



## 6. Matters of National Environmental Significance

On 20 October 2008, the Australian Government Minister for the Environment, Water, Heritage and the Arts determined the Project a 'controlled action', which requires assessment and approval under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act). The controlling provisions are:

- » World Heritage area (sections 12 and 15A);
- » National Heritage places (section 15B and 15C);
- » Listed threatened species and communities (sections 18 and 18A);
- » Listed migratory species (sections 20 and 20A); and
- » Commonwealth marine (section 23 and 24A).

Following determination of the Project as a controlled action, DEWHA issued ToR to be addressed as part of the development of Preliminary documentation. These ToR address the following key issues regarding the Project and potential impact on matters of National Environmental Significance (NES):

- » Water quality in relation to potential impacts to the Caley Valley wetlands and the Great Barrier Reef;
- » Migratory species in relation to potential impacts from increased activities on avifauna and marine migratory fauna;
- » Commonwealth marine in relation the potential increased risk of introduced marine pests;
- » Sewerage treatment facility in relation to water treatment methods and discharge of the treated effluent;
- » Concept plan indicating areas of clearing, stockpile locations and discharge points for sewerage and stormwater runoff; and
- » Ship quarantine waste facility in relation to the methods of treatments and disposal of the quarantine waste.

A separate report has been prepared to address those issues identified by the Department of Environment, Water, Heritage and the Arts (DEWHA) and is attached as Appendix J.