

Terms of Reference for the Christmas Island Strategic Assessment Report

On 14 February 2019, the Assistant Minister for Regional Development and Territories entered into an agreement with the Minister for the Environment to undertake a Strategic Assessment of Christmas Island pursuant to section 146 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Agreement requires the Department of Infrastructure, Regional Development and Cities to prepare the following documents which will be assessed by the Minister for the Environment:

Christmas Island Strategic Assessment Policy, Plan or Program (the Plan). The purpose of the Plan is to provide opportunities for the sustainable development of Christmas Island on land outside of the Christmas Island National Park in accordance with the requirements of national environment law.

The Department of Infrastructure, Regional Development and Cities will establish a reference group, comprising representatives from local government, environment groups, business and the community, to inform the development of the Plan.

- Christmas Island Strategic Assessment Report (the Report). The purpose of the Report is to assess how the Plan protects the environment of Christmas Island and how the impact of development proposed in the plan will be avoided, mitigated and offset (where necessary) to ensure the long-term protection of Christmas Island's environment.

The Department of Infrastructure, Regional Development and Cities will also prepare a Supplementary Report, if required, following the public consultation period. This report will include a summary of all public comments received, and will outline how comments have been addressed.

These Terms of Reference specify what must be included in the Report.

1. PURPOSE OF THE STRATEGIC ASSESSMENT REPORT

1.1. The purpose of the Report is to assess the impacts of actions proposed under the Christmas Island Strategic Assessment (Plan) on all matters protected by Part 3 ('protected matters') of the EPBC Act.

1.2. The Report will enable the Minister for the Environment to evaluate the ability of the Plan to ensure the long term protection of the protected matters on Christmas Island.

1.3. The Report will ensure that development taken under the Plan will not impact on the ecological values or character of the Christmas Island National Park – both its land and sea components. No development within the Christmas Island National Park will be provided for by the Strategic Assessment, and development within the Christmas Island National Park will continue to be subject to the requirements of the EPBC Act and the Christmas Island National Park Management Plan (2014-2024).

1.4. The Report must describe how the Plan relates to other relevant legislative requirements.

1.5. The strategic assessment will not affect existing approvals made under the EPBC Act¹ or approvals made under applied Western Australian legislation.

2. DESCRIPTION OF THE PLAN

2.1. The Report must describe the Plan to which the assessment agreement relates:

1. The Report must provide a summary outlining the Plan's overall purpose, key elements, spatial extent, and timeframes, including how long the Plan will be in effect.

¹ Further information about assessing individual projects referred under the EPBC Act that are also covered by a strategic assessment under Part 10 is provided in *Strategic Assessments: Policy Statement for EPBC Act Referrals* at: www.environment.gov.au/epbc/publications/epbc-act-referrals-policy.

2. The Report must provide details about the key elements of the Plan, including:
 - a. The conservation commitments and outcomes to be delivered for protected matters.
 - b. The actions likely to be taken under the Plan over the short, medium and long term.
 - c. The legal and administrative frameworks to implement and ensure compliance with the Plan, and the persons and authorities responsible for implementation (including funding arrangements) and compliance.
3. The Report must describe the need and justification for the Plan including the environmental, economic and social drivers for its development.
4. The Report must describe the decision-making framework used in considering alternatives and developing conservation outcomes in the Plan. It should identify the alternative options that were evaluated to reach the final Plan, and why these options were not supported.
5. The Report must describe how the principles of ecologically sustainable development (as set out in section 3A of the EPBC Act) are considered and promoted in the development of the Plan.

3. DESCRIPTION OF THE PROTECTED MATTERS IMPACTED BY THE PLAN

3.1. The Report must describe the nature of the environment within the strategic assessment area that may be impacted by actions proposed to be taken under the Plan. This must include (at a minimum):

1. A description and map of current and historical land use.
2. The extent and quality of vegetation present in the strategic assessment area.
3. Maps of ecological communities and information on habitats for protected matters.
4. The nature of the environment, including the state of natural and physical resources, ecological processes, and threatening processes.
5. A description of the landscape containing key environmental matters, such as any known habitat connections, habitat fragmentation, and ecological processes.
6. A map of areas that are already protected for environmental purposes.
7. A description of the heritage values of the strategic assessment area and identification of sensitive heritage areas.

3.2. The Report must identify and describe each protected matter that may be impacted directly, indirectly and cumulatively by actions proposed to be taken under the Plan, including (at a minimum):

1. Descriptive and spatial information outlining key sites and habitats for protected matters.
2. Important populations of protected matters and their location, if known.
3. Areas likely to be important for maintaining ecological processes for protected matters.
4. Condition of protected matters, including population information, and past, present and projected trends and their likelihood to change over time.
5. Key threatening processes.
6. Listing status and values.
7. Information gaps, outlining the need for any further studies and indicating the measures to address information gaps.

4. ASSESSMENT OF THE IMPACTS OF THE PLAN ON PROTECTED MATTERS

4.1. The Report must describe and assess the likely direct, indirect, and cumulative impacts of actions proposed to be taken under the Plan on all protected matters.

