

# Chapter 11

## Matters of Environmental Significance

Oct-2021

Genex Kidston Connection Project - Ministerial Infrastructure Designation Assessment Report

## 11.0 Matters of Environmental Significance

This chapter discusses matters of environmental significance, their presence and legislative framework, as they relate to the Project. Three levels of matters of environmental significance are considered within Queensland, these include the following:

- Matters of national environmental significance (MNES), under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- Matters of state environmental significance (MSES) under the *Environmental Offsets Act 2014*.
- Matters of local environmental significance (MLES), under the relevant Local Government Authority, Local Planning Instrument. Note, no matters of local environmental significance are identified in any of the relevant Local Planning Instruments and have not been considered further in this chapter.

### 11.1 Matters of National Environmental Significance

Under the EPBC Act, actions that have, or are likely to have a significant impact on a MNES require approval from the Australian Government Minister for the Environment. The Minister will decide whether assessment and approval is required under the EPBC Act. MNES protected under the EPBC Act, include:

- world heritage properties
- national heritage places
- wetlands of international importance (often called 'Ramsar' wetlands after the international treaty under which such wetlands are listed)
- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas
- the Great Barrier Reef Marine Park.

MNES identified as potentially relevant to the Project include:

- nationally threatened species and ecological communities
- migratory species.

These MNES are collectively referred to as 'protected species'. All other MNES identified above, are not present within the Preferred Alignment. The presence and extent of protected species has been identified within Chapter 9 Flora and Chapter 10 Fauna, and the supporting appendices Appendix D.

Powerlink have gone through an extensive impact minimisation process to achieve approximately 50% reduction in direct impacts to MNES. Section 26.3 of this assessment report details the environmental design process that has been implemented to avoid, minimise and mitigate impacts to MNES.

DAWE provides a guideline to assist proponents proposing an action, to decide whether a project is likely to result in a significant impact of a MNES. The guideline, referred to as *Matters of National Environmental Significance: Significant Impact Guidelines 1.1* provides a significant impact criteria for each MNES.

The Project has been assessed against this criteria and a Referral has been made to the Commonwealth Government Minister for the Environment to determine whether the Project will be "Controlled" or "Not Controlled". Further details of this process can be found on the DAWE Referrals website: <http://epbcnotices.environment.gov.au/referralslist/>

## 11.2 Matters of State Environmental Significance

Matters of state environmental significance (MSES) are defined under the Environmental Offsets Regulation 2014. MSES include certain environmental values that are protected under Queensland legislation including the:

- *Nature Conservation Act 1992*
- *Marine Parks Act 2004*
- *Fisheries Act 1994*
- *Environmental Protection Act 1994*
- *Regional Interests Planning Act 2014*
- *Vegetation Management Act 1999*
- *Environmental Offsets Act 2014*.

MSES that are applicable to the Project include:

- 'Of Concern' regional ecosystems and essential habitat managed under the *Vegetation Management Act 1999*
- Habitat for endangered, vulnerable or special least concern fauna species managed under the *Nature Conservation Act 1992*
- Connectivity areas of remnant vegetation containing prescribed regional ecosystems that are required for ecosystem functioning under the *Vegetation Management Act 1999*
- Watercourse in high ecological value waters under the *Environmental Protection Act 1994*.

The Section 14 of *Environmental Offsets Act 2014* states an offset condition may be imposed if the prescribed activity will, or is likely to, have a significant residual impact on a prescribed environmental matter. Schedule 1 of the Environmental Offset Regulation 2014 identifies prescribed activities. The Infrastructure Designation process under the *Planning Act 2016* is not considered a prescribed activity for the purposes of providing an offset under this *Environmental Offsets Act 2014*.

Regardless of the above, Powerlink Queensland have employed the 'avoid, minimise, and mitigate' approach throughout the Project, including:

- the corridor selection process (refer Chapter 2 Project Justification)
- employing mitigation through design (Chapter 26 Environmental Management)
- mitigating environmental impacts through implementation of Environmental Management Plans (Chapter 26 Environmental Management).

A significant residual impact (SRI) assessment has been undertaken for the Project in accordance with the criteria provided in the *Significant Residual Impact Guidelines* provided by the Department of State Development, Infrastructure and Planning. The full SRI assessment is provided in Appendix D.

The outcomes of these assessments and the associated justification is summarised in Table 11-1. After considering potential impacts, mitigation measures and the state significant residual impact criteria, the Project may have a significant residual impact on MSES values for regulated vegetation; Of Concern REs, REs within the defined distance of a watercourse, and essential habitat. No other MSES were considered to have a significant residual impact.

**Table 11-1 Summary of SRI assessment for MSES within the Preferred Alignment**

MSES	SRI expected?	Primary justification
Regulated vegetation: Of Concern REs	Yes	An SRI is anticipated for each 'Of Concern' RE due to the impact area within the Preferred Alignment exceeding 5 ha, and/or the maximum clearing width exceeding the appropriate impact threshold. Therefore, the Project is likely

MSES	SRI expected?	Primary justification
		to have a significant residual impact to 32.7 ha of MSES regulated vegetation: 'Of Concern' REs.
Regulated vegetation: Prescribed REs within the defined distance of a watercourse	Yes	Due to the permanent removal of vegetation within the defined distance of a stream order 2 or higher with no rehabilitation proposed, the Preferred Alignment is likely to have a significant residual impact to REs within the defined distance of a watercourse.
Regulated vegetation: Essential habitat	Yes	Due to the permanent removal of regulated vegetation considered essential habitat under the VM Act that is wider than 20 metres and results in a greater than 10% permanent reduction in the extent of essential mapped in the Project area, the Project is likely to have a significant residual impact to essential habitat.
Connectivity areas	No	The LFC tool determined that Project related impacts on connectivity areas are not significant.
Protected wildlife habitat	No	The project is not deemed to have a significant residual impact on protected wildlife habitat, due to the generalist habitat requirements for both the common death adder and short-beaked echidna, the large availability of suitable habitat adjacent to the Preferred Alignment, and the linear nature of the impact.
		<p>The MNES Report and EPBC Act Referral identified potential significant impact on the following seven species (that are both MNES and MSES) and these species are also considered to potentially have a significant residual impact.</p> <ul style="list-style-type: none"> <li>• Black-throated finch (southern)</li> <li>• Sharman's rock wallaby</li> <li>• Koala</li> <li>• Greater glider</li> <li>• Ghost bat</li> <li>• Yakka skink</li> <li>• Satin flycatcher.</li> </ul> <p>Where MSES species are common with MNES Species an assessment has not been undertaken as these species are being assessed through the EPBC Act Referral process.</p>
Waterways providing for fish passage	No	<p>The Project is not anticipated to require waterway barrier works. However, if any waterway barrier works are required they will be conducted in accordance with the Accepted Development Requirements for Waterway Barrier Works.</p> <p>Areas of fish passage within the Preferred Alignment are unlikely to be substantially modified or fragmented as a result of the Project. The Project is unlikely to impact a major or high risk waterway for waterway barrier works, however any waterway barrier works are likely to have a short-term impact to major and high risk waterways.</p>