

PROFESSIONAL SERVICES SPECIFICATION

T5 ENVIRONMENTAL
INVESTIGATIONS AND
REPORTING

Date JUNE 2012

DEPARTMENT of INFRASTRUCTURE, ENERGY and RESOURCES
TASMANIA
PROFESSIONAL SERVICES SPECIFICATION
T5 – Environmental Investigations and Reporting
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ENVIRONMENTAL TECHNICAL POLICY

DIER will aim to achieve best practice standards in environmental management and will take responsibility for the sustainable management of biodiversity, land, soil and water resources in the State Road corridor.

Therefore DIER will:

Recognise and act to

- *encourage technologies that permit greater individual environmental responsibility in managing demand for communication and transport*
- *maintain the integrity of our natural, Aboriginal and historic heritage*
- *improve our selection, management and disposal of materials*
- *meet community needs in landscaping of transport infrastructure*

Reduce the environmental impacts of

- *construction and maintenance of transport infrastructure.*

Influence and where possible, assist in

- *reducing the environmental impact from the use of transport networks*
- *controlling and preventing the spread of weeds and soil pathogens in transport corridors*
- *conform to appropriate State and Federal environmental legislation, and policies.*

T5.1 SCOPE

This specification (referred to as T5 throughout the document) sets out the minimum requirements for undertaking environmental investigations and the development of environmental reports that will:

- support DIER's information needs
- support statutory environmental approval processes as per the *Tasmanian Resource Management and Planning System (RMPS)*.

Specification T5 triggers a number of related specifications and therefore needs to be considered as one component of an integrated suite of DIER specifications.

T5.2 OBJECTIVES

The objectives of environmental investigations are to:

- inform DIER of any potential project specific environmental effects and to identify how such effects can be avoided or managed
- support informed decision-making throughout all stages of project planning and delivery
- provide DIER with the information necessary to develop further actions
- assist DIER in meeting all legislative obligations,
- provide relevant parties with the structure, guidance and support necessary to develop reports that are satisfactory to DIER, local government and the environmental regulators.

Individual Project Brief's may contain specific information relating to the preferred content, structure and format of the required reports. This information may differ from that outlined in this Specification. In this respect, *Specification T5* is to be used as the default. Reports that do not meet the minimum requirements (as stipulated by this Specification and/or the Project

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Brief) will not be accepted by DIER and additional works are to be undertaken by the Consultant at their own expense.

Information:

This specification is not a comprehensive document and should be used in conjunction with a suite of other tools (and specifications) to assist investigations and reports. Active consultation with the Client throughout all stages of project delivery is recommended.

Specifications are not stand alone documents and often trigger clauses in a number of related specifications. The outcomes/findings of environmental investigations (the result of Specification T5) will impact on all activities undertaken in the state road reserve, throughout all stages of project delivery and asset management.

T5.3 REFERENCES

T5.3.1 DIER Specifications, Australian Standards and Guides and Austroads Guides

Environmental investigations and reporting shall be in accordance with all DIER Specifications and Standards, in particular:

- PM1 - General Provisions
- PM2 - Project Management Plan
- PP1 - Planning
- PM4 - Permits
- D1 – Road Design
- T2 - Structures
- T3 – Road Design Standards
- G2 - Contract Management Plan
- G3 - Traffic Management
- G9 – Product Quality
- G10 - Construction Environmental Management Plan
- R21 - Clearing and Grubbing
- R22 - Earthworks
- R31 - Open Drains and Channels.

Australian Standards and Guides

- AS/NZS ISO 31000 Risk Management, Principles and Guidelines
- HB 206 Initial Environmental Review
- HB 327 Communication and Consulting
- ISO Guide 73 Risk Management, Vocabulary.

Austroads Guides

- AP-R185 Environmental Risk Management, Guidelines and Tools for Road Projects.

T5.3.2 Desk-top Tools

There are a number of desk-top assessment tools freely available that can provide a degree of environmental understanding:

- Natural Values Atlas (NVA) – DPIPWE
(<https://cfev.dpiw.tas.gov.au>)
- Conservation Freshwater Ecosystem Values (CFEV) – DPIPWE
(<https://cfev.dpiw.tas.gov.au>)
- Land Information System Tasmania (LIST) – DPIPWE
(www.thelist.tas.gov.au)

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- Protected Matters Search Tool (*Australian Government – Department of Sustainability, Environment, Water, Population & Communities*) – (www.environment.gov.au/erin/ert/epbc/index.html).

