial port development in the largely undeveloped areas of the Fitzroy River Delta and Northern Curtis Island including;**
- 2. A total ban on barge, crane, and transshipping coal-loading procedures in the Fitzroy River Delta and GBR WHA;**
- 3. Ensuring the optimization and best practice management of major existing ports - not expansion;**
- 4. Clearly defining, mapping, and reviewing port boundaries to exclude areas of GBR WHA and the Fitzroy River Delta;**
- 5. Protecting all remaining wetlands of National Significance along the Reef coast, including the Fitzroy River Delta;**
- 6. Developing a Ramsar Site Nomination for the Fitzroy Delta**
- 7. Implementing stronger management actions that encompass cumulative impacts, for immediate and long term protection of the GBR WHA and the Fitzroy Delta;**
- 8. Prohibiting industrial capital dredging or dumping of dredge spoil in the GBR WHA and the Fitzroy Delta;**
- 9. Strengthening the laws that protect the Reef coastline, including waterways that flow into the Reef and retain Federal government oversight of development approvals.**

Yours sincerely,

Cherry Muddle

**On behalf of Ginny Gerlach - Keppel And Fitzroy Delta Alliance
Director**

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References

Kroon, F.J., Turner, R., Smith, R., Warne, M., Hunter, H., Bartley, R., Wilkinson, S., Lewis, S., Waters, D., Carroll, C. 2013. Chapter 4: Sources of sediment, nutrients, pesticides and other pollutants in the Great Barrier Reef catchment. In: Scientific Consensus Statement, Queensland Government.

Macintyre, A. 2013. 'Assessment of the Fitzroy Delta in Eastern Australia for listing as a Ramsar Wetland'. Honors Thesis. The University of Queensland, Brisbane.

SEWPAC (2012). Australian Ramsar Site Nomination Guidelines. Module 4 of the National Guidelines for Ramsar Wetlands—Implementing the Ramsar Convention in Australia, Australian Government Department of Sustainability, Environment, Water, Population and Communities, Canberra. [online]
<<http://www.environment.gov.au/water/publications/environmental/wetlands/ramsar-nomination-guidelines.html>>.

UNESCO (United Nation Educational, Scientific and Cultural Organization). 2012. Convention Concerning the Protection of the World Cultural and Natural Heritage. Item 7B of the Provisional Agenda: State of conservation of World Heritage properties inscribed on the World Heritage List. World Heritage Committee, 36 session, Saint-Petersbourg, Russian Federation, 24 June – 6 July 2012, 218pp. Available from: <http://whc.unesco.org/archive/2012/whc12-36com-7B-en.pdf>

Comment on the draft terms of reference (TOR)—Fitzroy Terminal Project

Comments close at **5pm on Friday 2 March 2012**

Name:		Email:	
Organisation (if applicable):		Telephone:	
Address:			

Section of TOR	Describe the issue	Suggested solution
Introduction	Dot point 2 refers to covered conveyor – this description is incorrect – the conveyor is only partially covered to allow for maintenance.	Change wording to partially covered conveyor
Introduction	Dot point 2 also refers to a loading terminal on Port Alma tidal channel – initial discussions with FTP proponents have indicated that dredging will be required in a section of Raglan creek for access to the loading terminal - therefore description is incorrect.	Change wording to loading terminal on Raglan Creek
Part A – 1. Project Summary	Refers to 3 km covered conveyor – description is incorrect as conveyor will be partially covered.	Change wording in all sections of the TOR to read “partially covered conveyor”
3.8.1 Relevant Legislation and Approvals	Under Commonwealth obligations – no reference to IUCN obligations	Include dot point for IUCN obligations for threatened species
3.8.2 Relevant Plans and Policies	<p>The Fitzroy Basin Association Inc. (FBA) commends the Department for Infrastructure and Planning (DIP) for including a section that requires the proponent to outline the projects adherence to relevant plans and policy.</p> <p>The FBA regional strategy “Central Queensland Strategy for Sustainability -2004 and Beyond” (CQSS2) and proposed revision, currently in preparation, is a regional and local planning framework for the Fitzroy Basin and includes resource management targets critical to the ecosystem services provided by the Fitzroy Delta. The location of the proposed development is an area within the Fitzroy</p>	<p>This section (3.8.2) should be included in the final TOR as published in the Draft document refer below:</p> <p>Include reference to the Fitzroy Basin Association Inc. regional strategy “Central Queensland Strategy for Sustainability -2004 and Beyond” (CQSS2) and proposed revision.</p> <p>Outline the project’s consistency with the existing national, state, regional and local planning framework that applies to the project location. Include reference to all relevant statutory and non-statutory plans, planning policies, guidelines, strategies and agreements.</p>

Section of TOR	Describe the issue	Suggested solution
	Delta, therefore the CQSS2 is a very relevant plan.	
3.8.2 Relevant Plans and Policies	Acid Sulfate Soils are known to occur in the area of the proposed development and have been mapped through government funded projects with FBA and the state DERM (NRM&W). Reference should be made to the State Planning Policy 2/02 for management of these potentially hazardous material.	Reference the State Planning Policy 2/02.
4.1 Location	Last dot point lists views important to visual amenity including significant areas such as Emu Park – other critical sites left out.	Include North Curtis Island and The Narrows in this requirement.
4.2.1 Pre-construction Activities	This section has not covered the requirement to describe any pre-construction geotechnical surveys.	Dot point to describe pre-construction geotechnical surveys/seismic surveys prior to EIS approval and list permits/authorisation to undertake works and list mitigation measures.
4.2.3 Dredging and Disposal	Does not address Acid Sulfate Soils/sediments associated with dredging.	Include request to detail any ASS or Potential ASS located within proposal footprint.
4.2.4 Structures	Conveyors covered/partially covered are not mentioned in this section.	Reword first dot point to include “partially covered conveyor”
4.3.4 Water supply and storage	Requirement of water usage with associated chemicals for potential coal dust suppression should have been covered in this section.	New dot point to provide information on coal dust suppression in terms of water quantity required for chemical addition (if required) and coal dust suppression.
4.4 Operation	Shipping vessel mooring and queuing areas have not been addressed in this section.	New dot point to provide information on ship operations at moorings and queuing areas.
4.4.1 Product handling	Requirement to describe the coal dust suppression facilities/equipment/chemicals and procedures should be included in this section.	New dot point to provide a description of the coal dust suppression facilities/equipment/chemicals and procedures.

Section of TOR	Describe the issue	Suggested solution
4.5 Decommissioning and Rehabilitation	Eventually facility will need decommissioning as resources are depleted or technology superseded. Therefore proponent should be required to present a plan for this activity of decommissioning.	Remove wording “should it ever be required”
5. Environmental values and management of impacts	A comparison of alternatives should be undertaken by the proponent not just a description of preferred measures.	Change wording of first paragraph last sentence to “Identify and describe preferred measures in more detail and compare to alternatives”.
5. Environmental values and management of impacts	Exiting environmental values should be described using baseline information/data rather than background information.	Change wording of first dot point to read ‘using baseline data and/or new studies to support statements’.
5.2.1 Scenic Amenity	FBA commends the Department for Infrastructure and Planning (DIP) for including a section that requires the proponent to outline the projects impacts on Scenic amenity given the close proximity to tourism in the Keppel Bay Islands and recreation water craft (including yacht) routes across current shipping lanes and past Balaclava Island into the Narrows between Curtis island and the mainland.	This section (5.2.1) should be included in the final TOR as published in the Draft document- no changes required.
5.2.3 Topography, geology and soil	The surrounding areas to the Narrows have been mapped for Acid Sulphate Soils by Queensland Government Agencies and some of the highest levels recorded for the state occur in the vicinity of Balaclava Island. Thorough Acid Sulphate Soils sampling and mitigation will be necessary to ensure environmental integrity is maintained if the proposed development is approved.	FBA agrees that this is an important requirement for the proponent to deliver if the proposed development is to progress – no changes to the Draft required.
5.2.5 Land Use and Tenure	Distance of the proposed project from residential and recreational areas is identified and a requirement for this section of the TOR. There should also be a dot point for the proponent to give details of proximity to other proposed industrial developments in the area to give the readers an understanding of the potential cumulative changes that may occur in future.	Inclusion of another dot point requiring proponent to give details of proximity to other proposed industrial developments in the area particularly Curtis Island and adjacent areas.
5.3 Nature Conservation	FBA has a number of projects in the immediate area of the proposed development that have identified important coastal and marine assets for example populations of critically important species including Yellow Chat, Australian Snubfin and Indo Pacific	This section (5.3) should be included in the final TOR as published in the Draft document – some changes to subsections refer below.

Section of TOR	Describe the issue	Suggested solution
	Humpback dolphin, Beach Scrubs vegetation (RE : 11.2.3), turtle and fish species in addition to the other known species in the area. This section of the Draft TOR is most important to FBA and critical to avoiding degradation of required habitat for the above species. Conservation/protection of environmental values relies heavily on this section of the TOR and adequate adherence to the requirements by the proponent.	
5.34. Aquatic Ecology	Under the heading Aquatic fauna the draft requests the proponents to consult DERM and GBRMPA for a review of turtle communities of the study area. This should also apply to inshore dolphins given the existence of a geographically isolated and potentially genetically isolated population of Australian Snubfin dolphin within the proposed development area around Balaclava Island and North Curtis Island.	Include paragraph: Consult DERM and the Great Barrier Reef Marine Park Authority (GBRMPA) and undertake a review of information on inshore dolphin populations of the study area, paying particular attention to any anecdotal or recorded information on the Australian Snubfin dolphin known to be found in the study area.
5.34. Aquatic Ecology	Same as above for dugong and green sawfish.	Refer above for dugong and green sawfish.
5.34. Aquatic Ecology	Under the heading of Fish Habitat the Draft mentions fish nursery habitat but there is no mention of the proponent having to describe areas of fish spawning grounds which may be located in close proximity to the development area of Balaclava Island.	Include in the TOR requirements to identify any fish spawning grounds found in the area that may be affected by the development.
5.4.2 Potential impacts and mitigation measures	FBA are involved with DEEDI to retrospectively overcome fish barriers that have been constructed in the past without consideration to fish passage. We have supported projects to construct fish ways including rock ramps and slotted fish ladders. FBA supports DIP initiative to include requirements for the proponent to carefully consider fish barriers as a result of constructed infrastructure. Waste water from the treatment of coal dust	FBA agrees that this is an important requirement for the proponent to deliver if the proposed development is to progress – no changes to the Draft required.
5.6 Air quality	The draft does not address modelling of potential coal dust contamination. There will be loss of coal dust from handling equipment, stockpiles and trains which may have environmental impacts through contamination of areas in proximity to the facilities and operational footprint. As a minimum modelling of potential coal dust release should be required and mitigation presented.	Require proponent to present air quality modelling of normal operations and worst case scenario (using local simulated weather conditions) providing detail on potential contamination from dispersal of coal dust into the aquatic and terrestrial environment and the mitigation proposed.

Section of TOR	Describe the issue	Suggested solution
5.6.2 Potential Impacts and mitigation measures	Dot point 2 refers to coal dust emissions from a number of sources of the proposed development however conveyors are not included.	Include conveyors in this dot point.
5.6.2 Potential Impacts and mitigation measures	Dot point 2 refers to “worst case” emissions. All worst case scenarios should be evaluated not only if significantly higher than normal operations.	Remove wording “If these emissions are significantly higher than those for normal operations” The proponent should be required to evaluate worst case scenarios for coal dust emissions.
5.8.2 Potential impacts and mitigation measures (Noise and vibration)	Pre-construction should also be included in the proponents description of impacts from noise and vibration.	First Paragraph should read “Describe the impacts of noise and vibration generated during pre-construction, construction and operational phases of the project”.
5.8.2 Potential impacts and mitigation measures	Pre-construction may include geotechnical/seismic surveying that can result in impacts to aquatic fauna particularly inshore dolphins.	New dot point for proponent to describe any geotechnical or seismic surveys already undertaken or to be undertaken during pre-construction, construction and operational phases of the project. Also request mitigation to be undertaken to reduce impacts of these activities.

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Strategic Assessment Project
Great Barrier Reef Marine Park Authority

Great Barrier Reef Strategic Assessment Submissions
Department of Environment and Resource Management

Dear Sir/Madam,

The Keppel and Fitzroy Delta Alliance (KAFDA) is supported by a broad alliance of individuals and groups, including conservation, fishing, boating, tourism and local stakeholders.

KAFDA recognizes the grave concerns of the Central Queensland community with regard to the proposed developments and the potential impacts of those developments on the ecosystems of the Fitzroy River Delta and consequent impacts on the Great Barrier Reef World Heritage Area.

While recognizing that Queensland is currently experiencing a resources boom and that export of coal and other resource commodities is a vital part of our economy, the community and consequently KAFDA object strongly to all proposed coal port and industrial development in the Fitzroy Delta, Keppel Bay and North Curtis Island.

The Keppel and Fitzroy Delta Alliance is committed to protect the natural resource of the Fitzroy River Delta and all associated waters flowing into the Great Barrier Reef Marine Park-World Heritage Area and recognizes that the Fitzroy River is the largest river catchment feeding the ecosystem of the Great Barrier Reef.

We thank you for this opportunity to comment on the Draft TOR for the GBR WHA and adjacent coastal zone strategic assessment.

Given similarity of the State and Federal versions of the Draft TOR for this program we have taken the liberty of making general comments on section headings that are used in both documents. Rather than duplicating our response with different numbering systems.

Please feel free to contact us if you have any questions.

Yours sincerely

Ginny Gerlach

Coordinator

Keppel and Fitzroy Delta Alliance

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Submission by the Keppel and Fitzroy Delta Alliance on the Great Barrier Reef World Heritage Area and Adjacent Coastal Zone Strategic Assessment Terms of Reference

Purpose and description of the program

1. This section of the TOR needs to include detailed description and mapping of the strategic assessment areas with regard to location, bio regions, habitat and interconnectedness of ecosystems.
2. Areas outside of the Strategic Assessment areas may influence the program and impact directly on the cumulative impacts and therefore need to be described in detail.
3. Details in plain language of the relevant authorities responsible for the implementation of the program need to be included.
4. We asked the question that if this Strategic Assessment was triggered by the recent visit of the UNESCO mission regarding the management of the GBR WHA why is this assessment being completed under the EPBC Act? This document appears to focus on management processes and systems and does not directly address the concerns of the World Heritage Committee. A section of the program needs to directly address the issues as identified by UNESCO.

Matters of national environmental significance affected by the program

1. The interconnectedness of MNES within the area of the strategic assessment and adjacent to the area is of critical significance and should be addressed in detail. It is known that these MNES within and without the Strategic Assessment Area support one another and cannot be viewed in isolation.
2. It is there considered essential that the program takes a holistic view of both coastal and marine components and that the program (Strategic Assessment) has a singular outcome.

