SCOPE OF SERVICES – ENVIRONMENTAL IMPACT ASSESSMENT AND LAND MANAGEMENT

1. **Background**
   1. Defence is committed to meeting all relevant environmental legislation and policy requirements. Defence operates in a variety of land, sea and air environments and many Defence activities have potential to cause environmental harm if they are not managed appropriately. It is important to maintain an ecologically sustainable and fit-for-purpose estate that supports Defence capability and aligns with Australian community expectations about responsible stewardship of the environment. To do this, Defence undertakes survey and monitoring programs, environmental management planning and routine environmental management activities. Coupled with routine management, Defence undertakes an environmental assessment and approval program to identify, understand and manage the environmental impacts of all Defence activities with the potential to cause environmental harm.
2. **Commonwealth Objectives** 
   1. In order to manage the Defence estate in an ecologically sustainable manner, the Commonwealth requires knowledge of the flora and fauna present on and around Defence land, including native and introduced species. Desktop and on-ground surveys are periodically undertaken to assess the flora and fauna present on new land purchases and across the existing estate where key knowledge gaps have been identified or specific activities are to occur that require formal impact assessment.
   2. Specific risk-based management planning is required to understand the implications of the presence of particular species and communities on the Defence estate. This has historically taken the form of paper-based plans, but will increasingly be recorded as online management information and data within Defence software systems, principally the Garrison and Estate Management System.
   3. Where species, communities or management actions have been identified that require monitoring to facilitate successful management, the Commonwealth requires rigorously designed programs. Ideally such programs will be integrated into existing or co-developed monitoring requirements to provide biodiversity and biosecurity monitoring programs that efficiently combine species-specific requirements for all key species and matters.
   4. The *Environment Protection and Biodiversity Conservation Act* 1999 (Cth) (**EPBC Act**) is the Australian Government’s central piece of environmental legislation. The EPBC Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places – defined in the EPBC Act as ‘matters of national environmental significance’. The current matters of national environmental significance to which the EPBC Act applies are:
      1. world heritage properties;
      2. national heritage places;
      3. wetlands of international importance (often referred to as Ramsar wetlands);
      4. nationally threatened species and ecological communities;
      5. migratory species;
      6. Commonwealth marine areas;
      7. the Great Barrier Reef Marine Park;
      8. nuclear actions (including uranium mining); and
      9. water resources (in relation to coal seam gas development and large coal mining developments).
   5. Under the EPBC Act, a person must not undertake an action that is likely to have a significant impact on a matter of national environmental significance without approval from the Commonwealth Environment Minister. If an action has the potential to have a significant impact on a matter of national environmental significance, the proposal must be referred to the Commonwealth Environment Minister for a formal determination about whether the action requires further assessment and approval under the EPBC Act. The EPBC Act also has jurisdiction over actions affecting Commonwealth land and actions carried out by Commonwealth agencies. A referral to the Commonwealth Environment Minister is required where:
      1. an action is likely to have a significant impact on the environment of Commonwealth land; or
      2. an action by the Commonwealth is likely to have a significant impact on the environment, whether or not it is Commonwealth land or marine waters.
   6. The EPBC Act is wide-ranging in its scope and holds all Commonwealth agencies and their representatives accountable for minimising environmental impacts and risks, both in Australia and overseas. Key parts of the EPBC Act that are relevant to Defence are:
      1. Part 7 – Deciding whether approval of actions is needed

Actions that are likely to result in a significant impact on a matter of national environmental significance or the environment more broadly must be referred to the Environment Minister for assessment and approval under the EPBC Act. It is an offence to have a significant impact on a matter of national environmental significance or the environment more broadly without an approval.

* + 1. Part 9 – Approval of actions

Penalties (including fines and imprisonment) can be applied for failing to comply with conditions of approval issued to a project.

* + 1. Part 13 – Species and communities

A permit is required to take, kill or injure an EPBC Act-listed species or ecological community in a Commonwealth area (land or sea). The Environment Secretary must be notified within 7 days if an action has involved taking, killing or injuring a listed species or ecological community in a Commonwealth area.

* + 1. Part 15 – Protected areas

Activities in World Heritage areas, National and Commonwealth Heritage places, wetlands of international importance, Commonwealth Reserves and declared Biosphere Reserves must comply with management plans.