Such tools should form the basis of all desk-top assessments.

T5.3.3 Guidance Documents

The Environmental Protection Authority (EPA) has developed Guidance Documents for projects requiring assessment under the *EMPCA 1994*. To streamline the approval process, DIER has aligned its reporting requirements to support those developed by the EPA. Key Guidance Documents include:

- Environmental Impact Assessment (www.epa.tas.gov.au/file.aspx?id=240)
- Notice of Intent (NoI) (www.epa.tas.gov.au/file.aspx?id=241)
- Environmental Effects Report (EER) (www.epa.tas.gov.au/file.aspx?id=24745)
- Development Proposal & Environmental Management Plan (DPEMP) (<http://www.epa.tas.gov.au/file.aspx?id=24744>).

The Department of Primary Industries, Parks, Water & Environment (DPIPWE) also produced the following guidance document:

- Guidelines for Natural Values Assessments – A Brief for Consultants – *DPIPWE* (<http://www.dpiw.tas.gov.au/inter.nsf/WebPages/SSKA-7UM4AN?open>).

T5.3.4 Project Screening Reports provided by DIER

The Client will, where relevant, supply a Project Screening Report (PSR) generated from DIER's Road Information Management System (RIMS) database. The PSR provides details of environmental reports and information held by DIER that may be relevant to the project.

It should be noted that the PSR will only identify features/reports the result of DIER funded activity; therefore a PSR is less relevant to new road projects where DIER has not conducted prior works. Similarly, there are many sections of road where DIER has little corporate knowledge.

T5.3.5 Other Resources

The following list of reference materials is not exhaustive, but provides links to key documents that may assist preparation of environmental reports:

- Tasmanian Heritage Register - *DPIPWE* (www.heritage.tas.gov.au/thr.html)
- Tasmanian Aboriginal Site Index (TASI) – request for records template (<http://www.aboriginalheritage.tas.gov.au/media/resources/Aboriginal%20Heritage%20Tasmanian%20Aboriginal%20Site%20Index%20Access%20Form.pdf>)
- State Stormwater Strategy – *DPIPWE* (<http://www.environment.tas.gov.au/index.aspx?base=10977>)
- Tasmanian Coastal Works Manual – A Best Practice Management Guide for Changing Coastlines – *DPIPWE* (<http://www.environment.tas.gov.au/index.aspx?base=9877>)
- Keeping it Clean - A Tasmanian field hygiene manual to prevent the spread of freshwater pests and pathogens – *NRM Tasmania* (http://www.nrmsouth.org.au/uploaded/287/15130802_52keepingitcleanspreadswe.pdf)

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- Sediment and Erosion Control (Information Sheets) – *NRM South* (http://www.nrmsouth.org.au/information/view_publications_15130754/view_technical_sheets_manuals_reports_15130759/)
- Sediment and Erosion Control (Soil & Water Fact Sheets) – *Derwent Estuary Program* (<http://www.derwentestuary.org.au/index.php?id=9>).

T5.4 DEFINITIONS

Interpretations that apply to terms used in this specification are in *Table T5.1 – Definitions*.

Table T5.1 – Definitions

| | |
|--|--|
| The 'Board' | Board of Environmental Protection Authority |
| EPA | Environmental Protection Authority |
| Environmental Effect | The consequence of a given action that results in a change to an environmental condition that would not have occurred otherwise. An environmental effect can be both positive and negative, however is more often referred to in the negative. Often referred to as an 'environmental impact'. |
| EER | Environmental Effects Report. |
| ESR | Environmental Scoping Report. |
| Evidence of Compliance | All Consultants need to show evidence of compliance to demonstrate compliance of contract e.g. deliverables. |
| DPEMP | Development Proposal & Environmental Management Plan. |
| Management Actions or Mitigation Measures | An action/measure developed to prevent/mitigate/offset an expected/known environmental effect, the direct/indirect result of a given action. |
| Non-conformance | Where the action of a Consultant does not comply with what was agreed. The action/non-action may not comply with the terms of contract, a permit condition, management commitment or mitigation measure etc. |
| NoI | Notice of Intent |
| Project Brief | A Project Brief is provided to document the specifics of a given task. Critical to the Project Brief is the scope, project objectives, task boundaries, minimum requirements, schedules of deliverables and hold points. |
| Referral | Environmental Protection & Biodiversity Conservation Act referral |

T5.5 INTELLECTUAL PROPERTY

Information, data and outputs that are the direct and/or indirect result of works conducted for and on behalf of DIER, is the Intellectual Property of DIER. All project related information that is sourced, collated, generated and produced by virtue of a DIER contract, is owned by DIER.