Identification and analysis of potential impacts

1. This section should again take a holistic view of all impacts including past, existing and planned need to be assessed. Not just potential impacts.
2. Cumulative impact assessment on MNES must be viewed throughout the entire Strategic Assessment area both surrounding the GBRMP, coastal zones and upstream areas.
3. The cumulative impact assessment on MNES must also view past, present and future impacts to all areas and detail under which timeframes they are likely to occur. These timeframes should detail expected duration of impact including indications of permanent status.
4. The complicated nature of this Strategic Assessment requires detailed and robust baseline data and benchmarking. In order to protect the GBR WHA the precautionary principal should apply to all potential development approvals prior to the completion of this program.
5. KAFDA considers the following activities as key contributors to impacts affecting MNES within the Strategic Assessment area.
 - 1) Port development including; dredging and disposal of contaminants including acid sulphate soil, shipping channels causing seabed disturbance, transport of re-suspension of contaminants, alternation of sediment movement and changes in coastal processes, collisions, groundings, introduction of invasive marine pests, oil and chemical spills, introduction of anti-fouling paints, waste disposal and anchor damage. Lighting and impacts on marine life including the Peak Island turtle population. Vegetation clearing and habitat fragmentation is having an adverse impact on the Yellow Chat, Snub Fin dolphin, Turtles. This clearing will result in mangrove destruction having a direct impact on the Delta's ability to filter outflows

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from the Fitzroy River into Keppel Bay and the Great Barrier Reef. Onshore reefs [some anecdotal evidence] of sediment smothering from dredging] in the big scheme of biodiversity conservation and the recognition of the apparent increased biodiversity in the temperate/ tropical overlap compared to Northern tropical reefs. The GBR WHA provides habitats for thousands of marine species, in addition to breeding grounds and nursery areas for many estuarine species including King Threadfin and Barramundi and the endangered Green Sawfish. This project, and other related developments including the BICET project, Mitchell Group's FTP project and nearby projects at Curtis Island, have the potential to significantly affect the values of the GBRWHA.

Measures to avoid, mitigate and offset likely impacts

1. It is vital that measures are consistent with those listed in the Great Barrier Reef Outlook Report 2009 and include; Threat Abatement Plans, Recovery Plans, Zoning Plans, Management Plans, Permit Assessments, Site Management, Special Management Areas, Dugong Protected Areas, GRMBPA Zone Plan 2003.
2. It is critical that the measures are properly identified through thorough and rigorous evaluation and that "intended" monitoring is not the key but "actual" effective monitoring of the MNES plan is given statutory power and responsibility.
3. The effectiveness of monitoring, regulatory and compliance bodies need to be clearly identified. There should be clear lines of delineation between a monitoring body and the proponents of developments.
4. The appropriateness of the timelines and accountability for implementing proposed measures and associated compliance and maintenance requirements.
5. The appropriateness of proposed offsets. Offsets register (Coastal)
6. In analysing cumulative impacts; direct and indirect the report must include;
7. A description and assessment of the effectiveness of current local, state and national legislation, plans, policies and programs avoid and mitigate impacts to MNES within and adjacent to the strategic assessment area.
8. A description and assessment of the effectiveness of current local, state and national legislation, plans policies and programs consider and address the causes of cumulative impact to MNES located within and adjacent to the strategic assessment area.
9. A description and assessment of the effectiveness of current local, state and national legislation, plans policies and programs enhance MNES located within and adjacent to the strategic assessment area.

Demonstration of the Program

1. Effectiveness of the Program on the relevant MNES should not only be at a local or regional scale but extended to include state, commonwealth and global scales. The Great Barrier Reef World Heritage Area is an internationally recognised icon.
2. KAFDA recommends that the Fitzroy River Delta and the proposed developments for this area be use as a demonstration case and accorded the precautionary principal in order to facilitate the completion of the demonstration case for the Strategic Assessment. No development approvals should be granted for this area until its completion.
3. Within the Fitzroy River Delta 26 threatened species have been identified as occurring, in addition a number of EPBC listed migratory species – including Species occupying these areas include two dolphin species and a number of turtle species – have been recorded. Of these species, the Fitzroy River Delta population of the Australian Snub-fin Dolphin is particularly at risk from impacts of this project. Research (Parra & Cagnazzi, pers. comms.) into this species indicates it is likely to be genetically isolated and at significant risk from any changes in habitat resulting from development and other anthropogenic causes. The estimated population size is less than 90 individuals and inhabits the same area as proposed ports developments and associated shipping channels. Other significant species, such as turtles, dugong and green saw-fish are also at risk.

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Recommendations for change to the program

1. Define “acceptable level”
2. Offset to ensure condition of MNES does not decline and are not compromised. (ie Offsets to be clearly identified and reviewed as to being applicable)

Promoting ecologically sustainable development

1. Under the EPBC Act the 5 principals of ESD must be clearly identified in the program
2. If this cannot be clearly identified then the precautionary principal must apply.

Adaptive and risk management

1. Risks must be clearly identified in the report.
2. Key risks must be monitored under, timing, effectiveness and capacity to enforce and were uncertainty exists the precautionary principal must be applied.

Auditing and reporting

1. The program must be open to third party scrutiny to address the effectiveness of the management measures both during and post implementation of the program.
2. The report must be made available to the public upon request.

Endorsement criteria

1. The program must meet the criteria set out in the final Terms of Reference.
2. The endorsement criteria must reflect the wishes of the communities, stakeholders, traditional owners and relevant parties based on information and scenarios that have been clearly identified.

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17 December 2012

GBR Ports Strategy Project Manager
Department of State Development, Infrastructure and Planning
PO Box 15009
City East QLD 4002

Email: GBRportsstrategy@dsdip.qld.gov.au

Dear Sir/Madam

Re: Keppel and Fitzroy Delta Alliance official submission to the GBR Ports Strategy

Firstly, we wish to thank you for the extension granted to our organization in your email of 14 December 2012.

The Keppel and Fitzroy Delta Alliance (KAFDA) was formed in late 2011 in the Central Queensland region to represent the regional community's concerns with regard to the above mentioned proposed coal port proposals. It has since rapidly grown to include thousands of supporters from the region, all over Australia and internationally.

KAFDA recognises the importance of Queensland's resource industry to the wealth of, not only Queensland, but to the whole of Australia and further recognises the fact that there must be associated infrastructure developments (such as shipping ports) to support such industries.

However, we also hold the view that this new and proposed port infrastructure needs must be consolidated and optimised in already established major port precincts.

The rapid increase of coastal developments, including ports infrastructure and proposed ports infrastructure particularly for the Port of Rockhampton area which includes the Fitzroy Delta, Keppel Bay and North Curtis Island, threatens the ecosystems of the Great Barrier Reef and we welcome the opportunity to respond to the Queensland Government's Great Barrier Reef Ports Strategy.

General comments:

1. As a community based organisation we encourage our supporters wherever possible to participate actively in the consultative processes that will impact on the community and environment of our region. The overwhelming feedback we have received from our supporters wishing to contribute to the GBR Ports Strategy is that:
 - a. There is great confusion as to where the "strategy" is in this document. It appears to be a superficially worded promotional style document lacking in detail of premise, planning or strategy.
 - b. The timing of the release of the GBR Ports Strategy seems inconsistent with the intent of the Great Barrier Reef Coastal Zone Strategic Assessment. "Assessment" should come before "strategy".
 - c. The 10 year timeframe for the GBR Port Strategy is far too short and given the changing face of the resources boom and implementation times of port approval and construction, this should be at least 25 years to provide long term certainty for community and industry with a 5 year review cycle.
 - d. The community consultation process for this GBR Ports Strategy relies purely upon internet access in order to be informed, access the documents and be aware of the submission requirements, this is not an inclusive consultation process as it does not take into consideration the considerable number of community members without computer literacy or access.
 - e. There appears to have been no such similar, yet limited, opportunity for the community to gain an understanding or have input into the Queensland government's portion of the GBR Coastal Zone Strategic Assessment.

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- f. Define “port limits” and detail all current State Government owned Ports Corporations and their individual boundaries and limits, targets and strategies. Outline all proposed or planned changes to those limits.
 - g. Define “port expansion” and “incremental port expansion” and detail how these expansions will be individually and cumulatively assessed.
 2. There is no reference as to how the GBR Ports Strategy takes into consideration and upholds the Outstanding Universal Values of the Great Barrier Reef World Heritage Area
 - a. That any GBR Ports Strategy should directly address the specific concerns and recommendations of the UNESCO World Heritage Committee Report (36th Session – 24 June to 6 July 2012) and Australia’s obligations to protect the Outstanding Universal Values of the Great Barrier Reef World Heritage Area should take precedence over any direct or cumulative impacts from Port Development or shipping activities in the GBR WHA.
 3. Concerns regarding how the Queensland Government intends to assess the individual and cumulative impacts of any port development, shipping and associated infrastructure on the other local, regional and GBR associated established and growing economic sectors such as agriculture, tourism, lifestyle and recreational communities, commercial fishing and recreational boating.
 4. Community members are also concerned that the GBR Ports Strategy does not adequately address assessment of the overall cumulative impacts of port development and infrastructure to the functionality of the coastal, estuarine and Great Barrier Reef ecosystems.
 5. There is grave concern over the lack of detail regarding how the GBR Ports Strategy will take into consideration and work with the Federal Government on the Matters of National Environmental Significance that need to be addressed under the Environment Protection and Biodiversity Conservation Act 1999 in port development within or adjacent to the Great Barrier Reef.

The Keppel and Fitzroy Delta Alliance, together with its supporters requests that the Queensland Government recognize in the GBR Port Strategy the area covered by the Port of Rockhampton as separate from the Port of Gladstone. The Fitzroy Delta estuarine area, including Port Alma, Raglan Creek, northern Curtis Island and Sea Hill is part of a separate ecosystem that is not connected to the Gladstone Harbour ecosystem and should be recognized as such. It also currently contains the minor port facility of Port Alma and should in no way be included as part of the major existing port of Gladstone just because it is currently managed by the Gladstone Ports Corporation. Given the significance of the Fitzroy River as the largest river and largest catchment feeding into the Great Barrier Reef and lack of development on the shoreline of this estuary, the area should be viewed as a green field site and therefore not developed.

Attached is our submission on the GBR Ports Strategy and if you have any questions with regard to these comments contact me on 0412 503 852.

Yours sincerely

Ginny Gerlach

Director/Coordinator

Keppel and Fitzroy Delta Alliance working to

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Page/Section	Description of Issue	Proposed Resolution/Comment
General Comment 1		There is great confusion as to where the “strategy” is in this document. It appears to be a superficially worded promotional style document lacking in detail of premise, planning or strategy.
General Comment 2		The timing of the release of the GBR Ports Strategy seems inconsistent with the intent of the Great Barrier Reef Coastal Zone Strategic Assessment. “Assessment” should come before “strategy”.
General Comment 3		The 10 year timeframe for the GBR Port Strategy is far to short and given the changing face of the resources boom and implementation times of port approval and construction, this should be at least 25 years to provide long term certainty for community and industry with a 5 year review cycle.
General Comment 4		The community consultation process for this GBR Ports Strategy relies purely upon internet access in order to be informed, access the documents and be aware of the submission requirements, this is not an inclusive consultation process as it does not take into consideration the considerable number of community members without computer literacy or access.
General Comment 5		Define “port limits” and detail all current State Government owned Ports Corporations and their individual boundaries and limits, targets and strategies. Outline all proposed or planned changes to those limits.
		Define “port expansion” and “incremental port expansion” and detail how these expansions will be individually and cumulatively assessed.
		There is no reference as to how the GBR Ports Strategy takes into consideration and upholds the Outstanding Universal Values of the Great Barrier Reef World Heritage Area. That any GBR Ports Strategy should directly address the specific concerns and recommendations of the UNESCO World Heritage Committee Report (36 th Session – 24 June to 6 July 2012) and Australia’s obligations to protect the Outstanding Universal Values of the

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		Great Barrier Reef World Heritage Area should take precedence over any direct or cumulative impacts from Port Development or shipping activities in the GBR WHA.
		Concerns regarding how the Queensland Government intends to assess the individual and cumulative impacts of any port development, shipping and associated infrastructure on the other local, regional and GBR associated established and growing economic sectors such as agriculture, tourism, lifestyle and recreational communities, commercial fishing and recreational boating.
		GBR Ports Strategy does not adequately address assessment of the overall cumulative impacts of port development and infrastructure to the functionality of the coastal, estuarine and Great Barrier Reef ecosystems.
		Lack of detail regarding how the GBR Ports Strategy will take into consideration and work with the Federal Government on the Matters of National Environmental Significance that need to be addressed under the Environment Protection and Biodiversity Conservation Act 1999 in port development within or adjacent to the Great Barrier Reef.
P5, s1 About this Strategy	<p><i>"The strategy also complements the Great Barrier Reef Coastal Zone Strategic Assessment being undertaken by the Queensland Government".</i></p> <p>The fact that the adequateness of the current level of management of the Great Barrier Reef is a major focus of the Strategic Assessment should therefore be the first step to be completed prior to developing the GBR Port Strategy</p>	The timing of the release of the GBR Ports Strategy seems inconsistent with the intent of the Great Barrier Reef Coastal Zone Strategic Assessment. "Assessment" should come before "strategy".
P5, Great Barrier Reef Coastal Zone Strategic Assessment	<i>"The Queensland Government is leading the coastal component examining coastal development including planning for urban, industrial and port development and the processes and management arrangements in place to ensure development occurs sustainably and does not impact unacceptably on the reef's unique values".</i>	Define 'unacceptable impact' on the reef's values and link this to Matters of National Environmental Significance under the EPBC Act and Australia's obligations to the World Heritage Committee for the GBR WHA

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	Where is the definition for “unacceptable impact” on the reef’s values.	
P6 s2 Consultation	The dot points include no reference to consideration of protection of the environment only <i>“assessment and management of environmental impacts”</i>	Include details and questions through out the document that address issues regarding protection of the environment
P7-8, s3 Ports facilitate Queensland’s four pillar economy; and Figure 1: The role of ports adjacent to the Great Barrier Reef	<i>“resources from Australia’s largest coal deposits as well as significant lead, zinc, silver, gold and copper reserves make their way to global markets through ports along the Great Barrier Reef”.</i> Figure 1 there is no mention of the role of LNG/CSG relating to the Gladstone Port, however this is a key commodity triggering the growth of ports in the GBR	Detail the current, approved and future demand for LNG and how this will impact on port capacity, shipping and compliance with the recommendations of the Strategic Assessment.
Figure 1: The role of ports adjacent to the Great Barrier Reef	In Figure 1 Rockhampton has been labeled as a port. Port of Rockhampton which is now currently managed by the Gladstone Port Corporation, should be clearly defined. The current minor existing port facilities of Port Alma should be identified including their size, type of export/import goods and draft and tidal limitation.	Clarify and identify the Port of Rockhampton and Port Alma and the limitations of the existing minor facility and the lack of infrastructure leading to or on the southern side of Raglan Creek and Balaclava Island. This is a “green field site with no infrastructure and should not be identified as an existing port.
P9, s4 Protecting the Great Barrier Reef: Environmental Impacts	<i>“The Great Barrier Reef Outlook Report 2009 identified a number of major threats to the health of the Great Barrier Reef including climate change, declining water quality from catchment runoff, loss of coastal habitats from coastal development and impacts from fishing. Threats to the health of the reef from ports and shipping were identified as moderate and localized.”</i> That was reported in 2009 is not three years old and does not reflect the proliferations of port development in Gladstone and on Southern Curtis Island and the consequent impacts and environmental damage to the GBR WHA. That development triggered the UNESCO and IUCN 2012 Reactive Monitoring Mission and consequent report Proposed port development including Balaclava Island Coal Export Terminal, Fitzroy Terminal Project and the clearly	The Outlook Report 2009 should not be used as the sole as the basis for developing the GBR Ports Strategy, it should also include results from the Strategic Assessment and a detailed update of all current, approved and proposed port development, specifically in Central Queensland the threat from port development to the GBR WHA is significant – not “moderate and localized”. The Fitzroy Delta area including all the area of the Port of Rockhampton is the largest Estuarine system feeding the waters of the largest catchment on the East Coast of Australia into the Great Barrier Reef. The estuary has no major port development on its shoreline and no coal port activity. Clearly any new port development of this area or expansion of the existing minor facilities at Port Alma would pose a significant threat to the Great Barrier Reef. The GBR Port Strategy should also take into consideration the drivers of both coal and LNG export industries on port expansion.