4.2. The Report must describe the method used to understand likely impacts on all protected matters of actions proposed to be taken under the Plan. The level of the assessment will be proportionate to the level of likely risk to each protected matter. The method must:

1. Be appropriate for assessment at a strategic scale.
2. Rely on the best available information.
3. Discuss uncertainty, including reference to the data and information relied upon.

4.3. Describe and assess the likely impacts (if any) of actions proposed to be taken under the Plan on the environment on Commonwealth land (as defined in section 528 of the EPBC Act).

4.4. The Report must include analysis of:

1. How impacts on protected matters will be avoided.
2. The duration, extent and likely severity of the impacts.
3. The mitigation measures that will be implemented and their likely effectiveness to reduce impacts to the environment.
4. How unavoidable impacts will be offset in accordance with the *Environment Protection and Biodiversity Conservation Act, Environmental Offsets Policy, 2012*.
5. The proposed funding arrangements and the timeframes for the delivery of mitigation and offset requirements.

4.5. The Report must include an analysis of the conservation benefits (beneficial impacts) of the Plan, including:

1. How protected matters will be protected and managed within the Strategic Assessment Area.
2. The adequacy and likely effectiveness of the conservation measures under the Plan in protecting and managing protected matters, including the effectiveness of implementation measures.
3. Evidence to support conclusions reached regarding the effectiveness of the conservation measures and commitments identified in the Plan.

4.6. The Report must detail how adaptation to reasonable climate change scenarios has been considered and what (if any) effect this would have on the outcome for protected matters.

4.7. The Report must consider the extent to which the impacts on protected matters of actions proposed under the Plan would be consistent with the EPBC Act, including but not limited to:

1. Consistency with Australia's international obligations, including the Ramsar Convention, and the Convention for Migratory Species (section 146L of the EPBC Act).
2. Consistency with recovery plans (section 146K of the EPBC Act) and Christmas Island National Park Management Plan (2014-2024).
3. Regard to objectives, conservation actions and other relevant information in conservation advices (section 146K of the EPBC Act) and threat abatement plans.

The Report may also consider other relevant Commonwealth policy or guidelines.

4.8. The Report must include justification for key methods used in the assessment.

4.9 The Report must discuss the social and economic impacts of the Plan, taking into account the principles of ecologically sustainable development.

5. EVALUATION OF THE OVERALL OUTCOMES OF THE PLAN

5.1. The Report must evaluate the overall conservation commitments and environmental outcomes for protected matters taking into account likely impacts on protected matters from actions proposed to be taken under the Plan.

5.2. The evaluation must include:

1. The extent protected matters are represented in the strategic assessment area.
2. The extent any area protected or managed under the Plan will ensure the long-term protection of each protected matter, including consideration of additions to the Christmas Island National Park.
3. Whether there will be serious and irreversible impacts on any protected matter.
4. An assessment of how the Plan meets the endorsement criteria set out in the Agreement at clause 8.
5. The likely effectiveness of the conservation measures under the Plan in protecting and managing protected matters and any risks and uncertainties.
6. The extent to which the conservation measures under the Plan address any significant vulnerabilities of protected matters under reasonable climate change scenarios.

6. ADDRESSING UNCERTAINTY AND RISK

6.1. The Report must identify key uncertainties and risks associated with implementing the Plan, responses to these and proposed adaptations to changing circumstances. Key uncertainties may include:

1. Knowledge gaps in scientific understanding and responding to new knowledge.
2. Assumptions made in assessing potential impacts and benefits.
3. How changes to Commonwealth, State and Local government legislation, policies, plans and advice is to be accounted for in the management of the areas impacted by the Plan.
4. Effectiveness or capacity to ensure the Plan is implemented.

7. ASSURANCE AND IMPLEMENTATION FRAMEWORK

7.1. The Report must include an Assurance and Implementation Framework which describes and assesses the adequacy of best practice monitoring programs, regular review, public reporting and independent auditing processes proposed in the Plan to:

1. Ensure conservation commitments and environmental outcomes for protected matters contained in the Plan are documented, delivered and adequately resourced throughout the life of the Plan.
2. Ensure the results of monitoring will be used to understand the effectiveness of conservation outcomes for protected matters and improve implementation, in particular, to adapt where monitoring demonstrates delivery of the conservation actions are not leading to the predicted conservation outcomes or where there are risks to protected matters.
3. Ensure new information relating to protected matters, including legislative changes, may be assessed and accounted for in implementation of the Plan.
4. Provide mechanisms that track persons who are relying on a strategic assessment approval and ensure proponents are informed of their obligations under the endorsed Plan and approval.
5. Ensure compliance with the Plan will be monitored and non-compliance will be addressed.
6. Provide for a 5 yearly assurance report.

7.2. The Report must identify and analyse the likely circumstances and procedures that may result in the review or modification of proposed implementation of the Plan, or abandonment of the Plan.

8. INFORMATION SOURCES

- 8.1. The Report must identify the sources of information and data relied upon including the reliability and currency of the data as described in Clause 10 of the Agreement.
- 8.2. The Report may include summaries of independent peer review processes and if included, where the review(s) are available publically.