T5.6 ACCESS TO PROPERTY NOT OWNED BY DIER

Access to property not owned by DIER is to be under the following Legislation:

- Land Acquisition Act
- Roads and Jetties Act.

Further to *Professional Services Specification PM4 Permits*, the Consultant will be required to have written authorisation from DIER's representative prior to entering onto land not owned by DIER.

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The Consultant shall, more than 4 days before the date on which the Consultant enters land, notify the relevant owner of:

- The Consultant intention to enter onto the land
- The purpose of the entry
- The nature of the activity
- The planned duration of the entry
- The Consultant have approval of the property owner to enter.

T5.7 QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONAL

All environmental investigations are to be undertaken by a field- related professional with demonstrated experience and competence relevant to the project/task in question.

The environmental professional's qualifications shall be relevant to the individual elements required by the investigation or report, i.e. experienced and qualified geoscientists, terrestrial ecologists, geomorphologists, water quality, environmental assessment and management specialists or other personnel as identified by the task.

T5.8 PROJECT MANAGEMENT PLAN

The Consultant shall provide a Project Management Plan that is consistent with *Professional Services Specification PM2 Project Management Plan*. The plan shall also cover procedures defined by, but not limited to, the following:

- desk top and field investigations
- OHS and traffic management
- list of sub consultants and relevant activities
- permit and approvals process
- reporting.

The plan shall also include the names, qualifications and experience of those undertaking investigations and authorisation of reports.

T5.9 RISK ASSESSMENT

Risk assessments shall be undertaken in accordance with the documents listed in this Specification and other relevant documents as required. The objective (refer *AS/NZS ISO 31000 clause 2.1*) of the risk assessment is to identify relevant Legislative approval related risks that may affect project planning or design processes.

The risk approval matrix in *Annexure T5.F* is provided as a guide.

T5.10 REPORTING

T5.10.1 General

Reports shall be submitted to the Client as per the schedule of deliverables outlined in the Project Brief. The Client will review submitted materials to determine if they are of a satisfactory standard.

T5.10.2 Compliance of Reports

A compliant report will:

- Satisfy the requirements contained within this specification,
- Satisfy the requirements of all related specifications, and will
- Satisfy all requirements as stipulated in the Project Brief.

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Non-compliant reports will not be accepted. Additional works will be requested until the required deliverable is deemed satisfactory to the Client. It is the Consultant's responsibility to liaise effectively with the Client to ensure timely and satisfactory reporting.

T5.10.3 Sub-consultants

Given the broad range of potential environmental effects, a single Consultant may not have the capacity, skills and expertise to perform all the required investigative studies and assessments.

The use of specialist sub-consultants is encouraged; however the Client is to be advised of the preferred sub-consultant, and for what purpose they are to be employed.

The use of sub-consultants requires approval by the Client; Approval may be conditional on provision of a justifiable and rationale project/budget outline.

Approval of Sub-Consultants constitutes a Hold Point.

T5.10.4 Permits and Approvals

Should permits/approvals be required to undertake works (e.g. permit to 'take' listed flora or a Grant-of-Authority); the Consultant shall inform the Client of the intention to apply for such, and seek approval from the Client. All permits and approvals sought need to be justified in the context of the agreed approval process. Negotiation of permits and approvals must only be undertaken by the Consultant with prior approval by the Client. All permits and approvals are to be issued to the DIER.

Issue of permits and approvals constitutes a Hold Point.

T5.10.5 Report Types & Requirements

There are five (5) key report types that the Client may request in support of environmental approval:

- Environmental Scoping Report (ESR)
- Notice of Intent (NoI)
- Environmental Effects Report (EER)
- Development Proposal & Environmental Management Plan (DPEMP)
- EPBC referral.

Each of the five (5) report types are addressed separately in *Annexures T5.A to T5.E*.

Each report shall document the following information:

- planning scheme(s)
- zone type(s)
- land tenure
- cadastre

supported by a series of figures/maps.

The Annexures detail each of the five (5) report types and are intended to provide the guidance necessary to support development and submission of reports satisfactory to DIER and the relevant regulatory authorities.

Acceptance of each report is a Hold Point.

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In brief, the ESR is a specific document developed for DIER purposes. The ESR is critical to the early stages of project planning (internal) but unlike the other reports is not used to support local or state government assessment/approval processes.