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	stated intentions of the Gladstone Ports Corporation for development of northern Curtis Island in the Sea Hill area were not considered when the Outlook Report was release in 2009.	
P10 Environmental Impacts	<p><i>"Queensland can build on its well-established processes to measure and manage environmental impacts of port development."</i></p> <p>The Strategic Assessment has been put in place to assess those processes and determine if the "well established" processes are effective and the GBR Port Strategy should not preempt that process.</p>	This statement is misleading and should be removed.
P10 Environmental Impacts	<p><i>"Working with relevant private proponents, environmental impacts are assessed and management strategies developed...."</i></p> <p>Working with all stakeholder not just the relevant private proponents would be more appropriate.</p> <p>Lack of identification with regard to who and where the State Government owned Ports Corporations are and what the relationship and obligations are for those Corporations in regard to the private proponents.</p>	The Strategy should include working with all stakeholder and particularly the communities that will be directly impacted by any port development and infrastructure. It should be clearly identified in the Strategy that the major existing ports are all State Government owned Corporations. In the situation where the State Government is working with State Government owned Corporations and proponents to assess and manage all the issues as listed in the current GBR Port Strategy document with regard to environmental impacts, all of the parties involved have a financial imperative.
P10, Environmental Impacts: Consultation Question	<i>"How can we meet the demand for port capacity while minimizing environmental impacts?"</i>	Consolidate and optimize port development to existing major ports. In Central Queensland this means that all port development be conducted in the existing major port of Gladstone Harbour and that the Port of Rockhampton and its minor port facilities at Port Alma should not be expanded and no new port development should be allowed in the Fitzroy Delta area.
P10 Social Impacts: Consultation Question	<i>"What are important factors in social and cultural planning?"</i>	Transparent and open planning and consultation with the conservation sector, local groups, community members and Regional Councils is important. It is critical to recognize and include the need to maintain lifestyle, recreation and tourism hubs within the Great Barrier Reef that are separate from industrial port activities. Keppel Bay and the Capricorn Coast including the

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		waters of the Fitzroy Delta should be considered as a tourism, recreation and lifestyle hub. There is a social and cultural obligation to maintain the existing fabric of communities and therefore an imperative to consolidate port activity in the existing major ports.
P12, s4, Shipping Management	More detail is required in the description of “compulsory and recommended pilotage regimes”	All shipping traffic in the Great Barrier Reef should have compulsory pilotage and the Strategy should address the issues with regard to training and maintaining sufficient skilled and experienced pilots with knowledge of the Great Barrier Reef waters.
P12, s4, Shipping Management	Safety issues and emergency procedures in the advent of an accident or disaster due to extreme weather with shipping have not been addressed. The recent experience with the Shen Neng highlights the need for the the Strategy to address these issues.	Address the safety issues and emergency procedures in the advent of an accident or disaster due to extreme weather including an emergency response procedure and defined lines of responsibility between all three levels of government.
P12, s4, Shipping Management	<ul style="list-style-type: none"> • <i>“designated anchorage areas for ports</i> • <i>the establishment of designated shipping areas and defined traffic routes, limiting shipping to specific zones along the Great Barrier Reef (see Figure 3)”</i> 	The Keppel and Fitzroy Delta Alliance agrees with the principle of these statements however asserts strongly that neither of these activities should be allowed in the waters of Keppel Bay and the Fitzroy Delta, with the exception of the existing shipping traffic coming to the minor port facilities of Port Alma. This detail should also be reflected in Figure 3 on P13.
P13, Shipping Management: Consultation Question	<i>“What are the opportunities for owners, charterers, terminal operators, ports and government to improve shipping management?”</i>	Compulsory pilotage, rigorous compliance of worlds best practice shipping practices and improved Vessel Monitoring Systems in all waters of the Great Barrier Reef World Heritage Area. Do not allow any shipping traffic or cargo vessel anchoring in the waters of Keppel Bay and the Fitzroy Delta with the exception of the existing shipping traffic utilizing the minor facilities at Port Alma.
P15, Principle 1, Strategic use of ports to facilitate economic growth	<p><i>“The Queensland Government supports an integrated port network operating at peak efficiency with minimal duplication in infrastructure investment.”</i></p> <p>This statement is clearly inaccurate given the Queensland Government’s openly stated intent to facilitate the development of proposals for BICET, FTP and the GPC’s plans for Sea Hill when there is currently no infrastructure in</p>	The phrase “minimal duplication in infrastructure investment” is vague and should be defined and clarified. Investment by whom? This Strategy should not just address the question of infrastructure investment to be efficient, but should also include duplication of infrastructure itself. Confine coal export terminals, associated shipping or barging, and any further industrial port developments in Central Queensland to the existing major port of Gladstone south of a line at Ramsays Crossing in the Narrows west of Curtis

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	these locations and their proximity to the currently well established and growing infrastructure investment connected to the Port of Gladstone.	Island. This will avoid duplication of infrastructure and infrastructure investment.
P15, Figure 4, Future resource commodity export movements to Great Barrier Reef ports	The current and future CSG/LNG exports impacting on the strategic use of port facilities in the GBR are missing from Figure 4	Identify the future CSG/LNG export movements and their impact on ports and shipping activities and incorporate this commodity in the Strategy
P17, Principle 2, The right balance between economic development and environmental protection	<p><i>“Restrict any significant port development within and adjoining the Great Barrier Reef World Heritage Area, to within existing port limits for the next 10 years”</i></p> <p>This statement does not reflect the recommendations of the UNESCO WHC Report of 2012 which refers to “major existing ports” and the 10 year timeframe is insufficient.</p>	Define “existing port limits”, separate the Port of Rockhampton from the Port of Gladstone and do not allow any port development or expansion of Port Alma in the Port of Rockhampton. Expand the time frame of the strategy to a minimum of 25 years.
P17 Innovative Solutions	<p><i>“Alternatives to large port operations are also being adopted internationally including the use of barges and trans-shipping.”</i></p> <p>This technology is not currently being used for loading coal in exposed waters with choppy and rapidly changing sea conditions unprotected for prevailing strong southeasterly winds and is therefore untested in the currently proposed location of the Fitzroy Terminal Project. It is unacceptable to conduct this type of unproven activity in the GBR WHA which includes the waters of Keppel Bay and the Fitzroy Delta.</p>	Do not allow the use of trans-shipping and barges in the waters of the Great Barrier Reef World Heritage Area.
P19, Principle 2: Consultation Question	<i>“How can environmental management at ports be improved?”</i>	Wait for the completion of the Strategic Assessment to optimize and major existing ports to focus resources, monitoring and compliance in fewer well managed areas. Do not allow port development in minor ports or currently undeveloped major estuarine areas such as the Fitzroy Delta that would have catastrophic environmental impacts to the area and the GBR WHA in general. Greater compliance and transparency of communications with regard to environmental monitoring through the use of independent experts with publicly available timely information.

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P20, Principle 3, Consultation Question	<i>"How can we increase the efficiency of existing port capacity and infrastructure?"</i>	Maximizing and optimizing the use of existing port infrastructure, and ensuring that companies share facilities and infrastructure. The location of the proposed ports in the Fitzroy Delta area have no specific existing infrastructure in place currently and it would therefore be inefficient and costly to allow development of those proposals.
P27, s6, Implementation and review, Consultation question	<i>"What are the partnership opportunities to implement the principles in the Great Barrier Reef Ports Strategy?"</i>	It is difficult to respond to this question until all the suggestions in this document have been addressed. Again we would reiterate that the cart is before the horse. The Strategic Assessment should be completed before the Ports Strategy is formulated and that then the way forward for implementation should include consultation, open and transparent communication and collaboration with all stakeholders at three levels of government, port developers, the scientific community, conservation sector and community groups. Port development and associated infrastructure is not just about momentary economic drivers, it can shape and change the fabric of communities. Port development can impact on long term existing industries that rely on the health and reputation of the Great Barrier Reef in order to continue to be sustainable. All of these factors should be taken into consideration when looking to answer this question.
	<i>End of submission</i>	



Assessment Officer
Ports & Marine Section
Environment Assessment Branch
The Department of Sustainability, Environment, Water,
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GPO Box 787
CANBERRA ACT 2601

Re: EPBC 2011 / 6069 Fitzroy Terminal Project Pty Ltd

I refer to your email dated 08 August 2011 seeking the Great Barrier Reef Marine Park Authority's advice regarding the likely impacts of the proposed Fitzroy Terminal Project (the 'proposed action') on the Great Barrier Reef World Heritage Area, Great Barrier Reef National Heritage place, and the Great Barrier Reef Marine Park (Marine Park). Unlike most other port related proposals which may impact upon the Great Barrier Reef World Heritage Area, many of the activities of the proposed action occur within the Marine Park. As such it is possible that the proposed action will require a Marine Park permit in addition to any *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act) approval; as you are aware, the assessment criteria differ for these two approvals.

The *Great Barrier Reef Marine Park Act 1975* has the stated primary object "to provide for the long term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef Region"; the *Act* also allows other objects including ecologically sustainable use "... so far as it is consistent with the main object" (section 2A, *Great Barrier Reef Marine Park Act 1975*).

The Great Barrier Reef Marine Park Authority has conducted a preliminary risk assessment (attached) by considering the information provided for assessing the proposed action and is concerned about the potential environmental, social and economic impacts associated with this proposed action on the Great Barrier Reef Marine Park and Great Barrier Reef World Heritage Area values.

The preliminary risk assessment has identified seven risks with an extreme consequence rating. These extreme risks were found to occur at multiple stages of the proposed action including during construction and operation. The initial assessment identified the effects of noise and lighting from the proposed action to have extreme consequences on threatened and migratory species including three species of vulnerable and endangered turtles and the Australian Snubfin dolphin.

Furthermore, other issues were identified with a high consequence rating such as the effects of coal on the marine environment, the impact on other users; including economic impacts; and perception issues on both a local and international level. Table 1 highlights the issues of most concern to the Great Barrier Reef Marine Park Authority.

Table 1: Issues/impacts of the proposed action on the Great Barrier Reef Marine Park and the Great Barrier Reef World Heritage Area

Threatened and migratory species	The area supports important populations of threatened and migratory species that contribute to the World Heritage values of the Great Barrier Reef World Heritage Area. The proposed action is likely to have a unacceptable and high risk impacts on these threatened and migratory species, through impacts on the habitat and ecosystems that support their health and resilience. In particular, Peak Island is a long-standing Preservation Zone (the most highly protected 'no-go' zone type in the Marine Park) and was zoned in 1988 for its conservation values, including the largest flatback turtle rookery in the Great Barrier Reef Marine Park; the surrounding waters (including those within the proposed action) are also important flatback turtle inter-nesting habitat. The proposal covers a track of approximately 40 to 50 km from the creek to the transshipping location in the Marine Park. The impacts of noise and light on threatened and migratory species may occur along the barge path and not only at the anchoring sites.
Impacts on other users	The proposal will impact and potentially displace existing and future users of the area. The proposed action sits within the area of the recently signed Port Curtis Coral Coast Regional TUMRA (Traditional Use and Marine Resource Agreement) and is approximately 30 kilometres from the Dharumbal (Keppel Island) TUMRA of the Woppaburra traditional owner group. The proposal therefore has the potential to impact on the cultural and spiritual values, and the exercising of rights and responsibilities of these traditional owner groups.
	The proposal will impact and potentially displace existing and future users of the area. The Marine Park zoning in this area is the result of extensive community consultation which took into account the commercial and recreational uses in this area. The area of the proposed action was specifically identified as valuable for crab, trawl, line, net, marine aquarium fish and sea cucumber fisheries, and was specifically excluded from the adjoining Green (no-take) Zone for this reason.
Port infrastructure and/or activities within the Marine Park	The proposed action is to establish port infrastructure / activities (coal ship loading) within the Great Barrier Reef World Heritage Area and Great Barrier Reef Marine Park. Parts of the proposed action will occur outside of previously recognised or agreed Port areas along the Queensland coast; these activities are proposed within a <i>greenfield</i> location.
Alternatives	The proponent has not demonstrated that all prudent and feasible alternatives have been examined, such as the use of existing infrastructure in other Port areas.

On the basis of the above, the Great Barrier Reef Marine Park Authority considers that the actions proposed have the potential to have unacceptable and high risk impacts on the values of the Great Barrier Reef World Heritage Area and the Great Barrier Reef Marine Park, and in particular, the flatback turtle and snubfin dolphin populations.

A preliminary statement of reasons and risk assessment for this recommendation is provided at **Attachment 1**.

Yours sincerely,

A/General Manager
Marine Park Management Branch

August 2011

Attachment 1

**EPBC 2011/6069 Fitzroy Terminal Project
Preliminary Statement of Reasons**

The Great Barrier Reef Marine Park Authority provides the following preliminary statement of reasons for the Minister or his Delegate to consider:

1. Matters Considered

Great Barrier Reef Marine Park Authority has considered the likely impacts of the proposed action on the following matters of National Environmental Significance:

- Great Barrier Reef Marine Park (Marine Park) – specifically the likely impact of the proposed action, as taken in and outside of the Marine Park, on the environment of the Marine Park; and
- Great Barrier Reef World Heritage Area and National Heritage place – specifically the likely impact of the proposed action as it occurs within the World Heritage Area on the marine values for which the Area was listed.
- Listed threatened species –specifically the likely impact of the proposed action on marine turtles; and
- Listed migratory species – specifically the likely impact of the proposed action on inshore dolphins.