* 1. To achieve compliance with the legislative requirements outlined in the EPBC Act, Defence maintains an environmental assessment and approval program to identify, understand and manage the environmental impacts of all Defence activities with the potential to cause environmental harm. Common Defence activities which may require environmental assessment and approval include:
     1. Base redevelopment projects;
     2. new infrastructure projects;
     3. acquisition of major new military platforms; and
     4. major exercises such as Talisman Sabre.
  2. Defence personnel, contractors and outsourced service providers are required to engage with Director Environmental Planning, Assessment and Compliance (**DEPAC**) in Environment and Engineering Branch to determine environmental assessment requirements under the EPBC Act. DEPAC is the Defence technical authority for determining whether Defence actions require referral or a permit under the EPBC Act. Defence project teams may engage consultants under the Panel to prepare environmental reports which are then assessed by DEPAC. DEPAC is also responsible for monitoring and auditing the compliance of Defence projects that have received approval under the EPBC Act.

1. **Skills and Qualifications**
   1. The Commonwealth requires suitably skilled persons to be offered by the Consultant, matched to the specific needs of the Services. The Consultant must have and maintain for the term of the Engagement an in-depth understanding of all relevant Statutory Requirements and policy frameworks for the Services, including any relevant applicable Australian and international standards.
2. **Services**
   1. The Consultant must provide the following Services in accordance with the timeframes outlined by the Commonwealth's Representative. These Services include:
      1. conduct desktop and field surveys for introduced and native flora and fauna including plants, animals, communities, pests, weeds, and diseases;
      2. undertake risk-based management planning for biodiversity and biosecurity matters present on, or likely to impact on, Defence properties;
      3. design and undertake biological monitoring programs;
      4. provide data sets in Defence-specific formats that capture core management information, including species and community data, risk description and analysis, risk treatment and management programs, monitoring data and monitoring design;
      5. prepare environmental reports that identify and assess the likely environmental impacts of proposed Defence actions taking into account:
         1. matters protected under the EPBC Act;
         2. Defence environment and heritage policies; and
         3. other relevant Statutory Requirements, policies and standards of the Commonwealth and, where applicable, other jurisdictions;
      6. prepare information to support referrals made under Part 7 and Part 11 of the EPBC Act;
      7. prepare information to support permit applications made under Part 13 of the EPBC Act;
      8. prepare information required by Parts 8, 9 and 10 of the EPBC Act, including but not limited to:
         1. preliminary documentation;
         2. public environment reports;
         3. environmental impact statements;
         4. strategic assessments; and
         5. approval of actions (including the preparation of management plans);
      9. develop environmental mitigation strategies (engineering and scientific) to minimise environmental impacts;
      10. prepare environmental management plans for construction, maintenance and operational activities;
      11. undertake public consultation and advocacy relating to Defence actions and impact mitigation strategies;
      12. undertake economic cost/benefit analysis of project options contained in environmental assessments and other planning documents, including environmental offset requirements;
      13. conduct audits of environmental compliance, including:
          1. EPBC Act approval conditions and commitments contained in approved management plans;
          2. Defence Environmental Assessment Reviews (**EARs**); and
          3. Environmental Clearance Certificates (**ECCs**);
      14. advise on strategies to achieve and maintain compliance with conditions attached to approvals granted under the EPBC Act; and
      15. advise on projects, plans, policies and regulatory changes that have potential to impact on Defence interests.
3. **Meetings**
   1. The Consultant will be required to attend and participate in meetings as specified for a particular Engagement including project team meetings and meetings with stakeholders.
   2. The Consultant may be required to travel to Defence sites or other locations as part of delivering the Services.
4. **Deliverables**
   1. Analytical, monitoring, survey and advice tasks undertaken by the Consultant will normally be summarised and reported to Defence in the form of data sets and reports including:
      1. Garrison and Estate Management System data sets including environmental factor, risk and monitoring data.
      2. Environmental management plans.
      3. Web-based materials and fact sheets.
      4. Environmental Impact assessment documentation including:
         1. Preliminary documentation;
         2. Public environment reports;
         3. Environmental impact statements; and
         4. Strategic assessments.
   2. Deliverables will be required as specified for a particular Engagement including reports, presentations, papers, reviews and advices.
5. **Interpretation**
   1. Unless the context otherwise requires, capitalised terms in the Scope of Services or Brief will have the meaning given to them by the Defence Infrastructure Panel - Environment, Heritage and Estate Engineering 2020 - 2025 Terms of Engagement, Panel Conditions, Official Order, or the meaning given to them by the Commonwealth as published on the Defence website (https://www.defence.gov.au/business-industry), from time to time.