The NoI, EER and DPMP are considered standard report types that support Tasmania's *Resource Management and Planning System (RMPS)*. These reports are commonly used, hence reporting standards (i.e. 'Guidance Documentation') have been developed by the EPA to ensure consistent reporting and to streamline approval processes.

Where relevant, DIER requires the Consultant to submit reports developed in accordance with EPA Guidance Documentation.

The EOBC referral is a document provided to the DSELPC to enable the Australian Government to determine if it is a given activity that has the potential to cause significant impact to matters of National Environmental Significance (NES) that are protected under the EPBC Act.

T5.11 HOLD POINTS

Hold Points that have been identified in this specification are in *Table T5.2 – Hold Points*.

Table T5.2 – Hold Points

| Clause Ref | Description | Nominated work not to proceed | Evidence of Compliance |
|-------------------|--|---|---|
| T5.7 | Submission of Consultancy Management Plan | All investigations | Consultancy Management Plan |
| T5.9 | Risk Assessment | All investigations | Risk Management Plan |
| T5.10.3 | Sub consultants | All work by sub consultants | Details of sub consultants and tasks to be undertaken |
| T5.10.4 | Permits and Approvals | All field investigations | Permits and Approvals |
| T5.10.5 | Environmental Scoping Report (ESR) Notice of Intent (NoI) Environmental Effects Report (EER) Development Proposal & Environmental Management Plan (DPMP). | Additional works and/or further reporting | Report meets the schedule of deliverable(s) and is deemed compliant |

T5.12 DELIVERABLES

The schedule of deliverables will generally be outlined in the Project Brief. It is the consultant's responsibility to inform the Client if the schedule of deliverables is at risk or is unachievable.

Where a schedule of deliverables is not included in the Project Brief, the format presented in *Table T5.3 – Deliverables* is the default to which the Consultant must adhere.

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Table T5.3 – Deliverables

| Deliverable | Number and Format |
|--|--------------------------|
| Final report(s) (including all attachment/appendices) | 1 x Bound hard copy |
| Final report(s) (including all attachment/appendices) | 1 x Electronic copy |
| Final report(s) (including all attachment/appendices) | 1 x Disc(s) copy |
| All maps/images/photos used in reporting | 1 x Disc(s) copy |
| All GIS data obtained by the consultant, specifically to meet project deliverables | 1 x Electronic copy |

All deliverables are to be submitted to the Client unless otherwise advised (refer to Project Brief).

ANNEXURE T5.A – ENVIRONMENTAL SCOPING REPORT (ESR)

T5.A.1 Scope

- the ESR is a 'rapid-assessment' tool to be used by DIER at the early stages of project planning and design
- the ESR is a concise document that clearly articulates and demonstrates the potential environmental effects and key legislative obligations/considerations relative to the proposed development
- the ESR will inform DIER as to the extent of works required for subsequent stages of assessment/approval.

T5.A.2 Objectives

- to provide DIER with sufficient information to determine if the proposed development may be viable in terms of environmental effects and legislative compliance
- to demonstrate sound environmental consideration at the early stages of project planning
- to identify matters of concern or 'show-stoppers' that may result in significant project delays, increased expenditure or serious environmental effect
- to identify likely permit and approval processes and highlight the risks/benefits.

T5.A.3 Report Structure & Content

As the ESR is a DIER specific report type, there are no external sources of guidance documentation. DIER does not have a preferred report structure; however there are minimum requirements to be met. The ESR must clearly state the objectives and scope of the report, identify and reference key 'tools' and sources of information used, document key knowledge gaps, highlight potential issues beyond the control of and discuss alternate approval processes (where relevant).

The level of detail provided in the ESR needs to reflect the context of the Project Brief. The ESR is to be a concise factual document based on current understanding gained from a diversity of credible information sources. Listed below are key elements/tasks required of a standard ESR:

- objectives and scope
- basic project details
- brief project description (i.e. proposed activity)
- methodology of information gathering
- resources (i.e. tools and information sources used)
- interpretation (i.e. which values and scores will be used to provide environmental understanding and why)
- identify likely permit and approval processes and highlight the risks/benefits of such permit and approval processes
- known's and unknown's – Identify what is known and what is not. Use this information to conduct a gap-analysis
- document how the identified knowledge gaps/shortfalls may be addressed;
- assessments, approvals and permits
 - what type of environmental/heritage assessments are considered necessary? and on what grounds?
 - what processes may be required to obtain the required permits and approvals?
 - indicate potential timeframes associated with the required permits and approvals
- conduct a basic Risk Assessment (RA) for potential environmental effect (based on known's and unknown's)
- conduct a RA for alternate approval processes (inclusive of the required permits)
- recommend and justify alternate assessment and approval process (i.e. Level 1, 2a, 2b, 2c, 3, PoRS or PoSS)

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- where appropriate provide recommendations for public consultation
- present a summary of the most significant potential environmental effects, critical unknown's, or risks that may affect timely and successful completion of the project
- a reference list of relevant information sources used to develop the ESR including guidelines, 'Best Practice' resources, 'tools', reports etc.