In considering the impacts on the Great Barrier Reef World Heritage Area and Marine Park, the Great Barrier Reef Marine Park Authority have used:

- The Australian Government '*Significant Impact Guidelines 1.1 – Matters of National Environmental Significance*'; and
- The *Great Barrier Reef Marine Park Zoning Plan 2003* (Zoning Plan) and the *Report on Great Barrier Reef Marine Park Zoning Plan 2003*; and
- The *Great Barrier Reef Marine Park Act 1975* and *Great Barrier Reef Marine Park Regulation 1983*;

to assist in the assessment of the proposed action's likely impact on matters listed above. As many of the activities of the proposed action occur within the Marine Park, consideration must be given to the main object of the *Great Barrier Reef Marine Park Act 1975* i.e. "to provide for the long term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef Region". The Act also allows other objects, including ecologically sustainable use, "... so far as it is consistent with the main object" (section 2A, *Great Barrier Reef Marine Park Act 1975*).

2. Background

2.1 Location

The Fitzroy Terminal Project Pty Ltd proposal is the development and operation of a coal export facility at Port Alma in Central Queensland. The proposal includes a 13-kilometre rail spur off the main North-Coast rail line, stockyards, three-kilometres of covered conveyer, a barge loading facility in Raglan Creek (with the potential requirement for capital and maintenance dredging), ancillary facilities, barge provisioning, site utilities, covered barges and purpose-built dry cargo transhippers for loading into Capesize and Panamax size vessels.

Export of 10 million tonnes per annum (Mtpa) of coal from Blackwater and Moura rail networks is initially proposed, rising to 22 Mtpa of coal once fully operational.

The EPBC referral shows the barging route to be approximately 40 to 50 km in length with 4 separate anchoring locations.

The proposed action is to occur both within and outside Port Alma, with transhippers operating approximately six kilometres offshore. Part of the action occurs in the Great Barrier Reef Marine Park, and section 37AB of the *Great Barrier Reef Marine Park Act 1975* provides that a referral under the *Environment Protection and Biodiversity Conservation Act 1999* relating to an action in the Great Barrier Reef Marine Park is deemed to be an application for all required permissions under the *Great Barrier Reef Marine Park Act 1975*, *Great Barrier Reef Marine Park Regulation 1983* and *Great Barrier Reef Marine Park Zoning Plan 2003*.

Impacts on cultural, economic and recreational values/use and Marine Park management considerations:

- The *Great Barrier Reef Marine Park Act 1975* provides for the ecologically sustainable use of the Great Barrier Reef region including, cultural, economic and recreational activities, consistent with the long term protection and conservation of the Great Barrier Reef environment.
- The proposed action is to be located in a General Use Zone. The carrying out of works in this Zone must be consistent with objectives of the Zone. The *Great Barrier Reef Marine Park Regulations 1983* require that an application for a permission in the Marine Park must consider the potential impact of the proposed conduct to the environment, and the social, cultural and heritage values of the Marine Park or part of the Marine Park. The General Use Zone allows use or entry without permission for navigating a vessel, however previous legal advice from the Commonwealth Attorney-General's Department suggested that the operation for loading purposes does not constitute navigation and operation of a vessel and the proposed action will require permitting under the *Great Barrier Reef Marine Park Act 1975*.

3. Findings

The proposed action will potentially have unacceptable and high risk impacts on the Great Barrier Reef Marine Park and the Great Barrier Reef World Heritage Area values for the following reasons:

Threatened and migratory species

The proposed action is likely to have unacceptable and high risk impacts on threatened and migratory species, including impacts on the habitat and ecosystems that support the ongoing survival of the flatback turtle population in the Great Barrier Reef Marine Park. Species of most concern with regard to the proposed action include:

- Flatback Turtle (*Natator depressus*) – Vulnerable
- Green Turtle (*Chelonia mydas*) – Vulnerable
- Loggerhead Turtle (*Caretta caretta*) – Endangered
- Australian Snubfin Dolphin (*Orcaella heinsohni*) – listed as 'Rare' under Queensland legislation; listed as migratory species under the EPBC Act but is 'data deficient' and hence it is not listed under any category of threatened species. There is, however, concern from experts that this species is in decline throughout the Great Barrier Reef Region.

- Flatback turtles are the only marine turtle that is endemic to Australian waters.
- The proposed ship loading area is located in close proximity to the Peak Island Preservation Zone, which came into effect on 1 August 1988. The principle reason for the Preservation Zone was for the fringing reef and the recognition that Peak Island contained the largest flatback turtle rookery in the Great Barrier Reef. The waters surrounding Peak Island are also important flatback turtle inter-nesting habitat.
- When flatback turtles cease their pelagic life history phase on the outer Great Barrier Reef, they change to inhabit sub-tidal soft bottomed inshore habitats inshore of the outer Great Barrier Reef.
- The adult flatback female displays a high degree of fidelity to her chosen nesting beach, with most females returning to the same small beach for their successive clutches within a nesting season, and in successive nesting seasons. This aspect of marine turtle ecology is what determines the genetic 'stock' of marine turtles.
- Green turtles of the southern Great Barrier Reef genetic stock and loggerhead turtles of the east Australia stock also use the habitat in the proximity of the proposed ship loading area as foraging grounds - marine turtles are required to build substantial body-reserves in order to remain healthy whilst undertaking migration.
- The proposed action may operate 24 hours a day, for most days of the year. The potential impacts of this proposed action on the turtle population therefore includes:
 - reduced water quality, which can degrade the quality of important foraging grounds
 - increased risk from boat strike, particularly around the entrance to the port
 - noise and lighting impacts affecting nesting and foraging behaviour
 - increased marine debris that can be ingested by marine turtles as population centres experience growth
- The proposed barging route is approximately 40 to 50 km in length. The risk to threatened and migratory species (from noise and lighting issues) could span the length of the barging route and up to some distance away. This consideration could significantly increase the footprint of the proposed action.
- The combination of these pressures over time could significantly impact marine turtle health, the availability or health of their food and eventually the conservation status of the stock.

Australian Snubfin Dolphin

- The barge loading facility and access route through Port Alma is through habitat that supports a population of Australian Snubfin Dolphin (*Orcaella heinsohni*).
- The core range of Snubfin Dolphins is known to occur close to river mouths in Australian waters, including those of the Great Barrier Reef World Heritage Area.
- The southernmost population exists in the Fitzroy River Basin region, sighted in the Keppel Bay/Fitzroy River areas.
- Studies indicate inshore dolphin populations are relatively small and relatively uncommon and maintain fairly small, discrete home ranges geographically remote from each other.
- Due to these ecological aspects and their conservative life history traits (long-lived, slow growth rate, mature late, low reproduction rate, low relative abundance and small group sizes; highly specific in their habitat and dietary requirements) they are vulnerable to localised impacts. This suggests a regional and local approach to their conservation.
- This species is particularly at risk due to the range of pressures it faces within the inshore habitats on which it depends.

- The major threats to this species that are applicable with regard to the proposed action include:
 - habitat degradation due to disturbance and displacement from vessel activity
 - underwater noise
 - likely localised depletion of prey resources from dredging and pollution.

Economic and Recreational Values

The proposal will impact and potentially displace existing and future users of the area.

- The proposed action includes areas of high activity, such as anchoring, actively moving barges and ship-loaders. The scale of activity is expected to exclude / alienate other users from the area, promoting exclusive use by the proposed activity.
- The Zoning Plan in this area is reflective of the extensive community consultation, the spatial and temporal patterns and variability of all fishing activities and natural values that occur in the area:
 - Preservation Zone (P-23-36) - Peak Island Reef is a prime example of an inshore fringing reef and contains the largest flatback turtle rookery in the Marine Park. The objective of for the Preservation Zone is to provide for the preservation of the natural integrity and values of the areas of the Marine Park, generally undisturbed by human activities.
 - Marine National Park (MNP-23-1160) - Egg Rock, Split Rock, Arch Rock and Jabiru Shoals – the waters surrounding Peak Island are important flatback turtle inter-nesting habitat. Additionally, Divided and Hummocky Island and Lisa Jane Shoals and surrounding inter-reef areas are not included in the green zone to minimise the potential impact on trawl, line, net, marine aquarium fish and sea cucumber fisheries. The area currently supports a variety of commercial and recreational fishing activities. Commercial fishing activities include the: crab, net, trawl and hook and line fisheries and trolling and dive based commercial harvest fisheries for aquarium fish and sea cucumber fisheries. The objectives of the Marine National Park Zone are to provide for the protection of the natural integrity and values of areas of the Marine Park, generally free from extractive activities; and subject to this, to provide opportunities for certain activities, including the presentation of the values of the Marine Park, to be undertaken in relatively undisturbed areas.
 - Conservation Park Zone (CP-23-4107) - Yellow Patches to Cape Capricorn complements the adjacent Curtis Island National Park and the highly significant Northeast Curtis Island Wetland. The wetland provides significant roosting and nesting habitat for a number of bird species. The area is of cultural significance and there is a special and unique area located around Cape Keppel. The zone does not extend further to the north to minimise the potential impact on the trawl fishery. The area is a popular location for recreational line fishing. The objectives for the Conservation Park Zone are to provide for the conservation of areas of the Marine Park; and subject to this, to provide opportunities for reasonable use and enjoyment, including limited extractive use.

Aboriginal Cultural Values

The proposal has the potential to impact on the cultural and spiritual values, and the exercising of rights and responsibilities of two Traditional Owner groups: Dharumbul and the Port Curtis Coral Coast (PCCC comprises four tribal groups: Gooreng Gooreng, Gurang, Bailai and Tarebilang Bunda). The proposed action sits within the area of the PCCC Regional TUMRA which has been in development for many years and was accredited in August 2011 for the purpose of satisfying personal, domestic or communal needs of Traditional Owners. The action is also adjacent to the

Dharumbal (Keppel Island) Traditional Use and Marine Resource Agreement (TUMRA) within the Woppaburra Traditional Owner group area of interest.

- The Zoning Plan, which must be taken into consideration when assessing applications, states that "*Nothing in this Zoning Plan is intended to affect the operation of section 211 of the Native Title Act 1993 in relation to any provision of this Zoning Plan.*"

Additional Considerations

- The proposal is a new type of activity within the Marine Park.
- The proposal is to establish port infrastructure / activities (coal ship loading) within the Great Barrier Reef World Heritage Area and Marine Park outside of previously recognised or agreed Port areas along the Queensland coast (i.e. there are a number of areas of the Great Barrier Reef Region that were recognised as Ports and not included with the Marine Park; this is not such an area).
- The proponent has not demonstrated that all prudent and feasible alternatives have been examined, particularly when the Port of Gladstone is relatively close by (the proposed action is approximately 40 kilometres north of Gladstone).

The World Heritage Centre and International Union for Conservation of Nature (IUCN) consider that development, like the Liquefied Natural Gas facility approved on Curtis Island, could represent a clear potential danger to the property's Outstanding Universal Value and integrity, as defined in paragraph 180 (b) (ii) of the *Operational Guidelines* (i.e. the property is faced with major threats which could have deleterious effects on its inherent characteristics . . . [such as] . . . development projects within the property or so situated that the impacts threaten the property).

The World Heritage Committee has therefore requested a comprehensive strategic assessment of the entire Great Barrier Reef World Heritage Area, identifying planned and potential future development that could impact the Outstanding Universal Value to enable a long-term plan for sustainable development that will protect the Outstanding Universal Value of the property.

The *Great Barrier Reef Marine Park Regulations 1983* (discretionary considerations 88R) ensures that the Great Barrier Reef Marine Park Authority also consider the cumulative impacts of the proposed action and future planned actions. It states that the Authority may consider the following: "the impact of the conduct proposed to be permitted under the permission in the context of other conduct in the relevant area or nearby areas, or in the Marine Park, that is being undertaken, is planned, is in the progress, or is reasonably foreseeable at the time of the Authority's consideration of the application, whether or not related to or a consequence of the proposed conduct".

The Great Barrier Reef Marine Park Authority does not currently have enough information on the cumulative impacts of the proposed future actions in the Port Alma area. A strategic assessment of port areas in the Great Barrier Reef Region should clarify the issue of cumulative impacts.

This proposed action is one of many that have been received by the Department of Sustainability, Environment, Water, Population and Communities or are soon to be submitted. Given the potential impact on matters of National Environmental Significance associated with these actions and the grave concerns about cumulative impacts the Great Barrier Reef Marine Park Authority suggests that any decision on this proposal will pre-empt the World Heritage Committee's intention of requesting a "comprehensive strategic assessment of the entire property... to enable a long-term plan for sustainable development that will protect the Outstanding Universal Value of the property". Consideration also needs to be made of how existing referrals of similar actions will be dealt with whilst a Strategic Assessment is undertaken.

Preliminary Risk Assessment – Fitzroy Terminal Project EPBC No.: 2011/ 6069

Risk Methodology:

DESCRIPTION	DEFINITION
CATASTROPHIC	Impact is clearly affecting the nature of the ecosystem over a wide area OR impact is catastrophic and possibly irreversible over a small area or to a sensitive population or community Recovery periods of greater than 20 years likely OR condition of an affected part of the ecosystem irretrievably compromised.
MAJOR	Impact is significant at either a local or wider level or to a sensitive population or community. Recovery periods of 10 - 20 years are likely.
MODERATE	Impact is present at either a local or wider level. Recovery periods of 5 - 10 years anticipated.
MINOR	Impact is present but not to the extent that it would impair the overall condition of the ecosystem, sensitive population or community in the long term.
INSIGNIFICANT	No impact or, if impact is present, then not to an extent that would draw concern from a reasonable person. No impact on the overall condition of the ecosystem.