The key to a sound ESR is clarity of information, concise reporting and the identification of issues of interest and/or concern most relevant to subsequent stages of project planning and delivery.

ANNEXURE T5.B – NOTICE OF INTENT (NOI)

T5.B.1 Scope

A NoI is a concise yet informative document developed primarily to provide the Board of the EPA with an overview of the proponent, the proposed project, project location and potential environmental effects.

The NoI is effectively a screening tool used by the Board to determine an appropriate level of assessment as per the provisions of EMPCA (i.e. Activity Level 1, 2a, 2b or 2c).

Information:

The Board generally only assesses level 2 activities however it does have the authority to "call in" a level 1 activity which are normally assessed by Local Government.

The Board can refuse to accept a NoI that does not satisfy the information requirements stipulated in the guidance documentation.

T5.B.2 Objectives

- to officially commence the environmental approval process
- to provide the Board with sufficient information to determine the "level" (e.g. 1, 2a, 2b, 2c) the assessment
- to assist DIER develop project timelines based on the level of assessment determined by the Board.

T5.B.3 Report Structure & Content

The structure and content of the NoI needs to be sufficient for the Board to understand the proposed development and the potential for environmental effect. The Board can request additional information and will do so until the Board is in a position to determine an appropriate level of assessment.

The below points should be used as a guide:

- name and contact details of proponent
- project name and location
- project background, experience of the proponent relevant to project type financial capacity and relevant contact details of financier
- description of the proposed project, including physical components
- an outline of the proposed location of the project and a general site location map
- an outline of the stakeholder consultation process undertaken (or proposed), including method, list of key stakeholders consulted (to be consulted) and summary of issues raised
- a general description of the physical environment that may be affected by the project
- the key environmental, health, economic and social issues identified
- the surveys and studies proposed or underway that relate to key issues identified
- proposed project timeline
- any other details that the Board may consider relevant to the project.

Information:

Any other relevant information may be attached to the NoI to support the application. For more information on each Part, refer to EPA Guidance Documentation: www.epa.tas.gov.au/file.aspx?id=241.

SOURCE: EPA Notice of Intent Guidelines
<http://www.epa.tas.gov.au/file.aspx?id=241>

ANNEXURE T5.C – ENVIRONMENTAL EFFECTS REPORT (EER)

T5.C.1 Scope

The EER is a summary document that presents thematically the environmental effects of a proposed activity. The report identifies the key findings and recommendations of a suite of technical reports/investigative studies used to support development of the EER.

The EER is most often used in support of a Development Application (DA) with the relevant planning authority. Most medium-large scale DIER projects require planning approval; however standard maintenance, upgrade and remediation type activities are exempt within most municipalities.

Information contained within the EER may influence detailed design and be used to support development of a project specific Construction Environmental Management Plan (CEMP) (refer to *Standard Specification G10 Construction Environmental Management Plan*). 'Commitments' are a critical component of the EER and may be used by planning authorities and environmental regulators to develop permit conditions; DIER may also use commitments to assist with contract administration.

T5.C.2 Objectives

The objectives of the EER are to:

- identify in full all the potential environmental effects
- identify in full the extent of environmental effects (relevant to the project)
- satisfy DIER's information needs and that of the regulators
- include a suite of environmental commitments designed to manage (and mitigate) identified environmental effects
- provide DIER with the information necessary to modify preliminary design to reduce potential environmental effect
- provide the information necessary to develop well-informed tender documents (primarily for detailed design and construction)
- clearly document outstanding matters or uncertainty.

T5.C.3 Report Structure & Content

The structure of an EER is fairly rigid, yet report content can vary significantly. The preferred report structure shown below is sourced from the EPA's Guidance Documentation.

The EER should contain five parts as follows:

Part A – Information on the proponent

- Name, address, contact details

Part B - Information on the project and project area

- Description of project
- Project area
- Map and site plan

Part C – Information on potential environmental effects

- Flora and fauna
- Rivers, creeks wetlands and estuaries
- Significant areas
- Coastal zone
- Marine areas
- Air emissions
- Liquid effluent
- Solid wastes

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- Noise emissions
- Transport impacts
- Other off-site impacts
- Dangerous substances and chemicals
- Site contamination
- Sustainability and climate change
- Cultural heritage
- Sites of high public interest
- Rehabilitation

Part D – Description of management commitments

- Specific, unambiguous written commitments for avoiding, minimising and managing the potential environmental impacts of the proposal (as identified in Part C) should be documented in Part D

Part E – Information about any public consultation undertaken

- Identify key stakeholders, document the extent of consultation undertaken (if any), and future consultation processes.

NOTE: Any other relevant information may be attached to the EER to support the application. For more information on each Part, refer to EPA Guidance Documentation: www.epa.tas.gov.au/index.aspx?base=704.

SOURCE: EPA Environmental Effects Report Guidelines
<http://www.epa.tas.gov.au/index.aspx?base=704>

ANNEXURE T5.D – DEVELOPMENT PROPOSAL & ENVIRONMENTAL MANAGEMENT PLAN (DPEMP)

T5.D.1 Scope

DPEMP's are detailed and comprehensive documents compared to a standard EER. DPEMP's must demonstrate thorough understanding of all the environmental issues and clearly demonstrate how each identified effect will be managed over time.

The DPEMP is the primary document required by the Board of the Environmental Protection Authority (EPA) to undertake environmental assessments of most Level 2 activities. *Activities likely to trigger Level 2 assessments are outlined in Schedule 2 of EMPCA.*

The EPA Board must provide guidance, also known as 'documentation guidelines' to the proponent about what should be included in the case for assessment (i.e. the DPEMP). The guidelines provided by the Board are based on the content of the NoI.

Information:

Most DIER developments do not trigger Level 2 status; therefore this section of the specification will default to the guidance documentation developed by the EPA.

T5.D.2 Objectives

- to produce a DPEMP that is satisfactory to the Board of the Environmental Protection Authority (i.e. results in environmental approval)
- to identify in full, all the potential environmental effects and how they will be managed over the life of the project and in to the future
- to provide all the information necessary for DIER to develop well-informed tender documents for detailed design and construction.

T5.D.3 Report Structure & Content

The structure and content of a DPEMP can be highly variable due to the diversity of developments to which a DPEMP may apply, coupled with the need for high-level understanding. The example report structure shown below is sourced from the EPA's guidance documentation. As a general rule, each component of Section 4.0 (of the below example report structure) would be informed by targeted investigative studies.

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DPEMP – Example Report Structure

FOREWORD

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GLOSSARY

SOURCE: EPA Guidelines for the Preparation of a DPEMP
<http://www.epa.tas.gov.au/index.aspx?base=252>

ANNEXURE T5.E – EPBC REFERRAL ENVIRONMENTAL PROTECTION & BIODIVERSITY CONSERVATION ACT

The following information is sourced from the [Department of Sustainability, Environment, Water, Population and Communities](#) (DSEWPC) website.

T5.E.1 Introduction

For DIER to satisfy all statutory (environmental) approval processes, DIER must consider the impacts of a proposed activity with respect to both State and Commonwealth environmental legislation. Similar to the State-based reporting requirements, the Australian government has developed mandatory reporting requirements for all activities that have the potential to cause significant impact to *Matters of National Environmental Significance (NES)* that are protected under the *Environmental Protection and Biodiversity Conservation Act*.

Actions that are likely to have (or that have) a significant impact* on matters of NES require approval from the Australian Government Minister for the Environment, Heritage and the Arts. Proponents must submit an *EPBC Referral* for assessment, and based on the content of the referral, the Minister will determine if the activity will need to be assessed in accordance with the EPBC Act.

**Significant Impact: "A significant impact is an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts. You should consider all of these factors when determining whether an action is likely to have a significant impact on the environment"* (Source: [Matters of National Environmental Significance, Significant Impact Guidelines 1.1](#)).

There are eight separate matters of NES protected under the EPBC Act of which only the six listed below are relevant to DIER:

- [World heritage properties](#)
- [National heritage places](#)
- [Wetlands of international importance](#) (listed under the Ramsar Convention)
- [Listed threatened species and ecological communities](#)
- [Migratory species](#) protected under international agreements
- [Commonwealth marine areas](#).

Each of the eight matters of NES need to be considered as part of each assessment process.