Table 1: Consequence (Environment – Ecosystem level)

DESCRIPTION	DEFINITION
CATASTROPHIC	Negative and extensive national media attention and national campaigns
MAJOR	Negative national media attention and national campaign
MODERATE	Negative regional media attention and regional group campaign
MINOR	Individual complaints
INSIGNIFICANT	No media attention

Table 2: Consequence (Environmental Perception)

DESCRIPTION	FREQUENCY	PROBABILITY
Almost certain	Expected to occur more or less continuously throughout a year (e.g. more than 250 days per year)	95-100% chance of occurring
Likely	Expected to occur once or many times in a year (e.g. 1 to 250 days per year)	71-95% chance of occurring
Possible	Expected to occur once or more in the period of 1 to 10 years	31-70% chance of occurring
Unlikely	Expected to occur once or more in the period of 10 to 100 years	5-30% chance of occurring
Rare	Expected to occur once or more over a timeframe greater than 100 years	0-5% chance of occurring

Table 3: Likelihood

LIKELIHOOD	CONSEQUENCE RATING			
	INSIGNIFICANT	MINOR	MODERATE	MAJOR
ALMOST CERTAIN	M	M	H	E
LIKELY	M	M	H	E
POSSIBLE	L	M	H	E
UNLIKELY	L	L	M	M
RARE	L	L	M	M

Table 4: Hazard Risk Grade

Activity or Element	Hazard	Factors	Initial Risk
Barge operations - general	Increase in underwater noise on threatened and migratory species.	Noise generated by barge operation and increased vessel movement	Almost certain x Major = Extreme
Barge operations - general	Increase in lighting (including new light horizons) impacts on threatened and migratory species.	Light generated as part of barge operations	Almost certain x Major = Extreme
Barge loading facility - construction	Increase in lighting (including new light horizons) impacts on threatened and migratory species.	Light generated as part of construction	Almost certain x Major = Extreme
Barge loading facility - operation	Increase in underwater noise on threatened and migratory species	Noise generated by barge operation	Almost certain x Major = Extreme
Barge loading facility - operation	Increase in lighting (including new light horizons) impacts on threatened and migratory species.	Light generated as part of barge load out facility	Almost certain x Major = Extreme
Tran-shipper loading operations - general	Increase in underwater noise on threatened and migratory species	Noise generated by tran-shipper operation	Almost certain x Major = Extreme
Tran-shipper loading operations - general	Increase in lighting (including new light horizons) impacts on threatened and migratory species.	Light generated as part of tran-shipper operations	Almost certain x Major = Extreme
Barge operations - general	Increase impact on marine habitat from coal dust pollution (chronic).	Accident or negligent operation	Possible x Moderate = High
Barge operations - general	Increase impact on marine habitat from coal spillage (acute).	Accident or negligent operation	Possible x Major = High
Barge operations - general	Exclusion or alienation of other users from the area.	Existing and future uses of the site restricted by the action.	Likely x Moderate = High
Proposed action – economic impact	Exclusion or alienation of other users from the area.	Existing and future economic gain from the site restricted by the action.	Likely x Moderate = High

Activity or Element	Hazard	Factors	Initial Risk
Barge operations - general	Increase in boat strike on threatened and migratory species.	Slow moving animals, migrating species and species moving into deeper ship channels during low tide	Likely x Moderate = High
Barge operations – bulk fuel transfer	Impact on marine habitat from fuel spill. Pollution of environment.	Accidental or negligent operation of equipment. Extreme weather.	Moderate x Possible = High
Vessel strandings / sinkings	Physical damage to the environment. Release of pollutants to the environment. Requires three vessels to come together in open water.	Accidental or negligent operation of the vessel Unchartered waters. Extreme weather.	Moderate x Possible = High
Barge loading facility - dredging	Loss of habitat for threatened species and localised depletion of prey resources from dredging and pollution. Possible spoil disposal in the Great Barrier Reef Marine Park and Great Barrier Reef World Heritage Area.	Dredging of Raglan Creek to allow barge operation and management of dredge spoil (capital and maintenance dredging).	Almost certain x Moderate = High
Tran-shipper loading operations - general	Increase impact on marine habitat from coal dust pollution (chronic).	Accident or negligent operation	Possible x Moderate = High
Tran-shipper loading operations - general	Increase impact on marine habitat from coal spillage (acute).	Accident or negligent operation	Possible x Major = High
Tran-shipper loading operations - general	Exclusion or alienation of other users from the area.	Existing and future uses of the site restricted by the action.	Likely x Moderate = High
Proposed action – local / regional community	Perception of the protection and management of the Great Barrier Reef Marine Park and Great Barrier Reef World Heritage Area.	Management perception of the Great Barrier Reef	Major x Likely = High

Activity or Element	Hazard	Factors	Initial Risk
perception			
Proposed action – national community perception	Perception of the protection and management of the Great Barrier Reef Marine Park and Great Barrier Reef World Heritage Area.	Management perception of the Great Barrier Reef	Major x Possible = High
Proposed action – IUCN / World Heritage Centre perception	Perception of the protection and management of the Great Barrier Reef Marine Park and Great Barrier Reef World Heritage Area.	Management perception of the Great Barrier Reef	Major x Possible = High
Proposed action – State community perception	Perception of the protection and management of the Great Barrier Reef Marine Park and Great Barrier Reef World Heritage Area.	Management perception of the Great Barrier Reef	Major x Unlikely = Medium
Barge operations - general	Increase impact on marine habitat and threatened and migratory species from marine debris.	Accident or negligent operation	Possible x Minor = Medium
Barge loading facility - construction	Increase impact on marine habitat from decreased water quality (e.g. sediment).	Accident or negligent operation	Likely x Minor = Medium
Barge loading facility - operation	Increase impact on marine habitat from decreased water quality	Accident or negligent operation	Likely x Minor = Medium
Tran-shipper loading operations - general	Increase impact on marine habitat and threatened and migratory species from marine debris	Accident or negligent operation	Possible x Minor = Medium
Tran-shipper loading operations - general	Increase in boat strike on threatened and migratory species	Slow moving animals, migrating species and species moving into deeper ship channels during low tide	Likely x Minor = Medium
Tran-shipper loading operations - anchoring	Physical damage to the environment	Incorrect anchoring (dropping of anchor, dragging) Anchoring in coral rather than sandy	Minor x possible = Medium

Activity or Element	Hazard	Factors	Initial Risk
		patches	
Tran-shipper loading operations – translocation of marine pests	Introduction/spread of marine pests from high risk areas (e.g Cairns Port or from outside the Marine Park) to other locations within the Marine Parks.	Accessing high risk areas	Minor x Possible = Medium
Barge loading facility - construction	Loss of coastal wetland habitat	Construction of hard structure such a barge loading facilities and conveyers required for operation.	Almost certain x Minor = Medium
Barge loading facility - construction	Increase in underwater noise on threatened and migratory species	Noise generated by construction.	Almost certain x Minor = Medium
Tran-shipper loading operations - maintenance	Water pollution	Chemical spills from cleaning etc	Insignificant x Rare = Low
Climate change	Physical changes to the environment from the propose action exacerbated by climate change effects.	Unknown	Unknown

From:
Sent: Friday, 19 August 2011 9:41 AM
To:
Cc:
Subject: RE: Fitzroy Terminal - GBRMPA advice [SEC=UNCLASSIFIED]

Hi all,
has kindly offered to take on this referral, so she is happy to give GBRMPA a call.
thanks

K

From:
Sent: Friday, 19 August 2011 9:25 AM
To:
Cc: I
Subject: RE: Fitzroy Terminal - GBRMPA advice [SEC=UNCLASSIFIED]

Thanks for the kind offer can you please stand-by for the moment while we consider allocation of the referral?

Thanks
.....

From:
Sent: Friday, 19 August 2011 9:00 AM
To:
Cc: [Redacted]
Subject: FW: Fitzroy Terminal - GBRMPA advice [SEC=UNCLASSIFIED]

I understand this hasn't been allocated yet. I'm happy to call unless you'd like someone else to?

From:
Sent: Thursday, 18 August 2011 3:23 PM
To:
Subject: Fitzroy Terminal - GBRMPA advice [SEC=UNCLASSIFIED]

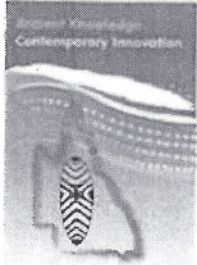
Hi

I am putting together some advice regarding the Fitzroy Terminal. I have quite a few issues regarding the proposal, would you mind giving me a call as soon as you can?

Regards

A/Manager - Major Projects
Environmental Assessment & Managment

Great Barrier Reef Marine Park Authority
2-68 Flinders St
PO Box 1379 Townsville, Qld 4810



Queensland Coastal Conference 2011
19 - 21 October 2011
Cairns, Queensland

Ph: +61 2 9265 0700
Fax: +61 2 9267 5443
Email: qldcoastal2011@arinex.com.au

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Good afternoon

We are sending you the attached link to a referral received for consideration under the Environment Protection and
Biodiversity Conservation Act 1999 (EPBC Act) for your comments, as it falls within your area of interest:
http://www.environment.gov.au/cgi-bin/epbc/epbc_ap.pl?name=current_referral_detail&proposal_id=6069

Any comment should be sent by 22 August 2011 via:

Formal notification has been sent in the postal mail.

Regards

BEP, WA/SA Section
Environment Assessment Branch
Department of Sustainability, Environment, Water, Population and Communities

From: EPBC Referrals
Sent: Monday, 8 August 2011 5:06 PM
To: 'epbc.referral@gbmpa.gov.au'
Subject: Invitation to comment on Referral - (EPBC 2011/6069) [SEC=UNCLASSIFIED]
Categories: UNCLASSIFIED

Good afternoon


We are sending you the attached link to a referral received for consideration under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) for your comments, as it falls within your area of interest:
http://www.environment.gov.au/cgi-bin/epbc/epbc_ap.pi?name=current_referral_detail&proposal_id=6069

Any comment should be sent by 22 August 2011 via:

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Regards

BEP, WA/SA Section
Environment Assessment Branch
Department of Sustainability, Environment, Water, Population and Communities

 Save paper. Do you really need to print this email?

From:
Sent: Tuesday, 25 October 2011 10:20 AM
To:
Cc: epbc referral;
Subject: [epbc.referral] RE: Request for comment on draft EIS guidelines Fitzroy Terminal Project (EPBC2011/6069) [SEC=UNCLASSIFIED]

Thanks

Regards

From:
Sent: Tuesday, 25 October 2011 9:19 AM
To: epbc referral
Cc:
Subject: Request for comment on draft EIS guidelines Fitzroy Terminal Project (EPBC2011/6069) [SEC=UNCLASSIFIED]

Dear

Please find attached a formal request for input into the draft EIS guidelines for the Fitzroy Terminal Project. I have also attached a copy of the draft document for your input. Could you please make any changes in track changes.

Could you please return your input including any comments on the draft EIS guidelines to me by 17 November 2011.

Please give me a call or email me if you have any questions about this process.

Kind regards

<<EPBC 2011 6069 Request for comment from GBRMPA draft guidelines 24 October 2011.pdf>> <<EPBC 2011 6069 Draft EIS guidelines.docx>>

Assessment Officer

Ports & Marine Section

Environment Assessment Branch

The Department of Sustainability, Environment, Water, Population and Communities

From:
Sent: Tuesday, 25 October 2011 10:20 AM
To:
Cc: epbc referral; I
Subject: [epbc.referral] RE: Request for comment on draft EIS guidelines Fitzroy Terminal Project (EPBC2011/6069) [SEC=UNCLASSIFIED]

Thanks

Regards

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Sent: Tuesday, 25 October 2011 9:19 AM
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Cc:
Subject: Request for comment on draft EIS guidelines Fitzroy Terminal Project (EPBC2011/6069) [SEC=UNCLASSIFIED]

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Kind regards

<<EPBC 2011 6069 Request for comment from GBRMPA draft guidelines 24 October 2011.pdf>> <<EPBC 2011 6069 Draft EIS guidelines.docx>>

Assessment Officer

Ports & Marine Section

Environment Assessment Branch

The Department of Sustainability, Environment, Water, Population and Communities

From:
Sent: Wednesday, 16 November 2011 4:43 PM
To:
Cc: epbc referral
Subject: [epbc.referral] RE: Request for comment on draft EIS guidelines Fitzroy Terminal Project (EPBC2011/6069) [SEC=UNCLASSIFIED]

Hi

As discussed, the GBRMPA are seeking a day's extension on the provision of advice on the Fitzroy Terminal Project Guidelines.

If there is an issue, please don't hesitate to give me a call.

Kind Regards

A/Manager - Major Projects
Environmental Assessment & Managment
Great Barrier Reef Marine Park Authority
2-68 Flinders St
PO Box 1379 Townsville, Qld 4810

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=====

From:
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To: epbc referral
Cc:
Subject: Request for comment on draft EIS guidelines Fitzroy Terminal Project (EPBC2011/6069) [SEC=UNCLASSIFIED]

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Could you please return your input including any comments on the draft EIS guidelines to me by 17 November 2011.

Please give me a call or email me if you have any questions about this process.

Kind regards

<<EPBC 2011 6069 Request for comment from GBRMPA draft guidelines 24 October 2011.pdf>> <<EPBC 2011 6069 Draft EIS guidelines.docx>>

Assessment Officer

Ports & Marine Section

Environment Assessment Branch

The Department of Sustainability, Environment, Water, Population and Communities

Keast, Justin

From:
Sent: Friday, 18 November 2011 3:22 PM
To:
Cc:
Subject: [epbc.referral] draft guidelines for an EIS for the Fitzroy Terminal Project
[SEC=UNCLASSIFIED]
Attachments: 34627.1_Ltr_signed_EIS_Guideline.pdf; 34627.1
_EIS_Guideline_Comments_V181111.docx

Hi

Please find attached GBRMPAs comment on the draft guidelines for an EIS for the Fitzroy Terminal Project (EPBC 2011/6069); I will forward the formal hard copy by mail today.

If you have any queries regarding the comments, please don't hesitate to contact me.

Kind Regards

A/Manager - Major Projects
Environmental Assessment & Managment
Great Barrier Reef Marine Park Authority
2-68 Flinders St
PO Box 1379 Townsville, Qld 4810



Australian Government

Great Barrier Reef
Marine Park Authority

Assistant Secretary
Environmental Assessment Branch
Department of Sustainability, Environment, Water, Population
and Communities
GPO Box 787
CANBERRA ACT 2601

EPBC Ref: 2011/6069
GBRMPA Ref: 34627.1

Dear

Comments on the draft guidelines for an Environmental Impact Statement (EIS) for the Fitzroy Terminal Project, Queensland

I refer to the letter from your Department dated 24 October 2011 inviting the Great Barrier Reef Marine Park Authority (GBRMPA) to comment on the Australian Government's draft EIS guidelines for the proposed 'Fitzroy Terminal Project' to ensure that impacts to the Great Barrier Reef Marine Park are able to be fully assessed.

As noted in your letter, the Great Barrier Reef Marine Park controlling provision has been triggered for this proposal. To support the integrated approach to assessment of this proposal, the GBRMPA has reviewed the draft EIS guidelines against assessment criteria prescribed in the *Great Barrier Reef Marine Park Regulations 1983*.

The main additions that have been included (via track changes in Attachment A) are:

- Further requirement for information regarding environmental values for the area surrounding the proposal;
- The requirement for information regarding increases in shipping and ship related impacts;
- Assessment of the impact from dredging, spoil management and dredge spoil disposal;
- Assessment on relevant climate change impacts and management of proposal assets.