T5.E.2 The Referral (EPBC Referral)

To determine if an EPBC referral is required, proponents should use the [Protected Matters Search Tool](#). The tool can be used to generate a report that will help determine whether matters of NES or other matters protected by the *Environment Protection and Biodiversity Conservation Act 1999* are likely to occur in the area of interest. Proponents are advised that information provided through the tool is indicative only and local knowledge and information should be taken in to consideration. To help determine if a referral is warranted, or where the need for a referral is less certain, proponents should read through the [assessment and approval process](#).

For actions that are certain to have a significant impact on a matter(s) of NES, proponents are required to complete the [referral of proposed action form](#). Following the receipt of a valid referral, the Minister has 20 business days to decide if the proposed action triggers matters protected by the EPBC Act; if so, formal assessment and approval will be required.

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The 20 business days includes 10 business days of public comment (with no extensions). This provides an opportunity for relevant Australian, State and Territory government ministers and members of the public to comment on the proposed action.

At the end of the 20 business days, DIER will inform the proponent of the (referral) outcome and determine whether or not formal assessment and approval is required (under the EPBC Act). The decision is made available on the [public notices](#) page. Based on the information provided, the Minister can make one of three determinations:

1. Not Controlled Action

The proposed action is not likely to be significant, approval is not required if the action is taken in accordance with the referral. Consequently, the action can proceed (subject to any state or local government requirements).

2. Not Controlled Action – 'particular manner'

The proposed action is not likely to be significant if undertaken in a particular manner, approval is not required.

3. Controlled Action

The proposed action is likely to be significant; it is called a 'controlled action'. The matters which the proposed action may have a significant impact on (e.g. Ramsar wetlands or threatened species) are known as controlling provisions. Consequently, the proposed action will require approval and is subject to the formal assessment and approval process. The type of assessment (approach) will be decided at the same time.

Reference: [Decision on your referral](#).

T5.E.3 Assessment of a Controlled Action

Controlled actions can be assessed using a number of methods based on a range of considerations, such as complexity of the proposed action. The Minister is obliged to inform the proponent which method will be used in assessing proposed activity. Actions can be assessed using one of the following approaches:

- accredited assessment (e.g. [bilateral agreements](#))
- assessment on referral information (assessment undertaken solely on the information provided in the referral form)
- assessment on preliminary documentation (referral form and any other relevant material identified by the Minister as being necessary to adequately assess a proposed action)
- assessment by Environmental Impact Statement (EIS) or Public Environment Report (PER), or
- assessment by public inquiry.

The process and timing requirements for each type of assessment is summarised in the [environment assessment process flowchart](#). Proponents will be notified of the type of assessment via a letter and determinations will also be published on the [public notices](#) site.

T5.E.4 Post-decision

Following assessment of the proposed activity, the Minister will decide whether to:

- approve unconditional;
- approve the action subject to constraints (e.g. will place conditions on the action), or
- not approve the action.

The Minister will provide the proponent with a preliminary decision for comment before making the final decision. When deciding if a proposed action should be approved and what conditions

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to impose, the Minister will consider the impacts of the proposed action on matters protected by the Act and other economic and social matters. The Minister must take into account:

- the principles of ecologically sustainable development;
- the outcomes of the assessment of the impacts of the proposed action;
- referral documentation;
- community and stakeholder comment;
- any other relevant information available on the impacts of the proposed action, and
- relevant comments from other Australian Government and state and territory government ministers (such as information on social and economic factors).

The Minister may also take into account the environmental history of the individual or company proposing to take the action, including the environmental history of the executive officers of companies, parent companies and their executive officers. Regardless of the result of the EPBC referral process, key correspondence (e.g. letter of determination) should be provided in support of all State based project applications.

Note:

The EPA has summarised key elements of the EPBC Act including proponents obligations, implications for State Government Agencies and steps in the assessment and approvals process. All consultants are urged to refer to the address below, where there is potential for significant impact on Matters of national Environmental Significance.

(www.environment.tas.gov.au/index.aspx?base=369)

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ANNEXURE T5.F – RISK ENVIRONMENTAL APPROVAL GUIDE

Note: This risk matrix applies only to tasks performed to satisfy elements of *Standard Specification T5 Environmental Investigations and Reporting*.

| LIKELIHOOD OF OUTCOME | | | |
|-----------------------|---------------|--|--|
| LEVEL | DESCRIPTOR | DESCRIPTION | QUALIFIER |
| A | CERTAIN | PROJECT WILL RECEIVE ENVIRONMENTAL APPROVAL | <ul style="list-style-type: none"> THERE ARE NO ENVIRONMENTAL OR HERITAGE MATTERS OF CONCERN. POTENTIAL IMPACTS ARE KNOWN AND CAN BE READILY MANAGED, MITIGATED AND/OR OFFSET. THERE ARE NO (OR VERY FEW) UNKNOWN IMPACTS, OR UNKNOWN IMPACTS ARE CONSIDERED INSIGNIFICANT. REQUIRED PERMITS WOULD BE READILY OBTAINED. PRELIMINARY DESIGN IS ACCEPTABLE. |
| B | LIKELY | PROJECT IS LIKELY TO GAIN APPROVAL | <ul style="list-style-type: none"> THERE ARE ONLY A SMALL NUMBER OF ENVIRONMENTAL AND HERITAGE MATTERS OF CONCERN, NONE SERIOUS. POTENTIAL IMPACTS ARE KNOWN AND CAN BE EFFECTIVELY MANAGED, MITIGATED AND/OR OFFSET. UNKNOWN IMPACTS ARE UNLIKELY TO AFFECT APPROVAL PROCESS. REQUIRED PERMITS WILL BE SLIGHTLY DIFFICULT TO ATTAIN, BUT STILL ACHIEVABLE. PRELIMINARY DESIGN SHOULD BE SATISFACTORY OR ONLY REQUIRES MINOR ALTERATIONS. |
| C | POSSIBLE | PROJECT MAY OR MAY NOT GAIN ENVIRONMENTAL APPROVAL | <ul style="list-style-type: none"> THERE ARE A NUMBER OF ENVIRONMENT AND HERITAGE MATTERS OF CONCERN, SOME SERIOUS. POTENTIAL IMPACTS ARE GENERALLY KNOWN AND UNDERSTOOD. UNKNOWN IMPACTS HAVE THE POTENTIAL TO INFLUENCE APPROVAL PROCESS. A NUMBER OF PERMITS ARE REQUIRED FROM DIFFERENT REGULATORS, ALTHOUGH WHAT MAY BE REQUIRED IS UNCLEAR AT THIS STAGE. DESIGN CONCESSIONS MAY SEE THE PROJECT APPROVED. |
| D | UNLIKELY | PROJECT IS UNLIKELY TO GAIN ENVIRONMENTAL APPROVAL | <ul style="list-style-type: none"> THERE ARE MANY ENVIRONMENT AND HERITAGE MATTERS OF CONCERN, FEW SERIOUS. POTENTIAL IMPACTS ARE NOT WELL KNOWN. PROJECT HAS TOO MANY UNKNOWN IMPACTS; OR PERCEIVED RISK IS HIGH. AT LEAST ONE PERMIT (OR AN ELEMENT OF A GIVEN PERMIT) WILL BE DIFFICULT TO ATTAIN. PERMIT(S) IS NECESSARY FOR PROJECT APPROVAL. DESIGN RESTRICTIONS SEVERELY LIMIT CAPACITY TO MITIGATE IMPACTS. |
| E | VERY UNLIKELY | PROJECT WILL NOT GAIN ENVIRONMENTAL APPROVAL | <ul style="list-style-type: none"> THERE ARE MANY SERIOUS ENVIRONMENTAL AND HERITAGE MATTERS OF CONCERN. POTENTIAL IMPACTS ARE NOT UNDERSTOOD. THERE ARE MANY UNKNOWN IMPACTS THAT MAY HAVE SIGNIFICANT CONSEQUENCES. REGULATORS ARE UNLIKELY TO ISSUE ONE OR MORE OF THE PERMITS NECESSARY FOR PROJECT APPROVAL. THERE IS NO SCOPE TO REDESIGN THE PROJECT TO MITIGATE HARM. COST OF ACCEPTABLE MITIGATION MEASURES AND/OR OFFSETS IS PROHIBITIVE. |

NOTES

The term 'environmental' is all inclusive. The term 'heritage' refers to both European and Aboriginal heritage built and otherwise. The Environmental Approval - Risk Rating table is not a risk matrix tool; it's more of an objective classification based on information gained from the Risk Assessment (environmental and heritage) process. There is no 'consequence' and 'likelihood' to consider, only a likely 'outcome' based on the information assessed.



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BRANCH**

Roads and Traffic Division
Department of Infrastructure,
Energy *and* Resources

GPO Box 936, Hobart 7001

Ph: 1300 135 513

Email: webmaster@dier.tas.gov.au

Visit: www.dier.tas.gov.au