Comments have been added throughout the draft EIS guidelines for consistency purposes and where minor deficiencies were identified.

There is currently an increased awareness by the community around port related issues in the Gladstone region, and specific interest from the local community regarding development at Port Alma. To ensure that the community is engaged in the assessment process at every opportunity, the GBRMPA requests that the guidelines be made publicly available for comment.

Yours sincerely

General Manager – Marine Park Management

Encl: Attachment A GBRMPA comments (via tracked changes) on draft EIS guidelines for the Fitzroy Island Terminal Project, Queensland



Australian Government

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

Environment Protection and Biodiversity Conservation Act 1999

Great Barrier Reef Marine Park Act 1975

DRAFT GUIDELINES FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR THE FITZROY
TERMINAL PROJECT, IN PORT ALMA & GREAT BARRIER REEF MARINE PARK, QUEENSLAND

FITZROY TERMINAL PROJECT PTY LTD
(EPBC 2011/6069/**GBRMPA G34627.1**)

October 2011

1 PREAMBLE

The Fitzroy Terminal Project Pty Ltd (hereafter referred to as the Proponent) proposes to develop and operate a coal export facility in Port Alma and the Great Barrier Reef Marine Park. The construction phase of the project includes: construction of infrastructure including a rail loop, set down and stockpiling area, covered conveyor, berths and barges and other components described in the EPBC Act referral EPBC 2011/6069. During the operational phase of the project, coal will be loaded onto barges which will meet trans-shippers in the Great Barrier Reef Marine Park. The trans-shippers will load the coal into waiting ships. The project is a staged project with Stage 1 aiming to transport up to 10 million tonnes per annum (Mtpa) of coal and Stage 2 up to 22Mtpa per annum. The project will potentially require dredging of Raglan Creek and disposal of spoil. Future decommissioning is also proposed.

The proposal was referred under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) to the Minister for Sustainability, Environment, Water, Population and Communities. A delegate of the Minister determined on 5 September 2011 that approval is required as the action has the potential to have a significant impact on the following matters of national environmental significance (NES) that are protected under Part 3 of the EPBC Act:

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

On the same date a delegate of the Minister determined, that the proposed activity be assessed by an Environment Impact Statement (EIS). The EIS Guidelines identify the issues that the Australian Government requires the proponent to address in the EIS.

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

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

2 ENVIRONMENTAL ASSESSMENT AND APPROVAL PROCESS

2.1 PURPOSE OF GUIDELINES

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

3 DESCRIPTION OF THE PROJECT

3.1 THE PROPOSED PROJECT AREA

The proposed development is located in Port Alma and within the boundary of the Great Barrier Reef Marine Park, in Queensland. The project footprint is located partially within the Great Barrier Reef World Heritage Area, the Great Barrier Reef National Heritage place, and Great Barrier Reef Marine Park (Commonwealth) and Great Barrier Reef Coast Marine Park (Queensland).

Comment [JV1]: This is relevant due to the joint permit process between the GBRMPA and Queensland Government.

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

4.1 THE OBJECTIVES OF AN ENVIRONMENTAL IMPACT STATEMENT

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

It is expected that additional ecological and socio-economic investigations will be required to be undertaken to provide sufficient information for the EIS. The nature and level of investigations must be related to the ~~likely extent and gravity of the potential impacts~~ likelihood, consequence, magnitude, extent and scale of impacts (including worst case scenarios). All potential impacts of the proposal on ~~the social, cultural, heritage and~~ environment values are to be investigated and analysed, and ~~commitments measures~~ to avoid, mitigate and offset (with particular reference to the Draft Policy Statement: Use of environmental offsets under the *Environment Protection and Biodiversity Conservation Act 1999*) ~~any adverse~~ impacts are to be detailed in the EIS.

Comment [JV2]: Commitments can be conditioned under the approval

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

In preparing the EIS the proponent must consider the following aims of the EIS and public review process: To provide a source of information from which interested individuals and groups may gain an understanding of the proposal, the need for the proposal, the alternatives, the

environment¹ which it could potentially affect, the impacts that may occur and the measures proposed to be taken to avoid or minimise these impacts; to provide a forum for public consultation and informed comment on the proposal; and to provide a framework in which decision-makers can consider the ~~environmental aspects of the proposal including~~ biophysical, cultural, social, heritage, economic, technical aspects and other factors of the proposal.

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

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

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

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

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

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

4.2 GENERAL ADVICE

The EIS must be a stand-alone document. It must contain sufficient information from any studies or investigations undertaken to avoid the need to refer to previous or supplementary

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

reports. The EIS is to address both the Australian Government Guidelines and if applicable the Queensland Government Terms of Reference. A cross referencing table should be provided in an Appendix to enable cross referencing of information provided in the EIS with Australian and State Government requirements.

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

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

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

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

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

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

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

The EIS must comprise three elements:

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

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

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

5 SPECIFIC CONTENT REQUIREMENTS

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

5.1 EXECUTIVE SUMMARY

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

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

5.2 OBJECTIVE

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

5.3 GENERAL INFORMATION

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

- a) The title of the proposal;
- b) The full name and postal address of the designated proponent;
- c) A clear outline of the proposal;
- d) The location of the proposal;
- e) The background to the development of the proposal;

- f) How the proposal relates to any other developments (of which the proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region;

g) The current status of the proposal;

g)h) Prudent and feasible alternatives to the proposed action, including scale, configuration and staging options.

h)i) The consequences of not proceeding with the proposal or components of the proposal;

i)j) A brief explanation of the scope, structure and legislative basis of the EIS;

j)k) The specific EPBC Act and GBRMP Act matters affected by the proposal; and

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

5.4 THE PROPOSAL DESCRIPTION

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

All 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 matters of National Environmental Significance.

The description of the action must also include 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 action that may have relevant impacts.

Details of proposed monitoring and enforcement programs to help limit the impacts of the ongoing operations on matters of National Environmental Significance must also be addressed.

5.5 PROJECT DETAILS

The description of the proposal must cover:

- a) The environmental principles on which the development will be managed;
- b) All the components of the proposal including:
 - i. Site selection, based on an analysis of prudent and feasible alternative sites;
 - ii. Development options, including an explanation of prudent and feasible alternatives;
 - iii. Associated infrastructure, including transport networks/corridors (both land and marine);
 - iv. Construction, including dredging and dredge spoil disposal requirements;
 - v. Commissioning;
 - vi. Operation, including details of the expected vessel numbers for each stage of the proposed development;
 - vii. Related maintenance activities, both long and short term, including dredging and dredge spoil disposal requirements; and
 - viii. Decommissioning.

- c) The precise location of works to be undertaken (including specific footprint area(s)), structures to be built or other elements of the proposal that may have impacts on the environment. Aerial photographs, maps, figures and diagrams must be incorporated where appropriate.
- d) A general location map that includes the location of other known or potential future developments occurring in and around Port Alma.
- e) The following maps and figures must be provided in relation to the Great Barrier Reef Marine Park and Great Barrier Reef World Heritage Area:

- i. A detailed map showing the boundary of the Great Barrier Reef Marine Park and Great Barrier Reef Coast Marine Park, in relation to the proposed development footprint of the project, including the dredge footprint, offshore spoil disposal ground, breakwaters, reclamation area; berths and other components of the project;
- ii. A detailed map showing the Great Barrier Reef Zoning ~~adjacent to the project footprint~~;
- iii. A detailed maps showing Fish Habitat Areas, areas described in the Queensland Coastal Management Plan, seagrass areas, acid sulphate soil areas, storm surge and tidal inundation areas;
- iv. A detailed map of Wetlands of High Ecological Significance;
- v. A map showing the location of the proposal in relation to the Great Barrier Reef World Heritage Area and National Heritage place;
- vi. A map showing the boundary of the Shoalwater and Corio Bays Area Ramsar Site;
- vii. A map showing shipping lanes within the Great Barrier Reef Marine Park and Great Barrier Reef World Heritage Area; and
- viii. Simulated viewfields of the proposal showing its visual impact from various aspects including the adjacent coastline and offshore.

f) Explanation must provided on the basis for the Great Barrier Reef Marine Park zones identified in the detailed map.

g) Reference must be made to detailed technical information in appendices where relevant.

h) How the works are to be undertaken and design parameters for all aspects of the structures or elements of the proposal. This must include:

- i. An explanation of the anticipated timetable for construction, operation and decommissioning;
- ii. Details of construction and operational equipment to be used; and
- iii. Details of the environmental parameters (incorporating predictions of climate change and 'worst case scenarios') the structures are designed to withstand based on the expected life of assets.
- iv. Details of the sustainability measures that will be employed to minimise the activities carbon footprint.
- v. A summary of the design aspects that will be employed to minimise impacts on environmental, social, cultural and heritage values.

5.6 MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE

In relation to matters of National Environmental Significance listed as controlling provisions for the proposal, an inventory of surveys, whether office-based or field-based, must be provided.

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

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

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

5.7 ALTERNATIVES TO THE PROPOSAL

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

- a) The alternative of taking no action or not proceeding with components of the proposal;
- b) Potential alternative locations for different components of the proposal;
- c) Potential alternative configuration or scale options for key components of the proposal;
- d) A comparative description of the adverse and beneficial impacts of the development as a whole, each component of the development, and location on the matters protected by the controlling provisions for the proposal;
- e) A description of how each stage would be affected if one or more of the stages does not occur or is significantly modified;
- f) Sufficient detail must be provided to make clear why any alternative is preferred to another;
- g) The reasons for choosing the preferred location and option for the development as a whole, and each key component of the proposal, must be explained. The explanation must include a comparison of the adverse and beneficial effects used for selecting the preferred location and option, and compliance with the objectives of the EPBC Act and GBRMP Act (including the principles of ecologically sustainable development and use);
- h) The advantages and disadvantages of alternatives when considered against relevant matters protected under the EPBC Act and GBRMP Act, including critical issues identified in the Great Barrier Reef Outlook Report 2009, must be specifically addressed; and
- i) Short, medium and long-term advantages and disadvantages of the options must be considered.

5.8 CONSULTATION

Any consultation about the action, including:

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

5.9 THE EXISTING ENVIRONMENT

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

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

- a) Listed threatened and/or migratory species and ecological communities that are likely to be present in the vicinity of the site (including but not limited to sawfish, marine turtles, inshore dolphin, cetaceans, dugong and migratory birds and shore birds);
- b) At a minimum the following details must be included:
 - i. Details of the scope, timing (survey season/s) and methodology for studies or surveys used to provide information on the listed species/community/habitat at the site (and in areas that may be impacted by the project).
 - ii. Include a summary of the location, size and breeding status of threatened and migratory species listed under the EPBC Act which are likely to occur in the area affected by the proposal.
- c) Information on listed ecological communities, threatened and/or migratory species, including foraging, roosting, resting and nesting habitats, must include but not be limited to:
 - i. The importance of habitat in a local, regional, national and international context;
 - ii. The status of the population (e.g. abundance) in the area likely to be affected by the proposed development relative to other areas outside the area likely to be affected;
 - iii. Local and regional representation;
 - iv. Conservation and biodiversity values;
 - v. Economic, social and cultural values of species;
 - vi. The extent (in hectares) of any areas of important or unique habitat; and

vii. Seasonality influences.

- d) A description of the World Heritage and National Heritage values of the Great Barrier Reef World Heritage property and National Heritage place relevant to the action.
- e) A description of the ecological character of the Shoalwater and Corio Bay Areas Ramsar Wetland.
- f) A description of the values of Wetlands of High Ecological Significance in the area;
- g) A description of the Commonwealth Marine environment and identification of those aspects of the Commonwealth marine area potentially affected by the proposal, including but not limited to baseline data on listed threatened species, migratory species and marine species and any other species of conservation significance, including cetaceans.
- h) provide a description of biota/biotic habitats, including a map of marine/intertidal habitats (including information on seasonal fluctuations e.g. seagrass prevalence), likely to be affected by the proposed development;
- i) identify, describe and map environments important to the health of the Great Barrier Reef Marine Park, including terrestrial and intertidal habitats and interesting habitat of flatback turtles, and habitat for inshore dolphin that are likely to be affected by the proposed development;
- j) identify, describe and map reef communities² and those species supported by coral reefs in areas likely to be affected by the proposed development, including information on species diversity and abundance;
- k) identify, describe and map seagrass communities in areas likely to be affected by the proposed development, including information on species diversity, seasonality and abundance;
- l) identify, describe and map soft sediment fauna communities (e.g. infauna, benthic invertebrates) in areas likely to be affected by the proposed development, including information on species diversity, seasonality and abundance;
- m) describe oceanographic conditions in the region, especially those which may have a bearing on the proposal. Include information on seasonal variation, waves, tides, currents, water salinity, clarity, temperature and depths. Discuss the frequency and severity of weather conditions such as storms and cyclones, for two, ten and 100 year conditions;
- n) identify and describe the existing uses of the area and nearby areas that may be affected by the proposed action (For example; tourism, commercial and recreational fishing, research and traditional use activities).

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

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² A reference to reef communities includes all Great Barrier Reef ecosystem components including corals, algae, mangroves, soft sediment habitats etc (as per the Great Barrier Reef Outlook Report 2009).

5.10 RELEVANT DIRECT AND INDIRECT IMPACTS

- (a) The EIS must include a description of all of the relevant impacts of the action. Relevant impacts are impacts that the action will have, is likely to or may have on a matter protected by a controlling provision (as listed in the preamble of this document). Impacts during both the construction, operational and the decommissioning phases of the project should be addressed, and the following information provided:
- i. a detailed assessment of the nature ~~and~~ extent, likelihood and consequence of the likely short-term and long-term ~~relevant~~ impacts;
 - ii. A description of the framework used to assess impacts, including risk assessment process;
 - iii. impact of the increase in shipping in the area;
 - iv. a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible, including sub-lethal effects and confidence levels on impact prediction;
 - v. analysis of the significance of the relevant impacts;
 - vi. any technical data and other information used or needed to make a detailed assessment of the relevant impacts; and
 - vii. A description of the framework used to assess impacts, including risk assessment processes, based on best available practice.

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5.10.1 DREDGING AND SPOIL DISPOSAL RELATED IMPACTS:

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

- a) Review of the historical use of the dredge disposal ground/s proposed to be used by the Proponent, including but not limited to:
 - i. location, volume, timing, nature of material and equipment used;
 - ii. identification of direct and indirect impacts of dredge material disposal over time; and
 - iii. an assessment of alternatives to the current dredge disposal ground.
- b) Detailed evaluation of all potential disposal options in accordance with the NAGD 2009 and Annex 2 of the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972 (as amended in 2006) (London Protocol), identification of the preferred disposal option(s) and explanation of how the preferred option was selected;
- c) The amount to be dredged and a map of the dredge footprint and locations for proposed disposal. The map should also indicate the proposed staging of dredging activities;
- d) The type and method of dredging proposed with the expected length and timing of the dredging activities;
- e) Discussion of proposed dredging equipment and methodology;
- f) Other uses of the dredged material including any re-use, recycling or possible future use;

- g) Assessment of sediment according to the *National Assessment Guidelines for Dredging 2009* (NAGD 2009) this must include an assessment of the suitability of this material for land deposition and reclamation and offshore disposal at any proposed spoil ground;
- h) Assessment of the risk and potential impacts of acid sulfate soils (ASS) and potential acid sulfate soils (PASS) and proposed management measures;
- i) Consideration of potential impacts of mobilised sediments (e.g. metal or contaminant release);
- j) The characteristics of the dredged material disposal area(s) proposed including the history of the site and the predicted fate of the material after disposal and over time and the potential zone of impact;
- k) Details of future maintenance dredging requirements;
- l) Detailed descriptions of both the direct and indirect impacts along with an assessment of the reversibility of those impacts are to be included in predictions of impacts associated with the activity of dredging and disposal on marine habitats and species, including any marine flora and fauna protection measures proposed;
- m) Predictive three dimensional modelling of indirect impacts of dredge generated sediments must include:
- i. hydrodynamic modelling;
 - ii. sediment transport modelling using actual sediment size distributions (not averages); modelling should include all types of resuspension possibilities including wave pumping, wave orbital velocity resuspension and current scouring resuspension where applicable;
 - iii. where possible, ecological response modelling.
 - iv. Proponent to provide results of modelling in electronic format (i.e. Shape files) in order to superimpose on habitat maps
 - v. The modelling must represent the conditions at the time of year in which the dredging will actually occur. If this is not known then modelling should be undertaken for all seasons (i.e. summer conditions, winter conditions, transitional conditions) depending on prevalent oceanographic conditions.
- n) Modelling must include likely dispersion and resuspension from both dredging operations and dredge material disposal during a range of probable hydrodynamic conditions, weather events and expected dredge equipment scenarios;
- o) Site selection of dredge disposal site (even if a historic site) must be justified and compared to other possible sites with a prediction for resuspension and possible direction and distance of the migration of the dredge spoil under different current conditions.
- p) Model outputs must use a spatially based scheme that provides for a clear and consistent way of describing and presenting the extent, severity and duration of predicted impacts of dredging and material disposal and must include likely "best case" and likely "worst case" scenarios;
- q) Testing the sensitivity of ecological impact predictions to difference pressure thresholds and considering seasonal effects must also be undertaken to understand the likely range of prediction outcomes;
- r) Modelling should be "best practice" and independently peer reviewed. Information relating to the peer review, including the Terms of Reference and the peer reviewer's report must be included as part of the EIS documentation;

Comment [KE3]: This section deals with identifying relevant impacts. Suggest all management measures be moved the appropriate section in the ToR.

Comment [KE4]: Suggest moving to the management or monitoring section.

Comment [KE5]: best practice is not defined.

- s) Management of the dredged material during the loading of the dredged material;
- t) Management strategies for dredging, loading and spoil disposal, including trigger levels for management actions linked to quantitative measurements of water quality and Benthic Primary Producer Habitat (BPPH) based on baseline data;
- u) Impacts to benthic habitat, in particular benthic primary producer habitat (BPPH), should be described. The benthic habitat should be mapped and the potential impacts should be described, taking into consideration the sediment plume monitoring. Cumulative impacts of the entire dredge operation and likely maintenance dredging requirements should be described;
- v) Management of the dredged material disposal area(s) during disposal operations;
- w) Proposed monitoring before, during and after dumping including turbidity, water quality parameters that are likely to be affected and BPPH monitoring. Water quality parameters being monitored should include but may not be restricted to dissolved oxygen, nutrients, pH, turbidity, light attenuation, metals and metalloids and toxicants. Baseline water quality data that includes values for these parameters needs to be included in the EIS. This section should also include the likely impacts on turbidity and water quality from dredging and dredge spoil disposal and establish the triggers for management actions;

Comment [KE6]: These items are management measures. Suggest moving to the management or monitoring section.

Comment [KE7]: Suggest moving to the management or monitoring section

Comment [KE8]: Suggest moving to the management or monitoring section

5.10.3 INCREASED SHIPPING

- a) In relation to the projected increase in shipping, at a minimum, details of the following must be discussed:
 - i. Describe current vessel numbers and type utilising the port, their size, shipping movements, anchorages, access to/from the port and navigational arrangements.
 - ii. Describe projected total vessel movements at each stage of the project, including at the completion of the project (including barges and transhippers). Include a comparison with total shipping movements through the Great Barrier Reef World Heritage Area and National Heritage place, Great Barrier Reef Marine Park
 - iii. shipping routes to be used by vessels within and beyond the port in Commonwealth marine waters. These should be indicated on a map in relationship to the Great Barrier Reef World Heritage area and National Heritage place, Great Barrier Reef Marine Park and to the main shipping channels and any other navigational arrangements
- b) In regard to increased shipping volumes, the following should be specifically addressed:
 - i. potential for introduction of exotic organisms from increased shipping routes (including dredging, transshipping and barge activities)
 - ii. potential increase in ship groundings and related impacts
 - iii. potential increased risk of vessel collisions and related impacts
 - iv. potential for increased vessel strike to marine species
 - v. ballast water management arrangements - including Australian Quarantine and Inspection Service (AQIS) mandatory arrangements and agency contingency planning
 - vi. management of ship waste, in particular quarantine waste, domestic garbage, oil and sewage
 - vii. potential risk of spills and their management
 - viii. potential impacts on existing shipping activity.
 - ix. Impacts of increased marine acoustic noise on marine species.

- x. Changes in the light horizon and its impact on marine turtles and rookeries
- xi. Acute and chronic impacts of coal dust on sensitive environments
- xii. the potential use of the Great Barrier Reef World Heritage Area and Great Barrier Reef Marine Park for the offshore anchorage of ships and transhippers and the associated impacts of anchorages, including impacts on other users of large areas of the Great Barrier Reef Marine Park potentially being set aside (almost exclusively) as designated anchorage areas.
- xiii. additional marine transport issues that should be considered include the potential of the proposal to impact on domestic commercial and recreational vessels.

5.10.4 OTHER USES OF THE AREA AND NEARBY AREAS

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

- a) social, cultural and heritage values for each stage of the proposal;
- b) current and projected commercial, recreational and scientific use, including any changes in visitation patterns;
- c) heritage and social values, including sites of historic or archaeological significance;
- d) commercial and recreation fishing; and
- e) traditional use activities.

5.10.5 CLIMATE CHANGE

The EIS must include a description of the impacts of climate change on the local and regional areas, including but not limited to the following:

- a) an assessment of projected annual emissions for each relevant greenhouse gas, with total emissions expressed in CO2 equivalent terms. The assessment must use the Australian Government's standard National Carbon Accounting Toolbox when assessing carbon emissions and ensure compliance with the National Carbon Accounting System;
- b) a risk assessment of changing climate patterns that may affect the proposal and surrounding environment and a description of the preferred and alternative adaptation strategies to be implemented;
- c) in discussing potential impacts, consider how the interaction of extreme environmental events (e.g. cyclones, coral bleaching, flood events) and any related cumulative impacts may impact on the proposal and the environment (both independently and cumulatively); and
- d) consideration of potential impacts throughout the life of assets and life of the proposal – from decommissioning of existing infrastructure and construction through to, and including, operation.

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5.11 PROPOSED AVOIDANCE, SAFEGUARDS, MANAGEMENT AND MITIGATION MEASURES

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

- (a) Identify the level of risk associated with potential impacts already identified and those that require mitigation, monitoring or management to avoid or reduce impacts;
- (b) A consolidated list of ~~mitigation~~ measures proposed to be undertaken to avoid, prevent, minimise or compensate for the ~~relevant~~ impacts of the action, including:
 - i. a description of proposed avoidance, safeguards and mitigation measures to deal with ~~relevant~~ impacts of the action, including ~~mitigation~~ measures proposed to be taken by State governments, local governments or the Proponent;
 - ii. assessment of the expected or predicted effectiveness of the ~~mitigation~~ measures;
 - iii. any statutory or policy basis for the mitigation measures; and
 - iv. the cost of the mitigation measures.
- c. Particular focus must be given to:
 - i. Determining factors in the planning of the proposal so as to avoid damage to the environment;
 - ii. Measures to avoid or minimise damage to the Great Barrier Reef World Heritage Area and estuary environment;
 - iii. Measures to avoid or minimise damage to the National Heritage Values of the Great Barrier Reef;
 - iv. Measures to avoid or minimise damage to the environment of the Great Barrier Reef Marine Park;
 - v. Measures to avoid or minimise disturbance to fauna and flora found around and within the proposal area (particularly listed threatened species and listed migratory species); and
 - vi. Staff training, including training in relation to environmental issues.

5.12 OTHER APPROVALS AND CONDITIONS

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

- (a) details of any local or State Government planning scheme, or plan or policy under any local or State Government planning system that deals with the proposed action, including:
 - i. what environmental assessment of the proposed action has been, or is being, carried out under the scheme, plan or policy; and
 - ii. how the scheme provides for the prevention, minimisation and management of any relevant impacts;

- (b) a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the EPBC Act), including any conditions that apply to the action;
- (c) a statement identifying any additional approval that is required; and
- (d) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

5.13 CUMULATIVE IMPACTS OF THE PROPOSED DEVELOPMENT

The EIS must 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 vicinity).

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

The risk assessment must include known potential future expansions or developments by the proponent and other proponents and known impacts on ecosystem resilience. Information on cumulative impacts must include, but not be limited to:

- a) Description of existing developments (including construction status) of a similar type and scale to the proposed development, that have been approved within the last five years;
- b) Discussion of the range of developments which will be facilitated or impacted (either positively or negatively) by the proposal;
- c) Discussion of the developments and activities which are likely to be facilitated by the proposal;
- d) Discussion of known impacts on ecosystem resilience, including reference to issues identified in the Great Barrier Reef Outlook Report 2009;
- e) Discussion of any potential future changes to the development which are likely to change the nature or scale of environmental impacts; and
- f) Discussion of the impacts of other tourism, residential, industrial and infrastructure projects both directly and indirectly related to the proposal in a regional context.
- g) Housing, workforce and local and regional community changes as a subsequent to the development.
- h) In conducting the risk assessment, key information sources and indicators for assessing change and impact must be described.

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5.14 CONSEQUENTIAL IMPACTS

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

- a) The World Heritage values of the Great Barrier Reef World Heritage property;
- b) The National Heritage values of the Great Barrier Reef National Heritage place;
- c) Wetlands of state, national and international importance and other coastal ecosystems;
- d) The environment of the Great Barrier Reef Marine Park;

- e) Listed threatened species and ecological communities;
- f) Listed migratory species; and
- g) The Commonwealth marine environment.

5.15 OFFSETS

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

~~Offsets can help to achieve long-term conservation outcomes for matters protected under the EPBC Act, while providing flexibility for proponents seeking to undertake an action that will have unavoidable environmental impacts.~~

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

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

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

5.16 MONITORING AND REPORTING

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

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

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

Monitoring programs must demonstrate an understanding and consideration of:

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

A diagram showing monitoring and reporting arrangements must be included in the EIS. Trigger values for variables should be outlined for use in management action and response to adverse project impacts.

5.17 ENVIRONMENTAL RECORD

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

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

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

5.22 ADDITIONAL SOCIAL AND ECONOMIC MATTERS

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

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

Comment [JV9]: Also consider the mandatory considerations under s88Q(a) regarding potential impact on social, cultural and heritage values of the Marine Park; as well as s88R(b) public appreciation, understanding and enjoyment.

A table cross-referencing information relevant to 5.22 should be provided identifying relevant text in the body of the EIS.

5.18 CONCLUSION

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

5.19 INFORMATION SOURCES

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

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

A copy of all data and the sampling methodologies must be made available to the DSEWPAC and GBRMPA for the purpose of peer review on receipt of a written request from the DSEWPAC or GBRMPA.

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

5.20 REFERENCE LIST AND BIBLIOGRAPHY

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

5.21 APPENDICES AND GLOSSARY

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

5.22 — ADDITIONAL SOCIAL AND ECONOMIC MATTERS

Section 136(1)(b) of the EPBC Act requires the Minister to consider economic and social matters when deciding whether to grant approval to the proposed action under Part 9 of the

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

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

~~A table cross-referencing information relevant to 5.22 should be provided identifying relevant text in the body of the EIS.~~

Comment [JV10]: Also consider the mandatory considerations under s88Q(a) regarding potential impact on social, cultural and heritage values of the Marine Park; as well as s88R(b) public appreciation, understanding and enjoyment.

ATTACHMENT 1: MATTERS THAT MUST BE ADDRESSED IN AN EIS (SCHEDULE 4 OF THE ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION REGULATIONS 2000)

1. General information

1.01 The background of the action including:

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

2. Description

2.01 A description of the action, including:

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

3. Relevant impacts

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

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

4. Proposed safeguards and mitigation measures

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

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

5. Other Approvals and Conditions

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

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

6. Environmental record of person proposing to take the action

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

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

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

7. Information sources

7.01 For information given the EIS must state:

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

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

Division 2A.4 Consideration of applications

88Q Consideration of applications — mandatory considerations

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

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

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

88R Consideration of applications — discretionary considerations

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

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

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

ATTACHMENT 3:

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

3. Objects of the Act

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

3A. Principles of Ecologically Sustainable Development

The following principles are principles of ecologically sustainable development:

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

OBJECTS OF THE *GREAT BARRIER REEF MARINE PARK ACT 1975*

2A Objects of this Act

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

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

From:
Sent: Thursday, 17 November 2011 10:03 AM
To:
Subject: RE: [epbc.referral] RE: Request for comment on draft EIS guidelines Fitzroy Terminal Project (EPBC2011/6069) [SEC=UNCLASSIFIED]
Attachments: EPBC 2011 6069 Draft EIS guidelines_V151111.docx; L_SEWPAC_Final GBRMPA comments on Fitzroy Terminal draft guidelines 151111.docx
Categories: Red Category

Hi [redacted] for your information, attached are draft comments on the Fitzroy Terminal Project. Still requires signoff (with additional revision) from the General Manager, so please treat this as for information only. Also note below, our media monitors note that a community meeting is being held to discuss projects in the Port Alma area, as well a community website for these projects. The GBRMPA letter reflects this community interest by requesting that the guidelines be made publicly available for further comment.

Kind Regards

17/11/2011 08:12:02 Morning Bulletin 17-Nov-2011 Page: 8 General News

THIS is too important to ignore any longer. That was the blunt message from North Rockhampton resident [redacted] for residents concerned about proposed coal ports in and around the Fitzroy delta. [redacted], a member of the new community group Keppel and Fitzroy Delta Alliance, said it was time that locals worked to find out exactly what the effects of the new developments could be on the environment. A recreational fisherman, [redacted] is one of a growing crowd of people across Rockhampton and the Capricorn Coast who will be attending a public meeting in Rockhampton tonight, from 6pm at the Great Western Hotel on Stanley St.

Also note: <http://savekeppelfromcoal.wordpress.com/>

From:
Sent: Thursday, 17 November 2011 8:36 AM
To:
Subject: RE: [epbc.referral] RE: Request for comment on draft EIS guidelines Fitzroy Terminal Project (EPBC2011/6069) [SEC=UNCLASSIFIED]

Good morning .

I was wondering if you could please email me a draft of the input into guidelines for FTP.

Thank you

Senior Assessment Officer
Ports & Marine Section
Environment Assessment Branch
The Department of Sustainability, Environment, Water, Population and Communities

From:

Sent: Wednesday, 16 November 2011 4:43 PM

To:

Cc: epbc referral

Subject: [epbc.referral] RE: Request for comment on draft EIS guidelines Fitzroy Terminal Project (EPBC2011/6069)
[SEC=UNCLASSIFIED]

Hi

As discussed, the GBRMPA are seeking a day's extension on the provision of advice on the Fitzroy Terminal Project Guidelines.

If there is an issue, please don't hesitate to give me a call.

Kind Regards

A/Manager - Major Projects
Environmental Assessment & Management
Great Barrier Reef Marine Park Authority
2-68 Flinders St
PO Box 1379 Townsville, Qld 4810

From:

Sent: Tuesday, 25 October 2011 9:19 AM

To: epbc referral

Cc:

Subject: Request for comment on draft EIS guidelines Fitzroy Terminal Project (EPBC2011/6069)
[SEC=UNCLASSIFIED]

Dear

Please find attached a formal request for input into the draft EIS guidelines for the Fitzroy Terminal Project. I have also attached a copy of the draft document for your input. Could you please make any changes in track changes.

Could you please return your input including any comments on the draft EIS guidelines to me by 17 November 2011.

Please give me a call or email me if you have any questions about this process.

Kind regards

<<EPBC 2011 6069 Request for comment from GBRMPA draft guidelines 24 October 2011.pdf>> <<EPBC 2011 6069 Draft EIS guidelines.docx>>

Assessment Officer

Ports & Marine Section

Environment Assessment Branch

The Department of Sustainability, Environment, Water, Population and Communities

From:
Sent: Friday, 18 November 2011 12:47 PM
To:
Cc:
Subject: FW: Keppel and Fitzroy Delta Association Community Meeting [SEC=UNCLASSIFIED]
Attachments: kafda_brochure.pdf

FYI report from (GBRMPA regional liaison officer in Rockhampton) regarding community meeting on development at Port Alma.

From:
Sent: Friday, 18 November 2011 11:32 AM
To:
Cc:
Subject: Keppel and Fitzroy Delta Association Community Meeting [SEC=UNCLASSIFIED]

Hi,

I attended this meeting last night at the Great Western. There were probably about 100 people present. The meeting presented information about the proposed developments in the Fitzroy Delta including Balaclava Island Coal Terminal (Xstrata), Fitzroy Terminal Project (Mitchell Group) and future expansion by Gladstone Ports Corporation. This included a map that has been developed to show planned projects (see attached). Potential impacts were presented and important wildlife outlined including a special presentation on the Snub-Fin Dolphin.

The floor was then opened up for questions. It was a relatively quiet crowd really. A number of people wanted to discuss the Gladstone issue and many expressed their beliefs in a cover up of the true cause of fish disease. Key concerns of the Fitzroy Delta projects included:

- issues of access to the area for recreation including fishing
- impacts on wildlife
- dredging impacts and the dumping of dredge spoil
- anchoring of ships and shipping movements
- impacts of coal dust on human health
- destruction of habitat

Most people wanted to know what they could do to stop these developments. As usual there was much public confusion about the approvals process however it was suggested that everyone should make a submission once the EIS for Xstrata project comes out.

It was also highlighted that Balaclava Island and the Narrows are listed on the Register of National Estate. Apparently this is a statutory register only until February 2012. There were suggestions that people should write to the State Govt to have this area recognised when this Federal Register expires. Do you know anything about this?? Is there any validity in the groups thoughts that this could be a viable action to prevent development?

My general feeling in the community is that there are many people that are prepared to take action to try to prevent these developments. (Whether this actually eventuates in a timely manner is another thing?) Everyone who is publicly expressing their views are aiming for no coal ports in the Fitzroy Delta rather than mitigations to proposed developments. A number of people were very vocal that action needs to start happening now and that people should not wait until EIS is released before they act. There are plans for public demonstrations including a convoy from Rocky to Gladstone (10 Dec) and a concert in the new year to raise awareness.

Definitely a watch this space issue in Rockhampton and the Capricorn Coast.

Kind regards,

Regional Liaison Officer - Southern Region
Great Barrier Reef Marine Park Authority
130 Victoria Parade - PO Box 301
ROCKHAMPTON QLD 4700

Visit us at <http://www.gbrmpa.gov.au>
Follow us on Facebook at www.facebook.com/GreatBarrierReefMarinePark

The Fitzroy Delta and Keppel Bay are valuable ecosystems.

They support diverse and unique marine animals including an isolated group of Australia's only native dolphin, the snubfin.

KAFDA is concerned that proposed development will impact:

- conservation value of coastal ecosystems
- important fish habitat and nurseries
- air quality, from coal dust
- water quality, from dredging
- scenic amenity and recreational use
- social structure of coastal communities
- access to waterways
- tourism and other established local business

Proposed developments

COAL PORTS ON BALACLAVA ISLAND

Xstrata is proposing to build a 2 berth coal export port on Balaclava Island which could be expanded to 4 or 6 berths by Gladstone Ports Corp (GPC).

COAL BARGES IN RAGLAN CREEK

Fitzroy Terminal Project is proposing to load coal into barges in Raglan Creek, upstream of Port Alma, and transfer that coal into large ships using a floating crane anchored off the north of Curtis Island.

DREDGING IN KEPPEL BAY

Xstrata's proposal and GPC's expansion will require dredging of a shipping channel just off Balaclava Island at the mouth of the Fitzroy River.

COAL PORTS ON NORTHERN CURTIS ISLAND

GPC has long term plans for a major port facility on the northern end of Curtis Island between Cape Keppel and Seahill.

<http://savekeppelfromcoal.wordpress.com>

**COAL PORTS ON BALACLAVA ISLAND
COAL BARGES IN RAGLAN CREEK
DREDGING IN KEPPEL BAY
COAL PORTS ON NORTHERN CURTIS ISLAND**

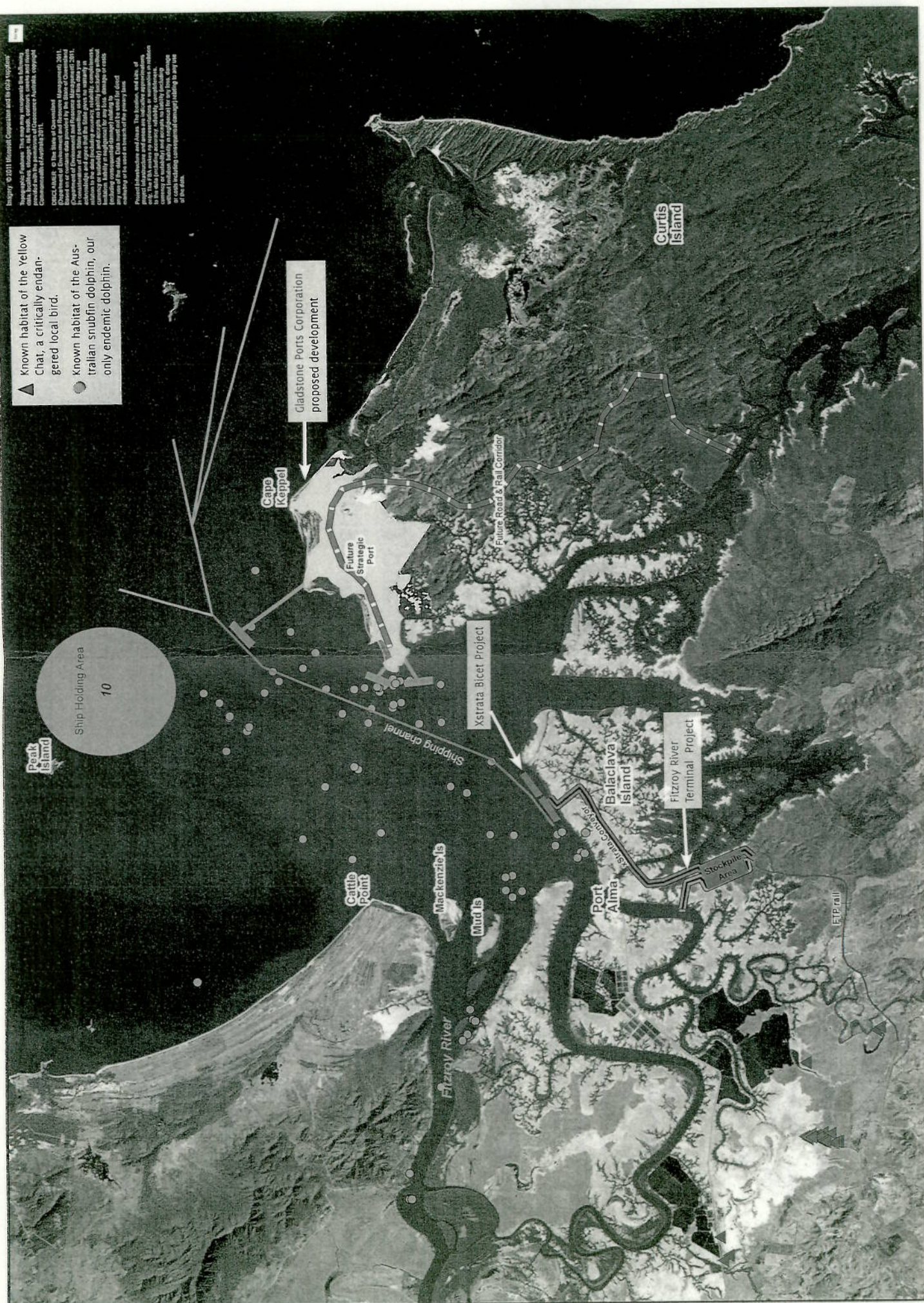


IS THIS WHAT WE WANT?

Don't let planned industrial development turn our Keppel Bay and Fitzroy River Delta into another Gladstone Harbour!



<http://savekeppelfromcoal.wordpress.com>





Australian Government

Department of Sustainability, Environment, Water, Population and Communities

A/g General Manager
Marine Park Management Branch
Great Barrier Reef Marine Park Authority
PO Box 1379
TOWNSVILLE QLD

Date: 24 October 2011
EPBC Ref: 2011/6069

Dear

**Invitation to comment on draft Guidelines for an Environmental Impact Statement (EIS)
Fitzroy Terminal Project, Queensland**

As a delegate of the Minister for Environment, Water, Population and Communities, in accordance with section 102(5) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) I am writing to invite you to provide comment on the attached draft EIS guidelines for the assessment of the Fitzroy Terminal Project.

On 5 September 2011 as delegate of the Minister, I declared this proposal a controlled action under the EPBC Act. The controlling provisions under the EPBC Act are World Heritage Properties, National Heritage Places, the Great Barrier Reef Marine Park, wetlands of international importance, listed threatened species and ecological communities, listed migratory species, and the Commonwealth marine environment. The decision on the assessment approach, assessment by EIS was made on the same day.

As the Great Barrier Reef Marine Park controlling provision has been triggered, a single integrated assessment will be employed to support decisions under both the EPBC Act and the *Great Barrier Reef Marine Park Act 1975*. Therefore it is important to ensure that the EIS will include all the relevant information that is required for decision making under both pieces of legislation.

To this end, the department has drafted the attached guidelines to commence consultation. We would appreciate any additions to, or comments on the draft guidelines to be provided to the department by 17 November 2011.

You can send information to the department:

by letter

Ports and Marine Section
Environment Assessment Branch
Department of Sustainability, Environment, Water, Population and Communities
GPO Box 787
CANBERRA ACT 2601

by email

Once agreement has been reached on the content of the draft guidelines they will be provided to you. If you have any queries about this process, please contact through the contact details provided above.

Yours sincerely

Assistant Secretary
Environment Assessment Branch



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

A/g General Manager
Marine Park Management Branch
Great Barrier Reef Marine Park
Authority
PO Box 1379
TOWNSVILLE QLD 4810

Date: 5 September 2011
EPBC Ref: 2011/6069

Dear Mr

Decision on referral

Fitzroy Terminal Project, Port Alma, Qld (EPBC 2011/6069)

This proposed action, to develop and operate a coal export facility at Port Alma and in the Great Barrier Reef Marine Park in central Queensland, has now been considered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

As a delegate of the Minister for Sustainability, Environment, Water, Population and Communities, I have decided that the proposed action is a controlled action and, as such, requires assessment and a decision on approval under the EPBC Act before it can proceed.

It appears that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

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

For example, based on the information available in the referral, the proposed action is likely to have a significant impact because the dredging, offshore disposal, land reclamation activities, construction activities, trans-shipping activities and increased shipping are likely to have a significant impact on species and communities including but not limited to: Yellow chat (*Epthianura crocea macgregori*), Flatback Turtle (*Natator depressus*), Indo-Pacific humpback dolphin (*Sousa chinensis*), Australian snubfin dolphin (*Orcaella heinsohni*), Semi-evergreen vine thickets of the Brigalow Belt (North and South) and Nandewar Bioregions, and Weeping Myall Woodlands. In addition, these activities are also likely to have a significant impact on the Great Barrier Reef World Heritage property and National Heritage place, the Great Barrier Reef Marine Park, the Ramsar listed Shoalwater and Corio Bays Area and Commonwealth marine area.

Please note that this decision only relates to the potential for significant impact on the specific matters protected by the Australian Government under Chapter 2 of the EPBC Act.

We have also decided that the project will need to be assessed through environmental impact statement.

Each assessment approach requires different levels of information and involves different steps. All levels of assessment will include a public consultation phase, *in which any third parties can comment on the proposed action.*

Details on the assessment process for the project and the responsibilities of the proponent are set out in the enclosed fact sheet. Further information is available from the department's website at <http://www.environment.gov.au/epbc>.

A copy of the document recording these decisions is enclosed.

The assessment officer will contact you shortly to discuss the assessment process.

I have also written to the following parties to advise them of this decision:

Proponent	Fitzroy Terminal Project Pty Ltd
Referring party	CQ Consulting Group
State authorities	(DERM) (Queensland Coordinator-General)

If you have any questions about the referral process or this decision, please contact the EPBC project manager and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Assistant Secretary
Environment Assessment Branch